

TREATIES.

Treaty between the United States of America and the Nez Percé Tribe of Indians. Concluded, June 9, 1863; Ratification advised, April 17, 1867; Proclaimed April 20, 1867.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

June 9, 1863.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at the Council Ground, in the valley of the Lapwai, in the Territory of Washington, on the ninth day of June, in the year of our Lord one thousand eight hundred and sixty-three, by and between Calvin H. Halé, Charles Hutchins, and S. D. Howe, Commissioners, on the part of the United States, and Lawyer, Ute-sin-male-e-cum, Ha-harch-tuesta, and other Chiefs and Headmen of the Nez Percé tribe of Indians on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Preamble.

Treaty between the United States of America and the Nez Percé Indians, concluded at the Council Ground, in the Valley of the Lapwai, June ninth, 1863.

Articles of agreement made and concluded at the Council Ground, in the valley of the Lapwai, W. T., on the ninth day of June, one thousand eight hundred and sixty-three, between the United States of America, by C. H. Hale, superintendent of Indian Affairs, and Charles Hutchins and S. D. Howe, U. S. Indian agents, for the Territory of Washington, acting on the part and in behalf of the United States, and the Nez Percé Indians, by the chiefs, headmen, and delegates of said tribe, such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the 11th day of June, 1855.

Contracting parties.

ARTICLE I. The said Nez Percé tribe agree to relinquish, and do hereby relinquish, to the United States the lands heretofore reserved for the use and occupation of the said tribe, saving and excepting so much thereof as is described in article II. for a new reservation.

Cession of lands to the United States.

ARTICLE II. The United States agree to reserve for a home, and for the sole use and occupation of said tribe, the tract of land included within the following boundaries, to wit: Commencing at the N.E. corner of Lake Wa-ha, and running thence, northerly, to a point on the north bank of the Clearwater river, three miles below the mouth of the Lapwai, thence down the north bank of the Clearwater to the mouth of the Hatwai creek; thence, due north, to a point seven miles distant; thence, eastwardly, to a point on the north fork of the Clearwater, seven miles distant from its mouth; thence to a point on Oro Fino Creek, five miles above its mouth; thence to a point on the north fork of the south fork of the Clearwater, five miles above its mouth; thence to a point on the south fork of the Clearwater, one mile above the bridge, on the road lead-

Reservation.
Boundaries.

ing to Elk City, (so as to include all the Indian farms now within the forks;) thence in a straight line, westwardly, to the place of beginning.

Reservation to be for the sole use of the tribe, who shall settle thereon within a year.

All of which tract shall be set apart, and the above-described boundaries shall be surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation, nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the country hereby relinquished, and remove to and settle upon the lands herein reserved for them, (except as may be hereinafter provided.) In the mean time it shall be lawful for them to reside upon any ground now occupied or under cultivation by said Indians at this time, and not included in the reservation above named. And it is provided, that any

Improvement on lands ceded, to be paid for;

substantial improvement heretofore made by any Indian, such as fields enclosed and cultivated, or houses erected upon the lands hereby relinquished, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment therefor shall be made in stock or in improvements of an equal value for said Indian upon the lot which may be assigned to him within the bounds of the reservation, as he may choose, and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until said payment or improvement shall have been made. And it is further provided, that if any Indian living on any of

may be sold to loyal whites.

the land hereby relinquished should prefer to sell his improvements to any white man, being a loyal citizen of the United States, prior to the same being valued as aforesaid, he shall be allowed so to do, but the sale or transfer of said improvements shall be made in the presence of, and with the consent and approval of, the agent or superintendent, by whom a certificate of sale shall be issued to the party purchasing, which shall set forth the amount of the consideration in kind. Before the issue of said certificate, the agent or superintendent shall be satisfied that a valuable consideration is paid, and that the party purchasing is of undoubted loyalty to the United States government. No settlement or claim made upon the improved lands of any Indian will be permitted, except as herein provided, prior to the time specified for their removal. Any sale or transfer thus made shall be in the stead of payment for improvements from the United States.

Certificates of sale.

Boundary lines to be marked, and lands surveyed into lots.

ARTICLE III. The President shall, immediately after the ratification of this treaty, cause the boundary lines to be surveyed, and properly marked and established; after which, so much of the lands hereby reserved as may be suitable for cultivation shall be surveyed into lots of twenty acres each, and every male person of the tribe who shall have attained the age of twenty-one years, or is the head of a family, shall have the privilege of locating upon one lot as a permanent home for such person, and the lands so surveyed shall be allotted under such rules and regulations as the President shall prescribe, having such reference to their settlement as may secure adjoining each other the location of the different families pertaining to each band, so far as the same may be practicable. Such rules and regulations shall be prescribed by the President, or under his direction, as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon. When the assignments as above shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs, or under his direction, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that said tracts are set apart for the perpetual and exclu-

Heads of families may locate on lot.

Certificates therefor.

sive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee, or leased, or otherwise disposed of, only to the United States, or to persons then being members of the Nez Percé tribe, and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior or the Commissioner of Indian Affairs shall prescribe; and if any such person or family shall at any time neglect or refuse to occupy and till a portion of the land so assigned, and on which they have located, or shall rove from place to place, the President may cancel the assignment, and may also withhold from such person or family their proportion of the annuities or other payments due them until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe. The residue of the land hereby reserved shall be held in common for pasturage for the sole use and benefit of the Indians: *Provided, however,* That from time to time, as members of the tribe may come upon the reservation, or may become of proper age, after the expiration of the time of one year after the ratification of this treaty, as aforesaid, and claim the privileges granted under this article, lots may be assigned from the lands thus held in common, wherever the same may be suitable for cultivation. No State or territorial legislature shall remove the restriction herein provided for, without the consent of Congress, and no State or territorial law to that end shall be deemed valid until the same has been specially submitted to Congress for its approval.

These lots to be exempt from levy, taxes, &c.

Residue to be held in common.

Restriction not to be removed without the consent of Congress.

Payments to the tribe. Vol. xii. p. 658.

ARTICLE IV. In consideration of the relinquishment herein made the United States agree to pay to the said tribe, in addition to the annuities provided by the treaty of June 11th, 1855, and the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred and sixty-two thousand and five hundred dollars, in manner following, to wit:

First. One hundred and fifty thousand dollars, to enable the Indians to remove and locate upon the reservation, to be expended in the ploughing of land, and the fencing of the several lots, which may be assigned to those individual members of the tribe who will accept the same in accordance with the provisions of the preceding article, which said sum shall be divided into four annual instalments, as follows: For the first year after the ratification of this treaty, seventy thousand dollars; for the second year, forty thousand dollars; for the third year, twenty-five thousand dollars; and for the fourth year, fifteen thousand dollars.

Second. Fifty thousand dollars to be paid the first year after the ratification of this treaty in agricultural implements, to include wagons or carts, harness, and cattle, sheep, or other stock, as may be deemed most beneficial by the superintendent of Indian affairs, or agent, after ascertaining the wishes of the Indians in relation thereto.

Third. Ten thousand dollars for the erection of a saw and flouring mill, to be located at Kamia, the same to be erected within one year after the ratification hereof.

Fourth. Fifty thousand dollars for the boarding and clothing of the children who shall attend the schools, in accordance with such rules or regulations as the Commissioner of Indian Affairs may prescribe, providing the schools and boarding-houses with necessary furniture, the purchase of necessary wagons, teams, agricultural implements, tools, &c., for their use, and for the fencing of such lands as may be needed for gardening and farming purposes, for the use and benefit of the schools, to be expended as follows: The first year after the ratification of this treaty, six thousand dollars; for the next fourteen years, three thousand dollars each year; and for the succeeding year, being the sixteenth and last instalment, two thousand dollars.

Fifth. A further sum of two thousand five hundred dollars shall be paid within one year after the ratification hereof, to enable the Indians to build two churches, one of which is to be located at some suitable point on the Kamia, and the other on the Lapwai.

Churches.

Subordinate
chiefs.
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ARTICLE V. The United States further agree, that in addition to a head chief the tribe shall elect two subordinate chiefs, who shall assist him in the performance of his public services, and each subordinate chief shall have the same amount of land ploughed and fenced, with comfortable house and necessary furniture, and to whom the same salary shall be paid as is already provided for the head chief in art. 5th of the treaty of June 11th, 1855, the salary to be paid and the houses and land to be occupied during the same period and under like restrictions as therein mentioned.

And for the purpose of enabling the agent to erect said buildings, and to plough and fence the land, as well as to procure the necessary furniture, and to complete and furnish the house, &c., of the head chief, as heretofore provided, there shall be appropriated, to be expended within the first year after the ratification hereof, the sum of two thousand five hundred dollars.

Further ap-
propriations.

And inasmuch as several of the provisions of said art. 5th of the treaty of June 11th, 1855, pertaining to the erection of school-houses, hospital, shops, necessary buildings for employe[e]s and for the agency, as well as providing the same with necessary furniture, tools, &c., have not yet been complied with, it is hereby stipulated that there shall be appropriated, to be expended for the purposes herein specified during the first year after the ratification hereof, the following sums, to wit:

Schools.

First. Ten thousand dollars for the erection of the two schools, including boarding-houses and the necessary outbuildings; said schools to be conducted on the manual-labor system as far as practicable.

Hospital.

Second. Twelve hundred dollars for the erection of the hospital, and providing the necessary furniture for the same.

Blacksmith's
shop, tools, &c.

Third. Two thousand dollars for the erection of a blacksmith's shop, to be located at Kamia, to aid in the completion of the smith's shop at the agency, and to purchase the necessary tools, iron, steel, &c.; and to keep the same in repair and properly stocked with necessary tools and materials, there shall be appropriated thereafter, for the fifteen years next succeeding, the sum of five hundred dollars each year.

Houses, mills,
&c.

Fourth. Three thousand dollars for erection of houses for employe[e]s, repairs of mills, shops, &c., and providing necessary furniture, tools, and materials. For the same purpose, and to procure from year to year the necessary articles — that is to say, saw-logs, nails, glass, hardware, &c. — there shall be appropriated thereafter, for the twelve years next succeeding, the sum of two thousand dollars each year; and for the next three years, one thousand dollars each year.

Matrons,
teachers, me-
chanics, and
millers.

And it is further agreed that the United States shall employ, in addition to those already mentioned in art. 5th of the treaty of June 11th, 1855, two matrons to take charge of the boarding-schools, two assistant teachers, one farmer, one carpenter, and two millers.

All the expenditures and expenses contemplated in this treaty, and not otherwise provided for, shall be defrayed by the United States.

Payment to
the chief, Timo-
thy.

ARTICLE VI. In consideration of the past services and faithfulness of the Indian chief, Timothy, it is agreed that the United States shall appropriate the sum of six hundred dollars, to aid him in the erection of a house upon the lot of land which may be assigned to him, in accordance with the provisions of the third article of this treaty.

Claims for
services and for
horses to be
paid.

ARTICLE VII. The United States further agree, that the claims of certain members of the Nez Percé tribe against the government for services rendered and for horses furnished by them to the Oregon mounted volunteers, as appears by certificates issued by W. H. Fauntleroy, A. R. Qr.

M. and Com. Oregon volunteers, on the 6th of March, 1856, at Camp Cornelius, and amounting to the sum of four thousand six hundred and sixty-five dollars, shall be paid to them in full, in gold coin.

ARTICLE VIII. It is also understood that the aforesaid tribe do hereby renew their acknowledgments of dependence upon the government of the United States, their promises of friendship, and other pledges, as set forth in the eighth article of the treaty of June 11th, 1855; and further, that all the provisions of said treaty which are not abrogated or specifically changed by any article herein contained, shall remain the same to all intents and purposes as formerly, — the same obligations resting upon the United States, the same privileges continued to the Indians outside of the reservation, and the same rights secured to citizens of the U. S. as to right of way upon the streams and over the roads which may run through said reservation, as are therein set forth.

Authority, &c.,
of the United
States acknowl-
edged.
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But it is further provided, that the United States is the only competent authority to declare and establish such necessary roads and highways, and that no other right is intended to be hereby granted to citizens of the United States than the right of way upon or over such roads as may thus be legally established: *Provided, however,* That the roads now usually travelled shall, in the mean time, be taken and deemed as within the meaning of this article, until otherwise enacted by act of Congress, or by the authority of the Indian department.

Roads and
highways.

And the said tribe hereby consent, that upon the public roads which may run across the reservation there may be established, at such points as shall be necessary for public convenience, hotels or stage stands, of the number and necessity of which the agent or superintendent shall be the sole judge, who shall be competent to license the same, with the privilege of using such amount of land for pasturage and other purposes connected with such establishment as the agent or superintendent shall deem necessary, it being understood that such lands for pasturage are to be enclosed, and the boundaries thereof described in the license.

Hotels and
stage stands.

And it is further understood and agreed that all ferries and bridges within the reservation shall be held and managed for the benefit of said tribe.

Ferries and
bridges.

Such rules and regulations shall be made by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, as shall regulate the travel on the highways, the management of the ferries and bridges, the licensing of public houses, and the leasing of lands, as herein provided, so that the rents, profits, and issues thereof shall inure to the benefit of said tribe, and so that the persons thus licensed, or necessarily employed in any of the above relations, shall be subject to the control of the Indian department, and to the provisions of the act of Congress "to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers."

All timber within the bounds of the reservation is exclusively the property of the tribe, excepting that the U. S. government shall be permitted to use thereof for any purpose connected with its affairs, either in carrying out any of the provisions of this treaty, or in the maintaining of its necessary forts or garrisons.

Timber.

The United States also agree to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said springs or fountains being enclosed; and, further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians.

Springs or
fountains.

ARTICLE IX. Inasmuch as the Indians in council have expressed their desire that Robert Newell should have confirmed to him a piece of land lying between Snake and Clearwater rivers, the same having been

Robert Newell
to receive a
patent for a tract
of land.

given to him on the 9th day of June, 1861, and described in an instrument of writing bearing that date, and signed by several chiefs of the tribe, it is hereby agreed that the said Robert Newell shall receive from the United States a patent for the said tract of land.

Treaty when
to take effect.

ARTICLE X. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

Execution.

In testimony whereof the said C. H. Hale, superintendent of Indian affairs, and Charles Hutchins and S. D. Howe, United States Indian agents in the Territory of Washington, and the chiefs, headmen, and delegates of the aforesaid Nez Percé tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

CALVIN H. HALE,	[SEAL.]
<i>Supt. Ind. Affairs, Wash. Ter.</i>	
CHAS. HUTCHINS,	[SEAL.]
<i>U. S. Ind. Agent, Wash. Ter.</i>	
S. D. HOWE,	[SEAL.]
<i>U. S. Ind. Agent, Wash. Ter.</i>	
FA-IND-7-1803 LAWYER,	[SEAL.]
<i>Head Chief Nez Percés Nation.</i>	
UTE-SIN-MALE-E-CUM,	x [SEAL.]
HA-HARCH-TUESTA,	x [SEAL.]
TIP-ULANIA-TIMECCA,	x [SEAL.]
ES-COATUM,	x [SEAL.]
TIMOTHY,	x [SEAL.]
LEVI,	x [SEAL.]
JASON,	x [SEAL.]
IP-SHE-NE-WISH-KIN, (CAPT. JOHN)	x [SEAL.]
WEPTAS-JUMP-KI,	x [SEAL.]
WE-AS-CUS,	x [SEAL.]
PEP-HOOM-KAN, (NOAH,)	x [SEAL.]
SHIN-MA-SHA-HO-SOOT,	x [SEAL.]
NIE-KI-LIL-MEH-HOOM, (JACOB,)	x [SEAL.]
STOOP-TOOP-NIN,	x [SEAL.]
SU-WE-CUS,	x [SEAL.]
WAL-LA-TA-MANA,	x [SEAL.]
HE-KAIKT-IL-PILP.	x [SEAL.]
WHIS-TAS-KET,	x [SEAL.]
NEUS-NE-KEUN,	x [SEAL.]
KUL-LOU-O-HAIKT,	x [SEAL.]
WOW-EN-AM-ASH-IL-PILP,	x [SEAL.]
KAN-POW-E-EEN,	x [SEAL.]
WATAI-WATAI-WA-HAIKT,	x [SEAL.]
KUP-KUP-PELLIA,	x [SEAL.]
WAP-TAS-TA-MANA,	x [SEAL.]
PEO-PEO-IP-SE-WAT,	x [SEAL.]
LOUIS-IN-HA-CUSH-NIM,	x [SEAL.]
LAM-LIM-SI-LILP-NIM,	x [SEAL.]
TU-KI-LAI-KISH,	x [SEAL.]
SAH-KAN-TAI, (EAGLE,)	x [SEAL.]
WE-AH-SE-NAT,	x [SEAL.]
HIN-MIA-TUN-PIN,	x [SEAL.]
MA-HI-A-KIM,	x [SEAL.]
SHOCK-LO-TURN-WA-HAIKT, (JONAH,)	x [SEAL.]
KUNNESS-TAK-MAL,	x [SEAL.]
TU-LAT-SY-WAT-KIN,	x [SEAL.]
TUCK-E-TU-ET-AS,	x [SEAL.]

NIC-A-LAS-IN,	x	[SEAL.]
WAS-ATIS-IL-PILP,	x	[SEAL.]
WOW-ES-EN-AT-IM,	x	[SEAL.]
HIRAM,	x	[SEAL.]
HOWLISH-WAMPUM,	x	[SEAL.]
WAT-SKA-LEEKs,	x	[SEAL.]
WA-LAI-TUS,	x	[SEAL.]
KY-E-WEE-PUS,	x	[SEAL.]
KO-KO-IL-PILP,	x	[SEAL.]
REUBEN, TIP-IA-LA-NA-UY-KALA-TSEKIN,	x	[SEAL.]
WISH-LA-NA-KA-NIN,	x	[SEAL.]
ME-TAT-UEPTAS, (THREE FEATHERS,)	x	[SEAL.]
RAY-KAY-MASS,	x	[SEAL.]

Signed and sealed in presence of—

- GEORGE F. WHITWORTH, *Secretary.*
- JUSTUS STEINBERGER, *Col. U. S. Vols.*
- R. F. MALLOY, *Col. Cavly, O. V.*
- J. S. RINEARSON, *Maj. 1st Cav. Ogn. Vols.*
- WILLIAM KAPUS, *1st Lieut. & Adj. 1st. W. T. Inf. U. S. V.*
- HARRISON OLMSTEAD.
- JNO. OWEN, (*BITTER ROOT.*)
- JAMES O'NEILL.
- J. B. BUKER, *M. D.*
- GEORGE W. ELBER.
- A. A. SPALDING, *Asst. Interpreter.*
- PERRIN B. WHITMAN, *Interpreter for the Council.*

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 seventeenth day of April, one thousand eight hundred and sixty-seven, recede from certain amendments which it had made to the said Treaty on the twenty-sixth day of June, one thousand eight hundred and sixty-six, and did advise and consent to the ratification of the said Treaty as originally concluded, by a resolution in the words and figures following, to wit:

Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.
April 17, 1867.

Resolved, (two-thirds of the Senators present concurring,) That the Senate recede from its amendments to the treaty between the United States and the Nez Percé Indians, concluded at the Council Ground, in the valley of the Lapwai, June 9, 1863, which amendments were agreed to by the Senate, June 26, 1866; and that the Senate do advise and consent to the ratification of the said treaty as concluded June 9, 1863.

Attest: J. W. FORNEY,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the seventeenth of April, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty.

Proclamation

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

TREATY WITH THE NEZ PERCÉ INDIANS. JUNE 9, 1863.

Done at the city of Washington this twentieth day of April, in the year of our Lord one thousand eight hundred and sixty-
[SEAL.] seven, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD,
Secretary of State.

Convention between the United States and the Empire of Japan; Concluded at Yedo January 28, 1864; Proclaimed April 9, 1866.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Jan. 28, 1864.

A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Empire of Japan, for the reduction of import duties, was concluded and signed by their respective plenipotentiaries, at Yedo, on the twenty-eighth day of January, eighteen hundred and sixty-four, which Convention being in the English, Japanese, and Dutch languages, is word for word as follows: — Preamble.

CONVENTION.

For the purpose of encouraging and facilitating the commerce of the citizens of the United States in Japan; and after due deliberation, his excellency Robert H. Pruyn, minister resident of the United States in Japan, and his excellency Sibata Sadataro, governor for foreign affairs, both having full powers from their respective governments, have agreed on the following articles, viz: — Contracting parties.

ARTICLE I. The following articles, used in the preparation and packing of teas, shall be free of duty: Articles free of duty.
Sheet lead, solder, matting, ratan, oil for painting, indigo, gypsum, firing pans, and baskets.

ARTICLE II. The following articles shall be admitted at the reduced duty of five per cent: At reduced duty of five per cent.
Machines and machinery; drugs and medicines. (Note. — The prohibition of the importation of opium according to the existing treaty remains in full force.) Iron, in pigs or bars; sheet iron and iron wire; tin plates; white sugar, in loaves or crushed; glass and glassware; clocks, watches, and watch-chains; wines, malted and spirituous liquors.

ARTICLE III. The citizens of the United States importing or exporting goods shall always pay the duty fixed thereon, whether such goods are intended for their own use or not. Those importing and exporting to pay the duty.

ARTICLE IV. This Convention having been agreed upon a year ago, and its signature delayed through unavoidable circumstances, it is hereby agreed that the same shall go into effect at Kanagawa on the 8th of February next, corresponding to the first day of the first month of the fourth Japanese year of Bunkin Ne, and at Nagasaki and Hakodate on the 9th day of March next, corresponding to the first day of the second month of the fourth Japanese year of Bunkin Ne. When this convention takes effect.

Done in quadruplicate, each copy being written in the English, Japanese, and Dutch languages, all the versions having the same meaning, but the Dutch version shall be considered as the original. Execution

In witness whereof, the above-named plenipotentiaries have hereunto set their hands and seals, at the city of Yedo, the twenty-eighth day of

CONVENTION WITH JAPAN. JANUARY 28, 1864.

January of the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth, corresponding to the twentieth day of the twelfth month of the third year of Bunkin Ye of the Japanese era.

[SEAL.]

ROBERT H. PRUYN.

Ratification
proclaimed.

And whereas the said Convention has been duly ratified on both parts: Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this ninth day of April, in the year of our Lord one thousand eight hundred and sixty-six,
[L. s.] and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Chippewa Indians of Saginaw, Swan Creek, and Black River, Michigan; Concluded October 18, 1864; Ratification advised, with Amendments, May 22, 1866; Amendments accepted, June 18, 1866; Proclaimed August 16, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

October 18, 1864.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at Isabella, in the State of Michigan, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four, by and between H. J. Alvord and D. C. Leach, Commissioners, on the part of the United States, and S. D. Simonds, Lyman Bennett, Jno. Pay-me-quo-ung, and other chiefs and headmen of the Chippewa Indians of Saginaw, Swan Creek, and Black River, in the State of Michigan, representing said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Preamble.

ARTICLES OF AGREEMENT AND CONVENTION made and concluded at the Isabella Indian reservation, in the State of Michigan, on the eighteenth day of October, in the year one thousand eight hundred and sixty-four, between H. J. Alvord, special Commissioner for the United States, and D. C. Leach, United States Indian agent, acting as Commissioners for and on the part of the United States, and the Chippewas of Saginaw, Swan Creek, and Black River, in the State of Michigan aforesaid, parties to the Treaty of August 2d, 1855, as follows, viz:—

Contracting parties.

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ARTICLE I. The said Chippewas of Saginaw, Swan Creek, and Black River, for and in consideration of the conditions hereinafter specified, do hereby release to the United States the several townships of land reserved to said tribe by said treaty aforesaid, situate and being upon Saginaw Bay, in said State.

Release to the United States of reservation and of right to locate and purchase certain lands.

The said Indians also agree to relinquish to the United States all claim to any right they may possess to locate lands in lieu of lands sold or disposed of by the United States upon their reservation at Isabella, and also the right to purchase the unselected lands in said reservation, as provided for in the first article of said treaty.

ARTICLE II. In consideration of the foregoing relinquishments, the United States hereby agree to set apart for the exclusive use, ownership, and occupancy of the said of the said Chippewas of Saginaw, Swan Creek, and Black River, all of the unsold lands within the six townships in Isabella county, reserved to said Indians by the treaty of August 2d, 1855, aforesaid, and designated as follows, viz:—

Certain lands set apart for the Indians in Isabella county.

The north half of township fourteen, and townships fifteen and sixteen north, of range three west; the north half of township fourteen and township fifteen north, of range four west, and townships fourteen and fifteen north, of range five west.

ARTICLE III. So soon as practicable after the ratification of this treaty, the persons who have heretofore made selections of lands within the townships upon Saginaw Bay, hereby relinquished, may proceed to make selections of lands upon the Isabella reservation, in lieu of their selections aforesaid, and in like quantities.

Mode and order of selections of lands in lieu of those relinquished.

After a reasonable time shall have been given for the parties aforesaid to make their selections in lieu of those relinquished, the other persons entitled thereto may then proceed to make their selections, in quantities as follows, viz: —

- Chiefs. For each chief of said Indians who signs this treaty, eighty acres in addition to their selections already made, and to patents in fee simple.
- Headmen. For one headman in each band into which said Indians are now divided, forty acres, and to patents in fee simple.
- Heads of families. For each person being the head of a family, eighty acres.
- Single persons. For each single person over the age of twenty-one years, forty acres.
- Orphan children. For each orphan child under the age of twenty-one years, forty acres.
- Married women. For each married female who has not heretofore made a selection of land, forty acres.
- Other persons. And for each other person now living or who may be born hereafter, when he or she shall have arrived at the age of twenty-one years, forty acres, so long as any of the lands in said reserve shall remain unselected, and no longer.

William Smith and others may select lands, and receive patents therefor.

In consideration of important services rendered to said Indians during many years past by William Smith, John Collins 1st, Andrew J. Campeau, and Thomas Chatfield, it is hereby agreed that they shall each be allowed to select eighty acres in addition to their previous selections, and receive patents therefor in fee simple; and to Charles H. Rodd, eighty acres, and a patent therefor in fee simple, to be received by said Rodd as a full consideration and payment of all claims he may have against said Indians, except claims against individuals for services rendered or money expended heretofore by said Rodd for the benefit of said Indians.

Certain Ottawas, Chippewas, and Pottawatomies may select and hold lands.

It is understood and agreed that those Ottawas and Chippewas and Pottawatomies now belonging to the bands of which Metayomeig, May-me-she-gaw-day, Keche-kebe-me-mo-say, and Waw-be-maw-ing-gun are chiefs, who have heretofore made selections upon said reservations, by permission of said Chippewas of Saginaw, Swan Creek, and Black River, who now reside upon said reservation in Isabella county, or who may remove to said reservation within one year after the ratification of this treaty, shall be entitled to the same rights and privileges to select and hold land as are contained in the third article of this agreement.

Agent to make lists.

So soon as practicable after the ratification of this treaty, the agent for the said Indians shall make out a list of all those persons who have heretofore made selections of lands under the treaty of August 2d, 1855, aforesaid, and of those who may be entitled to selections under the provisions of this treaty, and he shall divide the persons enumerated in said list into two classes, viz: "competent" and "those not so competent."

Two classes.
Competents.

Those who are intelligent, and have sufficient education, and are qualified by business habits to prudently manage their affairs, shall be set down as "competents," and those who are uneducated, or unqualified in other respects to prudently manage their affairs, or who are of idle, wandering, or dissolute habits, and all orphans, shall be set down as "those not so competent."

Those not so competent.

Patents to those of both classes.

The United States agrees to issue patents to all persons entitled to selections under this treaty, as follows, viz: To those belonging to the class denominated "competents," patents shall be issued in fee simple, but to those belonging to the class of "those not so competent," the patent shall contain a provision that the land shall never be sold or alienated to any person or persons whomsoever, without the consent of the Secretary of the Interior for the time being.

Manual-labor school.

ARTICLE IV. The United States agrees to expend the sum of twenty thousand dollars for the support and maintenance of a manual-labor school upon said reservation: *Provided*, That the Missionary Society of the Methodist Episcopal Church shall, within three years after the ratification of this treaty, at its own expense, erect suitable buildings for school

Buildings.

and boarding-house purposes, of a value of not less than three thousand dollars, upon the southeast quarter of section nine, township fourteen north, of range four west, which is hereby set apart for that purpose.

The superintendent of public instruction, the lieutenant-governor of the State of Michigan, and one person, to be designated by said Missionary Society, shall constitute a board of visitors, whose duty it shall be to visit said school once during each year, and examine the same, and investigate the character and qualifications of its teachers, and all other persons connected therewith, and report thereon to the commissioner of Indian affairs.

Board of visitors of such school.

The said Missionary Society of the Methodist Episcopal Church shall have full and undisputed control of the management of said school, and the farm attached thereto. Upon the approval and acceptance of the school and boarding-house buildings by the board of visitors, the United States will pay to the authorized agent of said Missionary Society, for the support and maintenance of the school, the sum of two thousand dollars, and the like sum annually thereafter, until the whole sum of twenty thousand dollars shall have been expended.

Control, &c. of school and farm.

Annual appropriation;

The United States reserves the right to suspend the annual appropriation of two thousand dollars for said school, in part or in whole, whenever it shall appear that said Missionary Society neglects or fails to manage the affairs of said school and farm in a manner acceptable to the board of visitors aforesaid; and if, at any time within a period of ten years after the establishment of said school, said Missionary Society shall abandon said school or farm for the purposes intended in this treaty, then, and in such case, said society shall forfeit all of its rights and franchises under this treaty, and it shall then be competent for the Secretary of the Interior to sell or dispose of the land hereinbefore designated, together with the buildings and improvements thereon and expend the proceeds of the same for the educational interests of the Indians in such manner as he may deem advisable.

may be suspended.

If school and farm are abandoned, the rights under this treaty are lost. Amendment. Post, p. 661. Land and buildings may be sold.

At the expiration of ten years after the establishment of said school, if said Missionary Society shall have conducted said school and farm in a manner acceptable to the board of visitors during said ten years, the United States will convey to said society the land before mentioned by patent in fee simple.

Land to be conveyed in fee simple, if, &c. Amendment. Post, p. 661.

In case said Missionary Society shall fail to accept the trust herein named within one year after the ratification of this treaty, then, and in that case, the said twenty thousand dollars shall be placed to the credit of the educational fund of said Indians, to be expended for their benefit in such manner as the Secretary of the Interior may deem advisable.

If society does not accept trust, &c.

It is understood and agreed that said Missionary Society may use the school-house, now standing upon land adjacent to the land hereinbefore set apart for a school-farm, where it now stands, or move it upon the land so set apart.

Present school-house.

ARTICLE V. The said Indians agree that, of the last two payments of eighteen thousand eight hundred dollars each, provided for by the said treaty of August second, eighteen hundred and fifty-five, the sum of seventeen thousand six hundred dollars may be withheld, and the same shall be placed to the credit of their agricultural fund, to be expended for their benefit in sustaining their blacksmith shop, in stock, animals, agricultural implements, or in such other manner as the Secretary of the Interior may deem advisable.

Blacksmith shop, stock, tools, &c.

ARTICLE VI. The commissioner of Indian affairs may, at the request of the chiefs and headmen, sell the mill and land belonging thereto at Isabella City, on said reservation, and apply the proceeds thereof for such beneficial objects as may be deemed advisable by the Secretary of the Interior.

Mill and land at Isabella City may be sold.

ARTICLE VII. Inasmuch, as the mill belonging to said Indians is partly located upon land heretofore selected by James Nicholson, it is hereby agreed that upon a relinquishment of ten acres of said land by

James Nicholson may select 80 acres, upon, &c.

Amendment. said Nicholson, in such form as may be determined by the agent for said
Post, p. 661. Indians, he, the said Nicholson, shall be entitled to select eighty acres and
to receive a patent therefor in fee simple.

Eighth article of former treaty not affected. ARTICLE VIII. It is hereby expressly understood that the eighth article of the treaty of August second, eighteen hundred and fifty-five, shall in no wise be affected by the terms of this treaty.

Execution. In testimony whereof, the said H. J. Alvord and the said D. C. Leach, Commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas of Saginaw, Swan Creek, and Black River, have hereto set their hands and seals at Isabella, in the State of Michigan, the day and year first above written.

H. J. ALVORD, [SEAL.]
D. C. LEACH, [SEAL.]
Special Commissioners.

In the presence of—

RICHD. M. SMITH,
CHARLES H. RODD, *U. S. Interpreter*,
GEORGE BRADLEY.

S. D. SIMONDS, chief,	his x mark.	[SEAL.]
LYMAN BENNETT, headman,	his x mark.	[SEAL.]
JNO. PAY-ME-QUO-UNG, chief,	his x mark.	[SEAL.]
WILLIAM SMITH, headman,	his x mark.	[SEAL.]
NAUCK-CHE-GAW-ME, chief,	his x mark.	[SEAL.]
ME-SQUAW-WAW-NAW-QUOT, headman,	his x mark.	[SEAL.]
THOMAS DUTTON, chief,	his x mark.	[SEAL.]
PAIM-WAY-WE-DUNG, headman,	his x mark.	[SEAL.]
ELLIOTT KAYBAY, chief,	his x mark.	[SEAL.]
SOLOMON OTTAWA, headman,	his x mark.	[SEAL.]
ANDW. O-SAW-WAW-BUN, chief,	his x mark.	[SEAL.]
THOS. WAIN-DAW-NAW-QUOT, headman,	his x mark.	[SEAL.]
NAW-TAW-WAY, chief,	his x mark.	[SEAL.]
I-KAY-CHE-NO-TING, headman,	his x mark.	[SEAL.]
WILLIAM SMITH, chief,	his x mark.	[SEAL.]
NAW-GAW-NEVAY-WE-DUNG, headman,	his x mark.	[SEAL.]
NAW-WE-KE-ZHICK, chief,	his x mark.	[SEAL.]
I-YALK, headman,	his x mark.	[SEAL.]
NAY-AW-BE-TUNG, chief,	his x mark.	[SEAL.]
JOS. WAW-BE-KE-ZHICK, headman,	his x mark.	[SEAL.]
SAML. MEZ-HAW-QUAW-NAW-UM, chief,	his x mark.	[SEAL.]
JOHN P. WILLIAMS, headman,	his x mark.	[SEAL.]
L. PAY-BAW-MAW-SHE, chief,	his x mark.	[SEAL.]
NE-GAW-NE-QUO-UM, headman,	his x mark.	[SEAL.]
DAVID FISHER, chief,	his x mark.	[SEAL.]
WAW-BE-MAN-I-DO, headman,	his x mark.	[SEAL.]
NE-BE-NAY-AW-NAW-QUOT-WAY-BE, chief,	his x mark.	[SEAL.]
KEY-O-GWAW-NAY-BE, headman,	his x mark.	[SEAL.]

In the presence of—

RICHD. M. SMITH,
CHARLES H. RODD, *U. S. Interpreter*.

AMOS F. ALBRIGHT, *Supt. Mills.*
 MARCUS GRINNELL, *U. S. Blacksmith.*
 M. D. BOURASSA,
 F. C. BABBITT,
 GEORGE BRADLEY.

ISABELLA CITY, MICHIGAN, Oct. 21, 1864.

TO H. J. ALVORD, Esq.,
Special Com'r, &c.

Interpreter Charles H. Rodd having fully explained and interpreted to me the treaty made by you and Indian Agent Leach, special Com'rs, &c., with the Chippewas of Saginaw, Swan Creek, and Black River, Michigan, and concluded the 18th instant, you are hereby authorized to put my name to the same along with the other chiefs.

NAY-AW-BE-TUNG, his x mark,
Chief Chippewas of Saginaw, Swan Creek, and Black River, Michn.

In the presence of—

CHAS. H. RODD, *U. S. Interpreter.*

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 twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 May 22, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention concluded at the Isabella Indian reservation, in the State of Michigan, on the eighteenth day of October, eighteen hundred and sixty-four, between the United States, by their Commissioners, and the Chippewas of Saginaw, Swan Creek, and Black River, in the State of Michigan, with the following

AMENDMENTS:

1st. Article 4, after the word "rights," at the end of line 11, insert the following: *in the lands, buildings.*

2d. Same article, page 13, line 7, strike out the words "in fee simple," and insert in lieu thereof the following: *in trust for the benefit of said Indians.*

3d. Article 7, after the word "acres," in line 9, insert as follows; *of land, subject to the approval of the Secretary of the Interior.*

Attest:

J. W. FORNEY, *Secretary.*

Amendments,
Ante, pp. 659,
 660.

And whereas the foregoing amendments having been fully explained and interpreted to the chiefs and headmen of the Chippewa Indians of Saginaw, Swan Creek, and Black River, whose names are subscribed to the writing hereto following, they did, on the eighteenth day of June, one thousand eight hundred and sixty-six, give their free and voluntary assent to the said amendments, in the words and figures following, to wit:—

Whereas, the Senate of the United States, in executive session, did, on the twenty-second day of May, A. D. eighteen hundred and sixty-six, advise and consent to the ratification of the articles of agreement and convention concluded at the Isabella Indian reservation, in the State of

Amendments
 assented to.

Michigan, on the eighteenth day of October, eighteen hundred and sixty-four, between the United States, by their Commissioners, and the Chippewas of Saginaw, Swan Creek, and Black River, in the State of Michigan, with the following amendments, viz: —

1st. Article 4, after the word "rights," at the end of line 11, insert the following: *in the lands, buildings.*

2d. Same article, page 13. line 7, strike out the words "in fee simple," and insert in lieu thereof the following: *in trust for the benefit of said Indians.*

3d. Article 7, after the word "acres," in line 9, insert as follows: *of land, subject to the approval of the Secretary of the Interior.*

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned, chiefs and headmen of the Chippewas of Saginaw, Swan Creek, and Black River, we do hereby agree to and ratify the same.

Done at the Mackinac Agency, in the State of Michigan, on this eighteenth of June, eighteen hundred and sixty-six.

S. D. SIMONDS, chief,	his x mark.	[SEAL.]
LYMAN BENNETT, headman,	his x mark.	[SEAL.]
JOHN PAY-ME-QUO-UNG, chief,	his x mark.	[SEAL.]
WILLIAM SMITH, headman,	his x mark.	[SEAL.]
ANDREW O-SAW-WAW-BUN, chief,	his x mark.	[SEAL.]
JAMES KAW-GE-GAY-O-SAY, headman,	his x mark.	[SEAL.]
NAW-TAW-WAY, chief,	his x mark.	[SEAL.]
KAY-SHE-SHAW-WAY, headman,	his x mark.	[SEAL.]
WILLIAM SMITH, chief,	his x mark.	[SEAL.]
WILLIAM HART, headman,	his x mark.	[SEAL.]
NAW-WE-KE-ZHICK, chief,	his x mark.	[SEAL.]
I-YALK, headman,	his x mark.	[SEAL.]
NAY-AW-BE-TUNG, chief,	his x mark.	[SEAL.]
KAW-GE-GAY-BE, headman,	his x mark.	[SEAL.]
SAML. MEZHAW-QUAW-NAW-RUN, chief,	his x mark.	[SEAL.]
JOHN P. WILLIAMS, headman,	his x mark.	[SEAL.]
L. PAY-BAW-WAW-SHE, chief,	his x mark.	[SEAL.]
NE-GAW-NE-QUO-UM, headman,	his x mark.	[SEAL.]
NAUCK-CHE-GAW-ME, chief,	his x mark.	[SEAL.]
ME-SQUAW-WAW-NAW-QUOT, headman,	his x mark.	[SEAL.]
ELIJAH PILCHER, chief,	his x mark.	[SEAL.]
PAIM-WAY-WE-DUNG, headman,	his x mark.	[SEAL.]
DAVID FISHER, chief,	his x mark.	[SEAL.]
WAW-BE-MAW-NE-DO, headman,	his x mark.	[SEAL.]
NE-BE-NAY-AW-NAW-QUOT-WAY-BE, chief,	his x mark.	[SEAL.]
KEY-O-GWAW-NAY-BE, headman,	his x mark.	[SEAL.]
ELLIOTT KAY-BAY, chief,	his x mark.	[SEAL.]

In the presence of —

RICHD. M. SMITH, *U. S. Indian Agent.*
 CHAS. R. RODD, *U. S. Interpreter.*
 AMOS F. ALBRIGHT, *Supt. Mill.*
 JOHN IRONS, *Missionary.*
 GEORGE BRADLEY, *late Missionary.*

W. H. NELSON, *Judge Probate Isabella Co., Michn.*
 F. C. BABBITT, *Postmaster Isabella City, Michn.*
 L. BENTLY, *Treasurer Isabella Co., Michn.*
 MILTON BRADLEY, *Clerk Isabella Co., Michn.*
 P. C. ANDRÉ, *Special Interpreter.*

OFFICE MACKINAC INDIAN AGENCY,
Detroit, July 7, 1866.

I do hereby certify on honor that the foregoing amendments to the treaty negotiated with the Chippewas of Saginaw, Swan Creek, and Black River, within this agency, the eighteenth day of October, eighteen hundred and sixty-four, were by me submitted to the said Indians, and that the same were duly assented to and ratified by them.

RICHD. M. SMITH,
U. S. Indian Agent.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendments as aforesaid. Proclaimed.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this sixteenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Convention between the United States and the Empire of Japan; Concluded October 22, 1864; Proclaimed April 9, 1866.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Oct. 22, 1864.

A PROCLAMATION.

WHEREAS a Convention between the Empire of Japan and the governments of the United States, Great Britain, France, and Holland, providing for the payment to said governments of the sum of three million dollars (\$3,000,000) for indemnities and expenses, was concluded and signed by their respective plenipotentiaries on the twenty-second day of October, eighteen hundred and sixty-four, which Convention, being in the English, Dutch, and Japanese languages, is word for word as follows: — Preamble.

CONVENTION.

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, prince of Nagato and Suwo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition: Amount of damages to be paid the four treaty powers.

The undersigned, representatives of treaty powers, and Sakai Hida no Kami, a member of his second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with the desire to put an end to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863, against the flags of divers treaty powers, and at the same time to regulate definitively the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following: —

I. The amount payable to the four powers is fixed at three millions of dollars. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons. All claims included.

II. The whole sum to be payable quarterly, in instalments of one sixth, or half a million dollars, to begin from the date when the representatives of said powers shall make known to the Tycoon's government the ratification of this Convention and the instructions of their respective governments. Instalments, and when payable.

III. Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view; therefore, if his Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injury sustained, the opening of Simonoseki, or some other eligible port in the Inland sea, it shall be at the Opening of a port in the Inland sea may be accepted in lieu of payment of money.

option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

When to be ratified.

IV. This Convention to be formally ratified by the Tycoon's government within fifteen days from the date thereof.

Execution.

In token of which, the respective plenipotentiaries have signed and sealed this Convention, in quintuplicate, with English, Dutch, and Japanese versions, whereof the English shall be considered the original.

Done at Yokohama, this 22d day of October, 1864, corresponding to the 22d day of the ninth month of the first year of Gengi.

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

RUTHERFORD ALCOCK,

H. B. M's Envoy Extraordinary

and Minister Plenipotentiary in Japan.

LEON ROCHES,

Ministre Plenipotentiaire de S. M. L'Empereur

des Francais au Japan.

D. DE GRAEFF VAN POLSBROEK,

H. N. M's Consul-General and Political Agent in Japan.

(Signature of Sakai Hida no Kami.)

Ratification.

And whereas the said Convention has been duly ratified by the respective governments:—

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this ninth day of April, in the year of our Lord one thousand eight hundred and sixty-six,

[L. s.] and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Omaha Tribe of Indians; Concluded March 6, 1865; Ratification advised February 13, 1866; Proclaimed February 15, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

March 6, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the sixth day of March, in the year of our Lord one thousand eight hundred and sixty-five, by and between Clark W. Thompson and Robert W. Furnas, Commissioners, on the part of the United States, and E-sta-mah-zha, or Joseph La Flesche, Gra-ta-mah-zhe, or Standing Hawk, Ga-he-ga-zhin-ga, or Little Chief, Tah-wah-ga-ha, or Village Maker, Wah-no-ke-ga, or Noise, Sha-da-na-ge, or Yellow Smoke, Wastch-com-ma-nu, or Hard Walker, Pad-a-ga-he, or Fire Chief, Ta-su, or White Cow, and Ma-ha-nin-ga, or No Knife, Chiefs of the Omaha Tribe of Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Preamble

ARTICLES OF TREATY made and concluded at Washington, D. C., on the sixth day of March, A. D. 1865, between the United States of America, by their Commissioners, Clark W. Thompson and Robert W. Furnas, and the Omaha tribe of Indians, by their chiefs, E-sta-mah-za, or Joseph La Flesche; Gra-ta-mah-zhe, or Standing Hawk; Ga-he-ga-zhin-ga, or Little Chief; Tah-wah-gah-ha, or Village Maker; Wah-no-ke-ga, or Noise; Sha-da-na-ge, or Yellow Smoke; Wastch-com-ma-nu, or Hard Walker; Pad-a-ga-he, or Fire Chief; Ta-su, or White Cow; Ma-ha-nin-ga, or No Knife.

Contracting parties.

ARTICLE I. The Omaha tribe of Indians do hereby cede, sell, and convey to the United States a tract of land from the north side of their present reservation, defined and bounded as follows, viz: commencing at a point on the Missouri river four miles due south from the north boundary line of said reservation, thence west ten miles, thence south four miles, thence west to the western boundary line of the reservation, thence north to the northern boundary line, thence east to the Missouri river, and thence south along the river to the place of beginning; and that the said Omaha tribe of Indians will vacate and give possession of the lands ceded by this treaty immediately after its ratification: *Provided*, That nothing herein contained shall be construed to include any of the lands upon which the said Omaha tribe of Indians have now improvements, or any land or improvements belonging to, connected with, or used for the benefit of the Missouri school now in existence upon the Omaha reservation.

Cession of land to the United States.

Boundaries.

Proviso.

ARTICLE II. In consideration of the foregoing cession, the United States agree to pay to the said Omaha tribe of Indians the sum of fifty thousand dollars, to be paid upon the ratification of this treaty, and to be expended by their agent, under the direction of the Commissioner of Indian Affairs, for goods, provisions, cattle, horses, construction of buildings, farming implements, breaking up lands, and other improvements on their reservation.

Payment to the Omahas, and how to be expended.

Article of former treaty to be extended.
Vol. x. p. 1045.

ARTICLE III. In further consideration of the foregoing cession, the United States agree to extend the provisions of article VIII. of the treaty between the Omaha tribe of Indians and the United States, made on the 16th day of March, A. D. 1854, for a term of ten years from and after the ratification of this treaty; and the United States further agree to pay to the said Omaha tribe of Indians, upon the ratification of this treaty, the sum of seven thousand dollars as damages in consequence of the occupancy of a portion of the Omaha reservation not hereby ceded, and use and destruction of timber by the Winnebago tribe of Indians while temporarily residing thereon.

Damages.

Present reservation to be divided among members of the tribe in severalty.

ARTICLE IV. The Omaha Indians being desirous of promoting settled habits of industry and enterprise amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the members of the tribe, including their half or mixed blood relatives now residing with them, to be cultivated and improved for their own individual use and benefit, it is hereby agreed and stipulated that the remaining portion of their present reservation shall be set apart for said purposes; and that out of the same there shall be assigned to each head of a family not exceeding one hundred and sixty acres, and to each male person, eighteen years of age and upwards, without family, not exceeding forty acres of land—to include in every case, as far as practicable, a reasonable proportion of timber; six hundred and forty acres of said lands, embracing and surrounding the present agency improvements, shall also be set apart and appropriated to the occupancy and use of the agency for said Indians. The lands to be so assigned, including those for the use of the agency, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary. The whole of the lands, assigned or unassigned, in severalty, shall constitute and be known as the Omaha reservation, within and over which all laws passed or which may be passed by Congress regulating trade and intercourse with the Indian tribes shall have full force and effect, and no white person, except such as shall be in the employ of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of Indian affairs or the agent for the tribe. Said division and assignment of lands to the Omahas in severalty shall be made under the direction of the Secretary of the Interior, and when approved by him, shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned respectively, and that they are for the exclusive use and benefit of themselves, their heirs, and descendants; and said tracts shall not be alienated in fee, leased, or otherwise disposed of except to the United States or to other members of the tribe, under such rules and regulations as may be prescribed by the Secretary of the Interior, and they shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided for by Congress.

How assigned.

Agency.

Omaha reservation.

Whites not to go or reside thereon, unless, &c.

Certificates to be issued for tracts assigned.

Not to be alienated nor leased, &c.

Omahas may repurchase this land, if the location of the Winnebagos affects their peace.

Execution.

ARTICLE V. It being understood that the object of the Government in purchasing the land herein described is for the purpose of locating the Winnebago tribe thereon, now, therefore, should their location there prove detrimental to the peace, quiet, and harmony of the whites as well as of the two tribes of Indians, then the Omahas shall have the privilege of re-purchasing the land herein ceded upon the same terms they now sell.

In testimony whereof, the said Clark W. Thompson and Robert W. Furnas, Commissioners as aforesaid, and the said chiefs and delegates of the Omaha tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

CLARK W. THOMPSON,
R. W. FURNAS,
Commissioners.

E-STA-MAH-ZHA, or Joseph La Flesche, his x mark.	[SEAL.]
GRA-TA-MAH-ZHE, or Standing Hawk, his x mark.	[SEAL.]
GA-HF-GA-ZHIN-GA, or Little Chief, his x mark.	[SEAL.]
TAH-WAH-GA-HA, or Village Maker, his x mark.	[SEAL.]
WAH-NO-KE-GA, or Noise, his x mark.	[SEAL.]
SHA-DA-NA-GE, or Yellow Smoke, his x mark.	[SEAL.]
WASTCH-COM-MA-NU, or Hard Walker, his x mark.	[SEAL.]
PAD-A-GA-HE, or Fire Chief, his x mark.	[SEAL.]
TA-SU, or White Cow, his x mark.	[SEAL.]
MA-HA-NIN-GA, or No Knife, his x mark.	[SEAL.]

In presence of—

H. CHASE, *U. S. Interpreter.*
 LEWIS SAUNSOI, *Interpreter.*
 ST. A. D. BALCOMBE, *U. S. Indian Agent.*
 GEO. N. PROPPER.
 J. N. H. PATRICK.

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 thirteenth day of February, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 February 13, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Treaty between the United States of America, by their Commissioners, Clark W. Thompson and Robert W. Furnas, and the Omaha tribe of Indians, made and concluded at Washington, D. C., on the sixth day of March, A. D. 1865.

Ratification.

Attest: J. W. FORNEY, *Secretary.*

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the thirteenth of February, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty.

Proclaimed.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the City of Washington, this fifteenth day of February, in the year of our Lord one thousand eight hundred and [L. s.] sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Winnebago Tribe of Indians; Concluded March 8, 1865; Ratification advised, with Amendment, February 13, 1866; Amendment accepted February 20, 1866; Proclaimed March 28, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

March 8, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the eighth day of March, in the year of our Lord one thousand eight hundred and sixty-five, by and between William P. Dole, Clark W. Thompson, and St. A. D. Balcombe, Commissioners, on the part of the United States, and Little Hill, Little Dacoria, Whirling Thunder, Young Prophet, Good Thunder, Young Crane, and White Breast, Chiefs of the Winnebago Tribe of Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF TREATY made and concluded at Washington, D. C., between the United States of America, by their Commissionouers, Wm. P. Dole, C. W. Thompson, and St. A. D. Balcombe, and the Winnebago Tribe of Indians, by their chiefs Little Hill, Little Decoria, Whirling Thunder, Young Prophet, Good Thunder, and White Breast, on the 8th day of March, 1865.

Contracting parties.

ARTICLE I. The Winnebago tribe of Indians hereby cede, sell, and convey to the United States all their right, title, and interest in and to their present reservation in the Territory of Dakota, at Usher's Landing, on the Missouri river, the metes and bounds whereof being on file in the Indian Department.

Cession of lands to the United States.

ARTICLE II. In consideration of the foregoing cession, and the valuable improvements thereon, the United States agree to set apart for the occupation and future home of the Winnebago Indians, forever, all that certain tract or parcel of land ceded to the United States by the Omaha tribe of Indians on the sixth day of March, A. D. 1865, situated in the Territory of Nebraska, and described as follows, viz: Commencing at a point on the Missouri river four miles due south from the north boundary line of said reservation; thence west ten miles; thence south four miles; thence west to the western boundary line of the reservation; thence north to the northern boundary line; thence east to the Missouri river; and thence south along the river to the place of beginning.

Reservation for the Winnebagos.

Boundaries.

ARTICLE III. In further consideration of the foregoing cession, and in order that the Winnebagos may be as well situated as they were when they were moved from Minnesota, the United States agree to erect on their reservation, hereby set apart, a good steam saw-mill with a grist-mill attached, and to break and fence one hundred acres of land for each band, and supply them with seed, to sow and plant the same, and shall furnish them with two thousand dollars' worth of guns, sixty horses, one hundred cows, twenty yoke of oxen and wagons, two chains each, and five hundred dollars' worth of agricultural implements, in addition to those on the reserve hereby ceded.

The United States to erect mills, to break, &c. lands, to furnish seeds, tools, &c. Amendment. Post. p. 672.

Agency and other buildings and houses for chiefs.

ARTICLE IV. The United States further agree to erect on said reservation an agency building, school-house, warehouse, and suitable buildings for the physician, interpreter, miller, engineer, carpenter, and blacksmith, and a house 18 by 24 feet, one and a half story high, well shingled and substantially finished, for each chief.

Expenses of removal, &c.

ARTICLE V. The United States also stipulate and agree to remove the Winnebago Tribe of Indians and their property to their new home, and to subsist the tribe one year after their arrival there.

In testimony whereof, the said Wm. P. Dole, Clark W. Thompson, and St. A. D. Balcombe, Commissioners as aforesaid, and the undersigned chiefs and delegates of the Winnebago Tribe of Indians, have hereunto set their hands and seals, at the place and on the day hereinbefore written.

W. P. DOLE,
CLARK W. THOMPSON,
ST. A. D. BALCOMBE,
Commissioners.

LITTLE HILL, his x mark.	[SEAL.]
LITTLE DACORIA, his x mark.	[SEAL.]
WHIRLING THUNDER, his x mark.	[SEAL.]
YOUNG PROPHET, his x mark,	[SEAL.]
GOOD THUNDER, his x mark,	[SEAL.]
YOUNG CRANE, his x mark,	[SEAL.]
WHITE BREAST, his x mark,	[SEAL.]

In presence of —

MITCHELL ST. CYR, *United State[s] Interpreter.*
ALEXANDER PAYN, “ “ “
R. W. FURNAS, *U. S. Agt. for Omahas.*
BENJ. F. LUSHBAUGH, *U. S. Indian Agent.*
AUGUSTUS KOUNTZE.
C. HAZLETT.

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 thirteenth day of February, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following to wit: —

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
February 13, 1866.

Ratification with amendment.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Washington, D. C., between the United States of America, by their Commissioners, William P. Dole, C. W. Thompson, and St. A. D. Balcombe, and the Winnebago Tribe of Indians, by their chiefs Little Hill, Little *Decorice*, [Dacoria,] Whirling Thunder, *Yound* [Young] Prophet, Good Thunder, and White Breast, on the 8th day of March, 1865, with the following

AMENDMENT:

See *Ante*, p. 671. Article 3d, line 7, strike out the word “sixty,” and insert the words *four hundred*.

Attest: J. W. FORNEY, *Secretary.*

And whereas information of the foregoing amendment having been given to the Chiefs of the Winnebago Tribe of Indians whose names are subscribed to the writing hereto following, they did, on the twentieth day of February, one thousand eight hundred and sixty-six, give their free

and voluntary assent to said amendment in the words and figures following, to wit:—

OMAHA INDIAN AGENCY, NEBRASKA TERRITORY,
February 20, 1866. Amendment
accepted.

Be it known that we, the chiefs of the Winnebago Tribe of Indians, in council assembled, being informed by Superintendent E. B. Taylor, through acting agent R. W. Furnas, that the treaty entered into by our chiefs and legal representatives, on our part, and the United States, by Commissioners, on *its* [their] part, in March, 1865, has been so amended as to provide for four hundred head of horses instead of sixty head, as originally stipulated, we hereby agree to said amendment, and consent to its being made a part of the original Treaty.

In testimony whereof we have hereto set our hands and seals the day and year above written.

LITTLE HILL, his x mark.	[SEAL.]
GOOD HEART, his x mark.	[SEAL.]
GOOD THUNDER, his x mark.	[SEAL.]
THOMAS JEFFERSON, his x mark.	[SEAL.]
COO-NA-HUT-TA-KA, his x mark.	[SEAL.]
YOUNG FRENCH, his x mark.	[SEAL.]
OLD ROGUE, his x mark.	[SEAL.]
WHIRLING THUNDER, his x mark.	[SEAL.]
YOUNG PROPHET, his x mark.	[SEAL.]
LITTLE DECORA, his x mark.	[SEAL.]
BIG BEAR, his x mark.	[SEAL.]

Signed in presence of—

R. W. FURNAS, *U. S. Ind. Agt.*
FRANK THEBALT, *Interpreter.*
ALEX. PAYN,
MERSHALL ST. SCYR, "
ROBERT TEARE, *Citizen.*

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the thirteenth of February, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this twenty-eighth day of March, in the year of our Lord one thousand eight hundred [L. s.] and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Supplemental Treaty between the United States of America and the Ponca Tribe of Indians; Concluded March 10, 1865; Ratification advised March 2, 1867; Proclaimed March 28, 1867.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME GREETING: March 10, 1865.

WHEREAS a supplemental Treaty was made and concluded at the city of Washington, in the District of Columbia, on the tenth day of March, in the year of our Lord one thousand eight hundred and sixty-five, by and between William P. Dole, Commissioner, on the part of the United States, and Wah-gah-sap-pi, or Iron Whip, Gist-tah-wah-gu, or Strong Walker, Wash-com-mo-ni, or Mitchell P. Cerre, Ash-nan-e-kah-gah-he, or Lone Chief, and Tah-ton-ga-nuz-zhe, or Standing Buffalo, chiefs and headmen of the Ponca tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:—

Preamble.

SUPPLEMENTAL TREATY between the United States of America and the Ponca tribe of Indians, made at the city of Washington on the tenth day of March, A. D. 1865, between William P. Dole, Commissioner on the part of the United States, and Wah-gah-sap-pi, or Iron Whip; Gist-tah-wah-gu, or Strong Walker; Wash-com-mo-ni, or Mitchell P. Cerre; Ash-nan-e-kah-gah-he, or Lone Chief; Tah-ton-ga-nuz-zhe, or Standing Buffalo; on the part of the Ponca tribe of Indians, they being duly authorized and empowered by the said tribe, as follows, viz:—

Contracting parties.

ARTICLE I. The Ponca tribe of Indians hereby cede and relinquish to the United States all that portion of their present reservation as described in the first article of the treaty of March 12th, 1858, lying west of the range line between townships numbers (32) thirty-two and (33) thirty-three north, ranges (10) ten and (11) eleven west of the (6) sixth principal meridian, according to the Kansas and Nebraska survey; estimated to contain thirty thousand acres, be the same more or less.

Cession of lands to the United States. Vol. xii. p. 997. Boundaries.

ARTICLE II. In consideration of the cession or release of that portion of the reservation above described by the Ponca tribe of Indians to the government of the United States, the government of the United States, by way of rewarding them for their constant fidelity to the government and citizens thereof, and with a view of returning to the said tribe of Ponca Indians their old burying-grounds and cornfields, hereby cede and relinquish to the tribe of Ponca Indians the following-described fractional townships, to wit: township (31) thirty-one north, range (7) seven west; also fractional township (32) thirty-two north, ranges (6,) six, (7,) seven,

Certain fractional townships of land ceded by the United States to the Poncas.

(8,) eight, (9,) nine, and (10) ten west; also fractional township (33) thirty-three north, ranges (7) seven and (8) eight west; and also all that portion of township (33) thirty-three north, ranges (9) nine and (10) ten west, lying south of Ponca creek; and also all the islands in the Niobrara or Running Water river, lying in front of lands or townships above ceded by the United States to the Ponca tribe of Indians. But it is expressly understood and agreed that the United States shall not be called upon to satisfy or pay the claims of any settlers for improvements upon the lands above ceded by the United States to the Poncas, but that the Ponca tribe of Indians shall, out of their own funds, and at their own expense, satisfy said claimants, should any be found upon said lands above ceded by the United States to the Ponca tribe of Indians.

Claims of settlers for improvements, how to be settled.

Indemnity for spoliation.

ARTICLE III. The government of the United States, in compliance with the first paragraph of the second article of the treaty of March 12th, 1858, hereby stipulate and agree to pay to the Ponca tribe of Indians for indemnity for spoliation committed upon them, satisfactory evidence of which has been lodged in the office of the commissioner of Indian affairs, and payment recommended by that officer, and also by the Secretary of the Interior, the sum of fifteen thousand and eighty dollars.

Expenses of this treaty to be paid by Indians. Execution.

ARTICLE IV. The expenses attending the negotiation of this treaty or agreement shall be paid by the United States.

In testimony whereof, the said Wm. P. Dole, Commissioner as aforesaid, and the undersigned, chiefs of the Ponca tribe of Indians, have hereunto set their hands and seals at the place and on the day hereinbefore written.

WM. P. DOLE.

WAH-GAH-SAP-PI, or Iron Whip, his x mark. [SEAL.]
 GIST-TAH-WAH-GU, or Strong Walker, his x mark. [SEAL.]
 WASH-COM-MO-NI, or Mitchell P. Cerre, his x mark. [SEAL.]
 ASH-NAN-E-KAH-GAH-HE, or Lone Chief,
 his x mark. [SEAL.]
 TAH-TON-GA-NUZ-ZHE, or Standing Buffalo,
 his x mark. [SEAL.]

Executed in the presence of—

CHAS. SIMS.
 STEPHEN A. DOLE.
 NEWTON EDMUNDS.
 J. SHAW GREGORY.
 GEORGE N. PROPPER.

Ratification advised.

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 March, one thousand eight hundred and sixty-seven, advise and consent to the ratification of the same, by a resolution, in the words and figures following, to wit:—

IN EXECUTIVE SESSION SENATE OF THE UNITED STATES,
 March 2, 1867.

Resolved, That the Senate advise and consent to the ratification of the supplemental Treaty with the Ponca tribe of Indians, concluded at Washington, March 10, 1865.

Attest:

J. W. FORNEY, *Secretary*.

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the second of March, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-eighth day of March, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Convention between the United States, Austria, Belgium, Spain, France, Great Britain, Italy, the Netherlands, Portugal, and Sweden on the one part, and the Sultan of Morocco on the other part; Concluded May 31, 1865; Proclaimed, March 12, 1867.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: May 31, 1865.

A PROCLAMATION.

WHEREAS a Convention between the United States, Austria, Belgium, Spain, France, Great Britain, Italy, the Netherlands, Portugal, and Sweden on the one part, and the Sultan of Morocco on the other part, concerning the administration and upholding of the lighthouse at Cape Spartel, was concluded and signed by their respective plenipotentiaries on the thirty-first day of May, one thousand eight hundred and sixty-five, which Convention, being in the French and Arabic languages, is word for word as follows:—

Preamble.

CONVENTION between the United States, Austria, Belgium, Spain, France, Great Britain, Italy, the Netherlands, Portugal, and Sweden on the one part, and the Sultan of Morocco on the other part, concerning the administration and upholding of the lighthouse at Cape Spartel.

Contracting parties.

In the name of the only God! There is no strength nor power but of God.

His Excellency the President of the United States of America, and His Majesty the Emperor of Austria, King of Hungary and Bohemia, his Majesty the King of the Belgians, her Majesty the Queen of Spain, his Majesty the Emperor of the French, her Majesty the Queen of the United Kingdom of Great Britain and Ireland, his Majesty the King of Italy, his Majesty the King of the Netherlands, his Majesty the King of Portugal and the Algarves, his Majesty the King of Sweden and Norway, and his Majesty the Sultan of Morocco and of Fez, moved by a like desire to assure the safety of navigation along the coasts of Morocco, and desirous to provide, of common accord, the measures most proper to attain this end, have resolved to conclude a special convention, and have for this purpose appointed their plenipotentiaries, to wit:—

His Excellency the President of the Republic of the United States: Jesse Harland McMath, Esquire, his consul-general near his Majesty the Sultan of Morocco;

Plenipotentiaries.

His Majesty the Emperor of Austria, King of Hungary and of Bohemia: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, his general agent ad interim near his Majesty the Sultan of Morocco;

His Majesty the King of the Belgians: Ernest Daluin, knight of his Order of Leopold, commander of number of the Order of Isabella the Catholic, of Spain, commander of the Order of Nichan Eftikhar, of Tunis, his consul-general for the west coast of Africa;

Her Majesty the Queen of Spain: Don Francisco Merry y Colom, Grand Cross of the Order of Isabella the Catholic, knight of the Order of St. John of Jerusalem, decorated with the Imperial Ottoman Order of Medjidie of the third class, officer of the Order of the Legion of Honor, her minister resident near his Majesty the Sultan of Morocco;

His Majesty the Emperor of the French: Auguste Louis Victor, Baron Ayme d'Aquim, officer of the Legion of Honor, commander of the

Order of Francis the First of the Two Sicilies, commander of the Order of St. Maurice and Lazarus of Italy, commander of the Order of Christ of Portugal, commander of the Order of the Lions of Brunswick, knight of the Order of Constantine of the Two Sicilies, knight of the Order of Guelphs of Hanover, his plenipotentiary near his Majesty the Sultan of Morocco;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, her minister resident near his Majesty the Sultan of Morocco;

His Majesty the King of Italy: Alexander Verdinois, knight of the Order of St. Maurice and Lazarus, agent and consul-general of Italy, near his Majesty the Sultan of Morocco;

His Majesty the King of the Netherlands: Sir John Hay Drummond Hay, commander of the very honorable Order of the Bath, acting consul-general of the Netherlands, in Morocco;

His Majesty the King of Portugal and the Algarves; José Daniel Colaco, commander of his Order of Christ, knight of the Order of the Rose of Brazil, his consul-general near his Majesty the Sultan of Morocco;

His Majesty the King of Sweden and of Norway: Selim d'Ehrenhoff, knight of the Order of Wasa, his consul-general near his Majesty the Sultan of Morocco;

And his Majesty the Sultan of Morocco and of Fez, the Literary Sid Mohammed Bargash, his minister for foreign affairs;

Who, after having exchanged their full powers, found in good and due form, agreed upon the following articles:—

The direction of the lighthouse at Cape Spartel to devolve upon, &c.

ARTICLE I. His Majesty Scherifenne, having, in an interest of humanity, ordered the construction, at the expense of the government of Morocco, of a lighthouse at Cape Spartel, consents to devolve, throughout the duration of the present convention, the superior direction and administration of this establishment on the representatives of the contracting powers. It is well understood that this delegation does not import any encroachment on the rights, proprietary and of sovereignty, of the Sultan, whose flag alone shall be hoisted on the tower of the Pharos.

The expenses of management to be borne by whom.

ARTICLE II. The government of Morocco not at this time having any marine, either of war or commerce, the expenses necessary for upholding and managing the lighthouse shall be borne by the contracting powers by means of an annual contribution, the quota of which shall be alike for all of them. If, hereafter, the Sultan should have a naval or commercial marine, he binds himself to take share in the expenses in like proportion with the other subscribing powers. The expenses of repairs, and in need of reconstruction, shall also be at his cost.

Guard for the lighthouse.

ARTICLE III. The Sultan will furnish for security of the lighthouse a guard, composed of a Kaid and four soldiers. He engages, besides, to provide for, by all the means in his power, in case of war, whether internal or external, the preservation of this establishment, as well as for the safety of the keepers and persons employed. On the other part, the contracting powers bind themselves, each so far as concerned, to respect the neutrality of the lighthouse, and to continue the payment of the contribution intended to uphold it, even in case (which God forbid) hostilities should break out, either between them or between one of them and the empire of Morocco.

Regulations for the superintendence of the establishment.

ARTICLE IV. The representatives of the contracting powers charged, in virtue of Article I. of the present Convention, with the superior direction and management of the lighthouse, shall establish the necessary regulations for the service and superintendence of this establishment, and no modification shall be afterward applied to these articles, except by common agreement between the contracting powers.

ARTICLE V. The present Convention shall continue in force ten years. In case, within six months of the expiration of this term, none of the high contracting parties should, by official declaration, have made known its purpose to bring to a close, so far as may concern it, the effects of this Convention, it shall continue in force for one year more, and so from year to year, until due notice.

This Convention to continue in force ten years.

Further continuance.

ARTICLE VI. The execution of the reciprocal engagements contained in the present Convention is subordinated, so far as needful, to the accomplishment of the forms and regulations established by the constitutional laws of those of the high contracting powers who are held to ask for their application thereto, which they bind themselves to do with the least possible delay.

Execution of the engagements hereof made subordinate, &c.

ARTICLE VII. The present Convention shall be ratified, and the ratifications be exchanged at Tangier, as soon as can be done.

Ratification.

In faith whereof, the respective plenipotentiaries have signed and affixed thereto the seals of their arms.

Done in duplicate original, in French and in Arabic, at Tangier, protected of God, the fifth day of the moon of Moharrem, year of the Hegira twelve hundred and eighty-two, which corresponds with the thirty-first of the month of May, of the year one thousand eight hundred and sixty-five.

Execution.

JESSE H. M'MATH.	[L. s.]
J. H. DRUMMOND HAY.	[L. s.]
ERNEST DALUIN.	[L. s.]
FRANCISCO MERRY Y COLOM.	[L. s.]
AYME D'AQUIN.	[L. s.]
J. H. DRUMMOND HAY.	[L. s.]
ALEXANDRE VERDINOIS.	[L. s.]
J. H. DRUMMOND HAY.	[L. s.]
JOSE DANIEL COLACO.	[L. s.]
S. D'EHRENHOFF.	[L. s.]

And whereas the said Convention has been duly ratified by the respective governments :—

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclaimed.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twelfth day of March, in the year of our Lord one thousand eight hundred and sixty-seven, [SEAL.] and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Woll-pah-pe Tribe of Snake Indians; Concluded August 12, 1865; Ratification advised July 5, 1866; Proclaimed July 10, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

August 12, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at Sprague River Valley, on the twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-five, by and between J. W. Perit Huntington, Commissioner, on the part of the United States, and Pah-ni-ne, Hau-ni-noo-ey, and other chiefs and headmen, on the part of the Woll-pah-pe tribe of Snake Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit : —

Preamble.

ARTICLES OF AGREEMENT AND CONVENTION made and concluded at Sprague River Valley, on this twelfth day of August, in the year one thousand eight hundred and sixty-five, by J. W. Perit Huntington, superintendent of Indian affairs in Oregon, on the part of the United States, and the undersigned chiefs and headmen of the Woll-pah-pe tribe of Snake Indians, acting in behalf of said tribe, being duly authorized so to do.

Contracting parties.

ARTICLE I. Peace is declared henceforth between the United States and the Woll-pah-pe tribe of Snake Indians, and also between said tribe and all other tribes in amity with the United States. All prisoners and slaves held by the Woll-pah-pe tribe, whether the same are white persons or members of Indian tribes in amity with the United States, shall be released; and all persons belonging to the said Woll-pah-pe tribe now held as prisoners by whites, or as slaves by other Indian tribes, shall be given up.

Peace.

Prisoners and slaves.

ARTICLE II. The said tribe hereby cedes and relinquishes to the United States all their right, title, and interest to the country occupied by them, described as follows, to wit: Beginning at the Snow Peak in the summit of the Blue Mountain range, near the heads of the Grande Ronde river and the north fork of John Day's river; thence down said north fork of John Day's river to its junction with the south fork; thence due south to Crooked river; thence up Crooked river and the south fork thereof to its source; thence southeasterly to Harney lake; thence northerly to the heads of Malheur and Burnt rivers; thence continuing northerly to the place of beginning.

Cession of lands to the United States.
Boundaries.

ARTICLE III. The said tribe agree to remove forthwith to the reservation designated by the treaty concluded on the 15th of October, 1864, with the Klamath, Moadoc, and Yahooskiu Snake Indians, there to remain under the authority and protection of such Indian agent, or other officer, as the government of the United States may assign to such duty, and no member of said tribe shall leave said reservation for any purpose without the written consent of the agent or superintendent having jurisdiction over said tribe.

Indians to remove to reservation.

ARTICLE IV. The said Woll-pah-pe tribe promise to be friendly with the people of the United States, to submit to the authority thereof, and to commit no depredations upon the persons or property of citizens thereof,

to submit to the United States, and not depredate.

Offenders to be given up, &c. or of other Indian tribes; and should any member of said tribe commit any such depredations, he shall be delivered up to the agent for punishment, and the property restored. If after due notice the tribe neglect or refuse to make restitution, or the property is injured or destroyed, compensation may be made by the government out of the annuities hereinafter provided. In case of any depredation being committed upon the person or property of any member of the aforesaid Woll-pah-pe tribe, it is stipulated that no attempt at revenge, retaliation, or reclamation shall be made by said tribe; but the case shall be reported to the agent or superintendent in charge, and the United States guarantee that such depredation shall be punished in the same manner as if committed against white persons, and that the property shall be restored to the owner.

Hostile tribes. Sale of arms, &c. **ARTICLE V.** The said tribe promise to endeavor to induce the Hoo-ne-booy and Wa-tat-kah tribes of Snake Indians to cease hostilities against the whites; and they also agree that they will, in no case, sell any arms or ammunition to them nor to any other tribe hostile to the United States.

Fencing, and cultivating lands. **ARTICLE VI.** The United States agree to expend, for the use and benefit of said tribe, the sum of five thousand dollars to enable the Indians to fence, break up, and cultivate a sufficient quantity of land for their use, to supply them with seeds, farming implements, domestic animals, and such subsistence as may be necessary during the first year of their residence upon the reservation.

Seeds, tools, &c. **ARTICLE VII.** The United States also agree to expend, for the use and benefit of said tribe, the sum of two thousand dollars per annum for five years next succeeding the ratification of this treaty, and twelve hundred dollars per annum for the next ten years following, the same to be expended under the direction of the President of the United States for such objects as, in his judgment, will be beneficial to the Indians, and advance them in morals and knowledge of civilization.

Beneficial expenditures. **ARTICLE VIII.** The said tribe, after their removal to the reservation, are to have the benefit of the services of the physician, mechanics, farmers, teachers, and other employés provided for in the treaty of the 15th October, 1864, in common with the Klamaths, Moadocs, and Yahooskiu Snakes, and are also to have the use of the mills and school-houses provided for in said treaty, so far as may be necessary to them, and not to the disadvantage of the other tribes; and, in addition, an interpreter who understands the Snake language shall be provided by the government. Whenever, in the judgment of the President, the proper time shall have arrived for an allotment of land in severalty to the Indians upon the said reservation, a suitable tract shall be set apart for each family of the said Woll-pah-pe tribe, and peaceable possession of the same is guaranteed to them.

Physician. Mechanics, &c. Mills and school-houses. **ARTICLE IX.** The tribe are desirous of preventing the use of ardent spirits among themselves, and it is therefore provided that any Indian who brings liquor on to the reservation, or who has it in his possession, may in addition to the penalties affixed by law, have his or her proportion of the annuities withheld for such time as the President may determine.

Interpreter. **ARTICLE X.** This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the Senate of the United States.

Possession of ardent spirits on reservation, how punished. **ARTICLE XI.** In testimony whereof, the said J. W. Perit Huntington, superintendent of Indian affairs, and the undersigned chiefs and headmen of the tribe aforesaid, have hereunto set their signatures and seals, at the place and on the day and year above written.

Treaty, when to be obligatory. **J. W. PERIT HUNTINGTON,**
Supt. Indian Affairs in Oregon.
PAH-NI-NE, his x mark.

[SEAL.]
[SEAL.]

HAU-NI-NOO-EY,	his x mark.	[SEAL.]
KI-NAU-NEY,	his x mark.	[SEAL.]
WA-AK-CHAU,	his x mark.	[SEAL.]
CHOK-KO-SI,	his x mark.	[SEAL.]
SHE-ZHE,	his x mark.	[SEAL.]
CHE-EM-MA,	his x mark.	[SEAL.]
NOW-HOOP-A-COW-ICK,	his x mark.	[SEAL.]
KI-PO-WEET-KA,	his x mark.	[SEAL.]
HAU-NE, or SHAS-TOOK,	his x mark.	[SEAL.]
SAH-TOO-TOO-WE,	his x mark.	[SEAL.]

Executed in our presence —

W. V. RINEHART, *Maj. 1st Oregon Inf'y.*

WM. KELLY, *Capt. 1st Cav., Oregon Vols.*

LINDSAY APPLGATE.

WM. C. MCKAY, *M. D., Act'g Interpreter.*

ALBERT APPLGATE, *2d Lieut, 1st Ogn. Inf., comdg. escort.*

F. B. CHASE.

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 fifth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit: —

Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 5, 1866.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Sprague River Valley, on the twelfth day of August, in the year one thousand eight hundred and sixty-five, by J. W. Perit Huntington, superintendent of Indian affairs in Oregon, on the part of the United States, and the chiefs and headmen of the Woll-pah-pe tribe of Snake Indians, acting in behalf of said tribe.

Attest:

J. W. FORNEY, *Secretary.*

By W. J. McDONALD, *Chief Clerk.*

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty.

Proclaimed.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, [SEAL.] and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Great and Little Osage Indians. Concluded, September 29, 1865; Ratification advised, with Amendments, June 26, 1866; Amendments accepted September 21, 1866; Proclaimed January 21, 1867.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : Sept. 29, 1865.

WHEREAS a Treaty was made and concluded at Canville Trading Post, Osage nation, in the State of Kansas, on the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and sixty-five, by and between D. N. Cooley and Elijah Sells, Commissioners, on the part of the United States, and White Hair, Little Bear, (Me-tso-shin-ca,) and other chiefs of the tribe of Great and Little Osage Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :—

ARTICLES OF TREATY and Convention, made and concluded at Canville Trading Post, Osage nation, within the boundary of the State of Kansas, on the twenty-ninth day of September, eighteen hundred and sixty-five, by and between D. N. Cooley, Commissioner of Indian affairs, and Elijah Sells, superintendent of Indian affairs for the southern superintendency, Commissioners on the part of the United States, and the chiefs of the tribe of Great and Little Osage Indians, the said chiefs being duly authorized to negotiate and treat by said tribes.

ARTICLE I. 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, leaving 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 southeast corner of their present reservation, and running thence north with the eastern boundary thereof fifty miles to the northeast 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 to the place of beginning : *Provided*, That the western boundary of said land herein ceded shall not extend further westward than upon a line commencing at a point on the southern boundary of said Osage country one mile east of the place where the Verdigris river crosses the southern boundary of the State of Kansas. 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 tribes semi-annually, in money, clothing, provisions, or such articles of utility as the Secretary of the Interior may from time to time direct. Said lands shall be surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws, but no pre-emption claim or homestead settlement shall be recognized : and after reimbursing the United States the cost of said survey and sale, and the said sum of three hundred thousand dollars placed

Preamble.

Contracting parties.

Sale of lands to the United States.

Boundaries.

Proviso.

Payment for lands purchased and in what.

Lands to be surveyed and sold.

See amendment, page 692.

- Proceeds. to the credit of said Indians, the remaining proceeds of sales shall be placed in the treasury of the United States to the credit of the "civilization fund," to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.
- Cession of other land to the United States to be held in trust.
See amendment, page 692.
- Proceeds of sales thereof.
- How to be expended.
- Proviso.
- School fund.
- One section granted to John Schoenmaker, in trust, and with privilege, &c.
- Certain loyal persons, heads of families, &c. may buy a quarter section each, at, &c.
See amendment, page 692.
- James N. Coffey and A. B. Canville to be paid their claims.
- ARTICLE II. The said tribe of Indians also hereby cede to the United States a tract of land twenty miles in width from north to south, off the north side of the remainder of their present reservation, and extending its entire length from east to west; which land is to be held in trust for said Indians, and to be surveyed and sold for their benefit by the Secretary of the Interior, under such rules and regulations as he may from time to time prescribe, under the direction of the commissioner of the general land office, as other lands are surveyed and sold. 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 eighty 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.
- ARTICLE III. The Osage Indians, being sensible of the great benefits they have received from the Catholic mission, situate in that portion of their reservation herein granted and sold to the United States, do hereby stipulate that one section of said land, to be selected by the commissioner of Indian affairs so as to include the improvements of said mission, shall be granted in fee-simple to John Schoenmaker, in trust, for the use and benefit of the society sustaining said mission, with the privilege to said Schoenmaker, on the payment of one dollar and twenty-five cents per acre, of selecting and purchasing two sections of land adjoining the section above granted; the said selection to be held in trust for said society, and to be selected in legal subdivisions of surveys, and subject to the approval of the Secretary of the Interior.
- ARTICLE IV. All loyal persons, being heads of families and citizens of the United States, or members of any tribe at peace with the United States, having made settlements and improvements as provided by the pre-emption laws of the United States, and now residing on the lands provided to be sold by the United States, in trust for said tribe, as well as [upon] 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 dollar and twenty five cents per acre; such quarter section to be selected according to the legal subdivision of surveys, and to include, as far as practicable, the improvements of the settler.
- ARTICLE V. The Osages being desirous of paying their just debts to James N. Coffey and A. B. Canville, for advances in provisions, clothing, and other necessaries of life, 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 shall be receivable as cash in payment for any of

the lands sold in trust for said tribe: *Provided*, The aggregate amount thus allowed by the Secretary of the Interior shall not exceed five thousand dollars. Proviso.

ARTICLE VI. In consideration of the long and faithful services rendered by Charles Mograin, one of the principal chiefs of the Great Osages, to the people, and in consideration of 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 fourteen for the half-breed Indians, the heirs of the said Charles Mograin, dec[ease]d, 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 heirs of the said Mograin, dec[ease]d, in fee-simple. Heirs of Charles Mograin may select a section of land, &c.

ARTICLE VII. 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 the agent to the chiefs. \$ 500 to be paid the chiefs annually.

ARTICLE VIII. The Osage Indians being anxious that a school should be established in their new home, at their request it is agreed and provided that John Schoenmaker may select one section of land within their diminished reservation, and upon the approval of such selection by the Secretary of the Interior, such section of land shall be set apart to the said Schoenmaker and his successors, upon condition that the same shall be used, improved, and occupied for the support and education of the children of said Indians during the occupancy of said reservation by said tribe: *Provided*, That said lands shall not be patented, and upon the discontinuance of said school shall revert to said tribe and to the United States as other Indian lands. One section of land to be selected, &c. for purposes of education.

ARTICLE IX. It is further agreed that, in consideration of the services of Darius Rogers to the Osage Indians, a patent shall be issued to him for one hundred and sixty acres of land, to include his mill and improvements, on paying one dollar and twenty-five cents per acre; and said Rogers shall also have the privilege of purchasing, at the rate of one dollar and twenty-five cents, one 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. Proviso.

ARTICLE X. The Osages 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 use of ardent spirits in their country. Patent to issue to Darius Rogers for 160 acres, and he may purchase other lands, at, &c. See amendment, page 692.

ARTICLE XI. 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 railroad 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. Dependence on the United States acknowledged.

ARTICLE XII. 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. Right of way through reservations for highways and railroads. See amendment, page 692.

ARTICLE XIII. 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 hereby 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. Indians to remove from ceded lands, &c.

ARTICLE XIV. 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. United States to advance expenses of survey and sale; to be reimbursed.

acres, including their improvements.
Heirs of Joseph Swiss.

in fee-simple, for eighty acres each, to include, as far as practicable, their improvements, said half-breeds to be designated by the chiefs and headmen of the tribe; and the heirs of Joseph Swiss, a half-breed, and a former 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.

Osages may unite with other Indians, and receive portion of annuities.

ARTICLE XV. It is also agreed by the United States that said Osage Indians may unite with any tribe of Indians at peace with the United States, residing in said Indian territory, and thence afterwards receive an equitable proportion, according to their numbers, of all moneys, annuities, or property payable by the United States to said Indian tribe with which the agreement may be made; and in turn granting to said Indians, in proportion to their numbers, an equitable proportion of all moneys, annuities, and property payable by the United States to said Osages.

If Indians remove from Kansas, their diminished reservation to be sold, and proceeds how applied.

ARTICLE XVI. It is also agreed by said contracting parties, that if said Indians should agree to remove from the State of Kansas, and settle on lands to be provided for them by the United States in the Indian territory on such terms as may be agreed on between the United States and the Indian tribes now residing in said territory or any of them, then the diminished reservation shall be disposed of by the United States in the same manner and for the same purposes as hereinbefore provided in relation to said trust lands, except that fifty per cent. of the proceeds of the sale of said diminished reserve may be used by the United States in the purchase of lands for a suitable home for said Indians in said Indian territory.

Rejection of some articles not to affect others, &c.

ARTICLE XVII. 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.

NOTE.—The interlineations and erasures on the seventh and tenth pages were made before signing.

Signatures.

D. N. COOLEY,
Com'r of Indian Affairs.

ELIJAH SELLS,

Sup't Ind. Aff. South'n Sup'cy, and Commissioner.

ME-TSO-SHIN-CA, (Little Bear.) his x mark.
Chief Little Osages.

NO-PA-WAH-LA, his x mark.
2d Chief to Little Bear.

PA-THA-HUN-KAH, his x mark.
Little Chief L. B. Band.

WHITE HAIR, his x mark.
Principal Chief Osage Nation.

TA-WAH-SHE-HE. his x mark.
Chief Big Hill Band.

BEAVER, his x mark.
Second Chief White Hair's Band.

CLERMONT, his x mark.
Chief Clermont Band.

O-PO-TON-KOH, his x mark.
WA-SHE-PE-SHE, his x mark.
Little Chief W. H. Band.

Witnesses:

MA-SHO-HUN-CA, his x mark.
Counsellor Little Bear Band.

WA-SHA-PA-WA-TA-NE-CA, his x mark.
WA-DU-HA-KA, his x mark.

SHIN-KA-WA-TA-NE-KAH,	his x mark.
SHE-WEH-TEH,	his x mark.
GRA-MA,	his x mark.
HU-LA-WAH-SHO-SHA,	his x mark.
NA-TA-TON-CA-WA-KI,	his x mark.
NUM-PA-WAH-CU,	his x mark.
HA-SKA-MON-NE,	his x mark.

Attest:

G. C. SNOW, *U. S. Neosho Ind. Agent.*
 MILTON W. REYNOLDS, *Acting Clerk.*
 THEODORE C. WILSON, *Phonographic Reporter.*
 ALEXANDER BEYETT, *Interpreter Osage Nation.*

Witnesses, Little Bear's Band:

KA-WAH-HO-TZA,	his x mark.
O-KE-PA-HOLA,	his x mark.
ME-HE-THA,	his x mark.

White Hair's band of witnesses:

SHIN-KA-WA-SHA, councillor of White Hair's,	his x mark.
WA-SHA-WA,	his x mark.
KA-HE-KA-STZA-JEH,	his x mark.
KA-HE-KA-WA-SHIN-PE-SHE,	his x mark.
SAW-PE-KA-LA,	his x mark.
WA-TZA-SHIM-KA,	his x mark.
WA-NO-PA-SHE,	his x mark.
SHIN-BE-KA-SHI,	his x mark.
NE-KOO-LE-BLO,	his x mark.
O-KE-PA-KA-LOH,	his x mark.
KE-NU-IN-CA,	his x mark.
PA-SU-MO-NA,	his x mark.

We the undersigned, chiefs and headmen of the Clermont and Black Dog Band of the Great Osage nation, in council at Fort Smith, Ark., have had the foregoing treaty read and explained in full by our interpreter, L. P. Chouteau, and fully approve the provisions of said treaty made by our brothers the Osages, and by this signing make it our act and deed.

CLERMONT, chf. of Clermont Band,	his x mark.
PALLEY, 2d chf. of Clermont Band,	his x mark.
HAH-TI-IN-GAH, (Dry Feather,) counsellor,	his x mark.
KAH-HA-CHE-LA-TON, brave,	his x mark.
DO-TAH-CAH-SHE, brave,	his x mark.
BLACK DOG, chf. Black Dog Band,	his x mark.
WILLIAM PENN, 2d chf. Black Dog Band,	his x mark.
BROKE ARM, counsellor,	his x mark.
NE-KAH-KE-PON-NAH, brave,	his x mark.
NE-KAH-GAH-HEE, brave,	his x mark.

Witnesses:

WAH-SKON-MON-NEY,	his x mark.
WAH-KON-CHE-LA,	his x mark.
WAH-SHA-SHA-WAH-TI-IN-GAH.	his x mark.
PAH-CHA-HUN-GAH,	his x mark.
LONG BOW,	his x mark.
WAH-SHE-WAH-LA,	his x mark.
WAR EAGLE,	his x mark.
PON-HON-GLE-GAH-TON,	his x mark.
SUN DOWN,	his x mark.
TON-WON-GE-HI,	his x mark.
WAH-CHA-O-NAU-SHE,	his x mark.

I certify that the foregoing treaty was fully explained by me, and that the above signatures, the first as chiefs and headmen and the others as witness[es,] signed the same as their free act and deed.

L. P. CHOUTEAU, *Interpreter.*

Ratification
advised with
amendments.

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 twenty-sixth day of June, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
June 26, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of Treaty and Convention made and concluded at Canville Trading Post, Osage nation, within the boundary of the State of Kansas, on the twenty-ninth day of September, eighteen hundred and sixty-five, by and between the Commissioners on the part of the United States, and the Chief of the tribes of Great and Little Osage Indians, the said chief being duly authorized to negotiate and treat by said tribes, with the following

Amendments.

AMENDMENTS:

Ante, p. 687.

1st. ARTICLE I. line 38, after the word "laws" insert the following: "including any act granting lands to the State of Kansas in aid of the construction of a railroad through said lands."

Ante, p. 688.

2d. ARTICLE II. strike out all after the word "benefit," in line 8, to and including the word "sold," in line 12, and insert in lieu thereof the following: "under the direction of the commissioner of the general land office, at a price not less than one dollar and twenty-five cents per acre as other lands are surveyed and sold, under such rules and regulations as the Secretary of the Interior shall from time to time prescribe."

Ante, p. 688.

3d. ARTICLE IV. line 8, after the word "as," where it occurs the second time, insert: "upon."

Ante, p. 689.

4th. ARTICLE IX. line 9, after the word "cents" insert: "per acre."

Ante, p. 689.

5th. ARTICLE XI. line 3, after the words "through the" insert: "remaining."

6th. Same article, line 4, strike out "herein reserved," and insert in lieu thereof: "of said Indians."

Attest:

J. W. FORNEY, *Secretary.*

Amendments
assented to.

And whereas the foregoing amendments having been fully interpreted and explained to White Hair, Little Beaver, Clermont, Ta-wah-she-he, Met-so-shin-ca, (Little Bear,) No-paw-ahla, and Black Dog, chiefs of the said tribe of Great and Little Osage Indians, they did, on the twenty-first day of September, one thousand eight hundred and sixty-six, give their free and voluntary assent to the same, in the words and figures following, to wit:—

Whereas a certain Treaty was made by and between Commissioners on the part of the United States and the chiefs representing the Great and Little Osage Indians, on the 29th of September, 1865, to the ratification of which Treaty the Senate of the United States has advised and consented, with the following amendments, viz:—

AMENDMENTS.

1st. ARTICLE I. line 38, after the word "laws" insert the following "including any act granting lands to the State of Kansas, in aid of the construction of a railroad through said lands."

2d. ARTICLE II. strike out all after the word "benefit," in line 8, and including the word "sold," in line 12, and insert in lieu thereof the following: "under the direction of the commissioner of the general land office, at a price not less than one dollar and twenty-five cents per acre, as other lands are surveyed and sold under such rules and regulations as the Secretary of the Interior shall from time to time prescribe."

3d. ARTICLE IV. line 8, after the word "as," where it occurs the second time, insert "upon."

4th. ARTICLE IX. line 9, after the word "cents," insert "per acre."

5th. ARTICLE XI. line 3, after the words "through the," insert "remaining."

6th. ARTICLE XI. line 4, strike out "herein reserved," and insert in lieu thereof "of said Indians."

Now, therefore, we, the undersigned, chiefs and headmen of the said Great and Little Osage Indians, having heard the above amendments read, and fully explained to us, on this twenty-first day of September, one thousand eight hundred and sixty-six, do hereby accept and consent to the aforesaid amendments.

WHITE HAIR,	his x mark.
<i>Principal Chief Osage Nation.</i>	
LITTLE BEAVER,	his x mark.
<i>2d Chief White Hair's Band.</i>	
CLERMONT,	his x mark.
<i>Chief Clermont's Band.</i>	
TA-WAH-SHE-HE,	his x mark.
<i>Chief Big Hill Band.</i>	
MET-SO-SHIN-CA,	his x mark.
<i>(Little Bear, Chief Little Osages.</i>	
NO-PAW-AHLA,	his x mark.
<i>2d Chief Little Osages.</i>	
BLACK DOG,	his x mark.
<i>Chief Black Dog's Band.</i>	

Attest:

G. C. SNOW, U. S. *Neosho Ind. Agent.*
 JOSEPH PAW-NE-NO-PASH, *E. Indian.*
 ALEXANDER BEYETT, *Interpreter.*
 MOSES NEAL.
 E. C. AMSDEN.
 GEORGE W. DOUGLASS.
 FRED. FIBBETTS.
 JOHN BRINKLEY.

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-sixth of June, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty with the amendments as aforesaid. Ratification.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-first day of January, in the year of our Lord one thousand eight hundred and sixty-seven, [SEAL.] and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Minneconjon Band of Dakota or Sioux Indians; Concluded October 10, 1865; Ratification advised, with Amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: Oct. 10, 1865.

WHEREAS a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the tenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Hah-wah-zee-dan, (The Lone Horn,) Tah-ke-chah-hoosh-tay, (The Lame Deer,) and other chiefs and headmen of the Minneconjon band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: —

Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory; Edward B. Taylor, superintendent of Indian affairs for the northern superintendency; Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Minneconjon band of Dakota or Sioux Indians.

Contracting parties

ARTICLE I. The Minneconjon band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if requisite, physical force, to prevent other bands of the Dakota or Sioux, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

Jurisdiction and authority of the United States acknowledged, &c.

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Minneconjon band of Dakotas or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue for the future all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Persons and property of other tribes not to be first attacked.

ARTICLE III. All controversies or differences arising between the Minneconjon band of Dakotas or Sioux, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted to the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

Controversies between the tribes to be submitted to the President for arbitrament, &c.

Indians to
withdraw from
overland routes.

Amendment.
Post. p. 697.

Payment to
the Indians.
Proviso.

Individual In-
dians locating on
lands to be pro-
tected.

Amendments
to be binding.

Execution.

ARTICLE IV. The said band represented in council shall withdraw from the routes overland already established, or hereafter to be established through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay the said band the sum of ten thousand dollars annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band, so represented in council, shall faithfully conform to the requirements of this treaty.

ARTICLE V. Should any individual, or individuals, or portion of the band of the Minneconjon band of Dakotas or Sioux, represented in council, desire hereafter to locate permanently upon any part of the lands claimed by the said band, for the purpose [of] agricultural or other pursuits, it is hereby agreed by the parties to this treaty that such individual or individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians.

ARTICLE VI. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the Commissioners on the part of the United States, and the chiefs and headmen of the said Minneconjon band of Dakota or Sioux, have hereunto set their hands, this tenth day of October, one thousand eight hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the said chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, *Maj.-Gen'l*,
H. H. SIBLEY, *Brigadier-General*.
HENRY W. REED,
ORRIN GUERNSEY,

Commissioners on the part of the United States.

HA-WAH-ZEE-DAN, The Lone Horn, his x mark, *1st chief*.
TAH-KE-CHAH-HOOSH-TAY, The Lame Deer, his x mark,
1st chief.
KEE-YAM-E-I-A, One that flies when going, his mark, *chief*.
HA-IL-O-KAH-CHAH-SKAH, White Young Bull, his x mark,
chief.
KE-YAR-CUM-PEE, Give him Room, his x mark, *chief*.
HA-HAR-SKAH-KAH, Long Horn, his x mark, *chief*.
HE-HAN-WE-CHAK-CHAH, The Old Owl, his x mark, *chief*.
WAH-CHEE-HA-SKAH, White Feather, his x mark, *chief*.
TAH-TON-KAH-WAK-KANTO, The High Bull, his x mark,
soldier.
MAH-TO-CHAT-KAH, The Left-handed Bear, his x mark,
soldier.
CHAN-WAH-PA, The Tree in Leaf, his x mark, *soldier*.
TO-KALLA-DOO-TAH, The Red Fox, his x mark, *soldier*.
CHA-TAN-SAPPAH, The Black Hawk, his x mark, *soldier*.
MUCK-A-PEE-AH-TO, The Blue Cloud, his x mark.

Signed by the Commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained in our presence:

A. W. HUBBARD, *M. C. 6th dist. Iowa*.
S. S. CURTIS, *Maj. 2d Colorado Cav. Bvt. Lt. Col. U. S. V.*

TREATY WITH THE MINNECONJON INDIANS. OCTOBER 10, 1865. 697

CHAS. C. G. THORNTON, *Lt. Col. 4th U. S. Vols.*
E. F. RUTH, *Sec'y of Commission.*
R. R. HITT, *Reporter of Com'n.*
THOS. D. MAURICE, *Late Maj. 1st Mo. Lt. Art'y.*
W. MOTT, *Capt. and C. S.*
ZEPHIER RENCONTRE, his x mark, *Interpreter.*
CHARLES DEGRES, his x mark, “

The following chiefs came into council on the 20th Oct. and desired to sign the treaty. They are represented as always friendly to the whites, and have, therefore, been away from most of the tribe.

HAH-SAH-NE-NA-MAZA, One Iron Horse, his x mark.
TO-KIO-WI-CHACK-A-TA, The One that Kills the First on Hand, his x mark.

ATTEST :

S. S. CURTIS, *Bvt. Lt. Col. U. S. V.*
HEZ. L. HOSMER, *Chief Justice of Montana Territory.*
CHARLES DEGRES, his x mark.

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit : —

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5th, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States, by their Commissioners, and the chiefs and headmen of the Minneconjon band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following Ratification with amendment.

AMENDMENT :

Article IV., lines 3, 4, and 5, strike out the following words, viz : “ and See *Ante*, p. 696. of their non-interference with the persons and property of citizens of the United States travelling thereon.”

Attest : J. W. FORNEY, *Secretary.*

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band : — Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty, with the amendment as aforesaid.

In testimony whereof, I have signed the same with my hand and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year of our Lord one thousand eight hundred and [L. s.] sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President :
WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Lower Brulé Band of Dakota or Sioux Indians; Concluded October 14, 1865; Ratification advised, with Amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : Oct. 14, 1865.

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Muz-zah-wy-ah-tay, (The Iron Nation,) Tah-ton-kah-wak-kon, (Medicine Ball,) and other chiefs and headmen of the Lower Brulé band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: —

Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Lower Brulé band of Dakota or Sioux Indians.

Contracting parties.

ARTICLE I. The Lower Brulé band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota or Sioux, or other adjacent tribes, from making hostile demonstrations against the government of the United States or its people.

Jurisdiction and authority of the United States acknowledged

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Lower Brulé band of Dakotas or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue for the future all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Persons and property of other tribes not to be first attacked.

ARTICLE III. All controversies or differences arising between the Lower Brulé band of Dakotas or Sioux, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as

Controversies between the tribes to be submitted to the President for arbitrament, &c.

may be designated by him, and the decision or award faithfully observed by the said band represented in council.

Indians to withdraw from overland routes.
Amendment.
Post, p. 702.

Payment.

Proviso.

Individual Indians locating on lands to be protected.

Reservation for Lower Brulés.

Boundaries.

Payments for agricultural, &c. purposes.

Stock, &c., to be the property of the United States.

Blacksmith and farmer. Roads.

Whites not to go, &c., thereon.

Schools.

Two Kettles band may be located adjoining to the Brulés.

Amendments to be binding.

Execution.

ARTICLE IV. The said band represented in council shall withdraw from the routes overland already established, or hereafter to be established through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of six thousand dollars annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE V. Should any individual, or individuals, or portion of the Lower Brulé band of Dakotas, or Sioux, represented in council, desire hereafter to locate permanently upon any part of the lands claimed by the said band, for the purpose of agricultural or other pursuits, it is hereby agreed by the parties to this treaty that such individual or individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians.

ARTICLE VI. It is hereby agreed upon the part of the government of the United States, that the said band of Lower Brulés shall locate on a permanent reservation at or near the mouth of the White river, to include Fort Lookout, twenty miles in a straight line along the Missouri river, and ten miles in depth; and that upon the actual occupation of not less than fifty lodges or families of said reservation, and their engaging permanently in agricultural and other kindred pursuits, the government of the United States agree to furnish at its own cost the sum of twenty-five dollars for each and every lodge or family so engaged, as a common fund, to be expended in stock, agricultural and other implements and general improvements as shall be directed by the Secretary of the Interior; the said sum to be furnished annually for five years. It being understood that the said stock, agricultural and other implements shall be and remain the property of the United States, to be used and employed for the exclusive benefit of the lodges or families so located, and in no case to be sold or alienated by the said band or any member thereof; and the United States further engage to employ at its own cost a blacksmith and farmer for the benefit of the said lodges or families.

The United States reserve the right to construct a road or roads through the said reservation.

No white person, other than officers, agents or employés of the United States, shall be permitted to go on or remain on the said reservation, unless previously admitted as a member of the said band according to their usages.

Whenever the Secretary of the Interior may so direct, schools for the instruction of the said band may be opened on the said reservation.

ARTICLE VII. The undersigned chiefs of the Brulés, hereby further agree that should the Two Kettles band of the Dakota or Sioux Indians be located adjoining them, they will cheerfully allow them to do so, and also agree that the employés secured to the Brulés may be used also for the joint benefit of the said Two Kettles, at the discretion of the government.

ARTICLE VIII. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the Commissioners on the part of the United States, and the chiefs and headmen of the said Lower Brulé band of Dakota or Sioux, have hereunto set their hands, this fourteenth day of October, one thousand eight hundred and sixty-five, after the contents

had previously been read, interpreted, and explained to the said chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, *Major-General*,
H. H. SIBLEY, *Brigadier-General*,
HENRY W. REED,
ORRIN GUERNSEY,
Commissioners on the part of the United States.

Chiefs.

MUZ-ZAH-WY-AH-TAY, The Iron Nation,	his x mark.
TAH-TON-KAH-WAK-KON, Medicine Ball,	his x mark.
PTA-SON-WE-CHAK-TAY, The One who Killed the White Buffalo Cow,	his x mark.
SHE-O-TCHE-KAH, Little Pheasant,	his x mark.
PTA-SAN-MAN-NEE, White Buffalo Cow that walks,	his x mark.
CHON-TAY-O-KIT-E-KAH, The Brave Heart,	his x mark.
TAH-O-PEE, The Wounded Man,	his x mark.
WAG-AH-MO-AH-WIN, The Gourd Ear Rings,	his x mark.
E-CHAP-SIN-TA-MUZ-ZAH, The Iron Whip,	his x mark.

Chief Soldiers.

ZE-TE-KAH-DAN-SAP-PAH, The Blackbird,	his x mark
WAH-HAH-CHUNKI-E-UN-KA, The Shield that Runs,	his x mark.
MUCK-A-PEE-E-CHASH-NAH, The Cloud that Rattles,	his x mark.
IS-TO-O-PEE, The Wounded Arm,	his x mark.
MIN-DO-TON-KAH-CHE-KAH, The Little Par- tisan,	his x mark.
WAH-MIN-DEE-SHON-TON-KAH, The War Eagle with Large Feathers,	his x mark.

Signed by the Commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained in our presence :—

A. W. HUBBARD, *M. C. 6th dist. Iowa.*
S. S. CURTIS, *Maj. 2d Colorado Cav., Bvt. Lt. Col.*
W. S. WOODS, *Surgeon U. S. Vols.*
E. F. RUTH, *Sec'y to Commission.*
R. R. HITT, *Rep'r of Com'n.*
ZEPHIER RECONTRE, his x mark, *Interpreter.*
CHARLES DEGRE, his x mark, “

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit :—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States of America, by their Commissioners, and the chiefs and Ratified with amendment.

headmen of the Lower Brulé band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following

AMENDMENT :

See *Ante*, p. 700. Article IV., lines 3, 4, and 5, strike out the following words, viz :
“and of their no[n]-interference with the persons and property of citizens of the United States travelling thereon.”

Attest :

J. W. FORNEY, *Secretary*.

And whereas article eighth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band : —

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty, with the amendment as aforesaid.

In testimony whereof, I have signed the same with my hand and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year of our Lord one thousand eight hundred and [L. s.] sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State*.

Treaty between the United States of America and the Cheyenne and Arrapahoe Tribes of Indians; Concluded October 14, 1865; Ratification advised, with Amendments, May 22, 1866; Amendments accepted November 10 and 19, 1866; Proclaimed February 2, 1867.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: Oct. 14, 1865.

WHEREAS A Treaty was made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, Commissioners, on the part of the United States, and Moke-ta-ve-to, (Black Kettle,) Oh-to-ah-ne-so-to-wheo, (Seven Bulls,) Oh-has-tee, (Little Raven,) Oh-hah-mah-hah, (Storm,) and other chiefs and headmen of the Cheyenne and Arrapahoe tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF A TREATY made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, Commissioners on the part of the United States, and the undersigned, chiefs and headmen of and representing the confederated tribes of Arrapahoe and Cheyenne Indians of the Upper Arkansas river, they being duly authorized by their respective tribes to act in the premises.

Contracting parties.

ARTICLE I. It is agreed by the parties to this treaty, that hereafter perpetual peace shall be maintained between the people and government of the United States and the Indians parties hereto, and that the Indians parties hereto shall forever remain at peace with each other, and with all other Indians who sustain friendly relations with the government of the United States. For the purpose of enforcing the provisions of this article, it is agreed that in case hostile acts or depredations are committed by the people of the United States, or by Indians on friendly terms with the United States, against the tribe or tribes, or the individual members of the tribe or tribes, who are parties to this treaty, such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints through their agent to the President of the United States, and thereupon an impartial arbitration shall be had, under his direction, and the award thus made shall be binding on all parties interested, and the government of the United States will in good faith enforce the same. And the Indians parties hereto, on their part, agree, in case crimes or other violations of law shall be committed by any person or persons, members of their tribe, such person or persons shall, upon complaint being made in writing to their agent, superintendent of Indian affairs, or to other proper authority, by the party injured, and verified by affidavit, be delivered to the person

Perpetual peace.

Hostile acts to be settled by arbitration.

Members of tribes committing depredations to be surrendered.

duly authorized to take such person or persons into custody, to the end that such person or persons may be punished according to the laws of the United States.

Reservation for Indians who are parties hereto.

Boundaries.

No whites, except, &c. to settle thereon, unless, &c.

Indians not required to settle thereon, until, &c.;

See amendments. *Foot, pp. 708-710.*
to remove thereto and not leave, unless, &c.;

to refrain from depredations;

not to encamp within ten miles of, &c.

Claims to other lands relinquished, and especially to certain thus bound-
ed.

Until removed to reservation, Indians to be there.

ARTICLE II. The United States hereby agree that the district of country embraced within the following limits, or such portion of the same as may hereafter be designated by the President of the United States for that purpose, viz: commencing at the mouth of Red creek or Red fork of the Arkansas river; thence up said creek or fork to its source; thence westwardly to a point on the Cimarrone river, opposite the mouth of Buffalo creek; thence due north to the Arkansas river; thence down the same to the beginning, shall be, and is hereby, set apart for the absolute and undisturbed use and occupation of the tribes who are parties to this treaty, and of such other friendly tribes as they may from time to time agree to admit among them, and that no white person, except officers, agents, and employees of the government, shall go upon or settle within the country embraced within said limits, unless formally admitted and incorporated into some one of the tribes lawfully residing there, according to its laws and usages: *Provided, however,* That said Indians shall not be required to settle upon said reservation until such time as the United States shall have extinguished all claims of title thereto on the part of other Indians, so that the Indians parties hereto may live thereon at peace with all other tribes.

The Indians parties hereto, on their part, expressly agree to remove to and accept as their permanent home the country embraced within said limits whenever directed so to do by the President of the United States, in accordance with the provisions of this treaty, and that they will not go from said country for hunting or other purposes without the consent in writing of their agent or other authorized person, such written consent in all cases specifying the purpose for which such leave is granted, and shall be borne with them upon their excursions as evidence that they are rightfully away from their reservation, and shall be respected by all officers, employees, and citizens of the United States as their sufficient safeguard and protection against injury or damage in person or property by any and all persons whomsoever.

It is further agreed by the Indians parties hereto that when absent from their reservation they will refrain from the commission of any depredations or injuries to the person or property of all persons sustaining friendly relations with the government of the United States; that they will not, while so absent, encamp by day or at night within ten miles of any of the main travelled routes or roads through the country to which they go, or of the military posts, towns, or villages therein, without the consent of the commanders of such military posts, or of the civil authorities of such towns or villages; and that henceforth they will, and do hereby, relinquish all claims or rights in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and more especially their claims and rights in and to the country bounded as follows, viz: beginning at the junction of the north and south forks of the Platte river; thence up the north fork to the top of the principal range of the Rocky Mountains, or to the Red Buttes; thence southwardly along the summit of the Rocky Mountains to the headwaters of the Arkansas river; thence down the Arkansas river to the Cimarrone crossing of the same; thence to the place of beginning; which country they claim to have originally owned, and never to have relinquished the title thereto.

ARTICLE III. It is further agreed that until the Indians parties hereto have removed to the reservation provided for by the preceding article in pursuance of the stipulations thereof, said Indians shall be, and they are hereby, expressly permitted to reside upon and range at pleasure throughout the unsettled portions of that part of the country they claim

as originally theirs, which lies between the Arkansas and Platte rivers; and that they shall and will not go elsewhere, except upon the terms and conditions prescribed by the preceding article in relation to leaving the reservation thereby provided for: *Provided*, That the provisions of the preceding article in regard to encamping within ten miles of main travelled routes, military posts, towns, and villages shall be in full force as to the occupancy of the country named and permitted by the terms of this article: *Provided, further*, That they, the said Indians, shall and will at all times during such occupancy, without delay, report to the commander of the nearest military post the presence in or approach to said country of any hostile bands of Indians whatsoever.

Proviso.

Proviso.

ARTICLE IV. It is further agreed by the parties hereto that the United States may lay off and build through the reservation, provided for by Article II. of this treaty, such roads or highways as may be deemed necessary; and may also establish such military posts within the same as may be found necessary in order to preserve peace among the Indians, and in order to enforce such laws, rules, and regulations as are now, or may from time to time be, prescribed by the President and Congress of the United States for the protection of the rights of persons and property among the Indians residing upon said reservation; and further, that in time of war such other military posts as may be considered essential to the general interests of the United States may be established: *Provided, however*, That upon the building of such roads, or establishment of such military posts, the amount of injury sustained by reason thereof by the Indians inhabiting said reservation shall be ascertained under direction of the President of the United States, and thereupon such compensation shall be made to said Indians as in the judgment of the Congress of the United States may be deemed just and proper.

United States may build roads through reservation, and establish military posts.

Damages therefor to be ascertained and paid.

ARTICLE V. At the special request of the Cheyenne and Arrapahoe Indians, parties to this treaty, the United States agree to grant, by patent in fee-simple, to the following-named persons, all of whom are related to the Cheyennes or Arrapahoes by blood, to each an amount of land equal to one section of six hundred and forty acres, viz: To Mrs. Margaret Wilmarth and her children, Virginia Fitzpatrick, and Andrew Jackson Fitzpatrick; to Mrs. Mary Keith and her children, William Keith, Mary J. Keith, and Francis Keith; to Mrs. Matilda Pepperdin and her child, Miss Margaret Pepperdin; to Robert Poisal and John Poisal; to Edmund Guerrier, Rosa Guerrier, and Julia Guerrier; to William W. Bent's daughter, Mary Bent Moore, and her three children, Adia Moore, William Bent Moore, and George Moore; to William W. Bent's children, George Bent, Charles Bent, and Julia Bent; to A-ma-che, the wife of John Prowers, and her children, Mary Prowers and Susan Prowers; to the children of Ote-se-ot-see, wife of John Y. Sickles, viz: Margaret, Minnie, and John; to the children of John S. Smith, interpreter, William Gilpin Smith, and daughter Armama; to Jenny Lind Crocker, daughter of Ne-sou-hoe, or Are-you-there, wife of Lieutenant Crocker; to Winsor, daughter of Tow-e-nah, wife of A. T. Winsor, sutler, formerly at Ft. Lyon. Said lands to be selected under the direction of the Secretary of the Interior, from the reservation established by the 1st article of their treaty of February 18, A. D. 1861.

Patent for 640 acres of land in fee-simple to certain persons

ARTICLE VI. The United States being desirous to express its condemnation of, and, as far as may be, repudiate the gross and wanton outrages perpetrated against certain bands of Cheyenne and Arrapahoe Indians by Colonel J. M. Chivington, in command of United States troops, on the twenty-ninth day of November, A. D. 1864, at Sand Creek, in Colorado Territory, while the said Indians were at peace with the United States, and under its flag, whose protection they had by lawful authority been promised and induced to seek, and the government being desirous to make some suitable reparation for the injuries then done, will

See amendments. *Post*, pp. 708-710.

Grant of lands, in reparation for outrages against certain bands, to certain chiefs of bands.

See amendments. *Post*, pp. 708-710.

grant three hundred any twenty acres of land by patent to each of the following-named chiefs of said bands, viz: Moke-ta-ve-to, or Black Kettle; Oh-tah-ha-ne-so-weel, or Seven Bulls; Alik-ke-home-ma, or Little Robe; Moke-tah-vo-ve-hoe, or Black White Man; and will in like manner grant to each other person of said bands made a widow, or who lost a parent upon that occasion, one hundred and sixty acres of land, the names of such persons to be ascertained under the direction of the Secretary of the Interior: *Provided*, That said grants shall be conditioned that all devises, grants, alienations, leases, and contracts relative to said lands, made or entered into during the period of fifty years from the date of such patents, shall be unlawful and void. Said lands shall be selected under the direction of the Secretary of the Interior within the limits of country hereby set apart as a reservation for the Indians parties to this treaty, and shall be free from assessment and taxation so long as they remain inalienable. The United States will also pay in United States securities, animals, goods, provisions, or such other useful articles as may, in the discretion of the Secretary of the Interior, be deemed best adapted to the respective wants and conditions of the persons named in the schedule hereto annexed, they being present and members of the bands who suffered at Sand Creek, upon the occasion aforesaid, the sums set opposite their names, respectively, as a compensation for property belonging to them, and then and there destroyed or taken from them by the United States troops aforesaid.

Conditions of grants.

Lands, how to be selected.

Further compensation for property lost.

Annuities for forty years.

Amount.

When to be delivered.

Present number of Indians.

Other portions of tribes to be urged to join in this treaty.

Arrears of annuities under former treaties to be paid as soon as, &c.
See amendments. *Post*, pp. 708-710.

ARTICLE VII. The United States agree that they will expend annually during the period of forty years, from and after the ratification of this treaty, for the benefit of the Indians who are parties hereto, and of such others as may unite with them in pursuance of the terms hereof, in such manner and for such purposes as, in the judgment of the Secretary of the Interior, for the time being, will best subserve their wants and interests as a people, the following amounts, that is to say, until such time as said Indians shall be removed to their reservation, as provided for by Article II. of this treaty, an amount which shall be equal to twenty dollars per capita for each person entitled to participate in the beneficial provisions of this treaty, and from and after the time when such removal shall have been accomplished, an amount which shall be equal to forty dollars per capita for each person entitled as aforesaid. Such proportion of the expenditure provided for by this article as may be considered expedient to distribute in the form of annuities shall be delivered to said Indians as follows, viz: one third thereof during the spring, and two thirds thereof during the autumn of each year.

For the purpose of determining from time to time the aggregate amount to be expended under the provisions of this article, it is agreed that the number entitled to its beneficial provisions the coming year is two thousand eight hundred, and that an accurate census of the Indians entitled shall be taken at the time of the annuity payment in the spring of each year by their agent or other person designated for that purpose by the Secretary of the Interior, which census shall be the basis on which the amount to be expended the next ensuing year shall be determined.

ARTICLE VIII. The Indians parties to this treaty expressly covenant and agree that they will use their utmost endeavors to induce that portion of the respective tribes not now present to unite with them and accede to the provisions of this treaty, which union and accession shall be evidenced and made binding on all parties whenever such absentees shall have participated in the beneficial provisions of this treaty.

ARTICLE IX. It is further agreed that all arrears of annuities which have accrued or may accrue under the provisions of former treaties prior to the ratification of this treaty, shall be paid to said Indians as soon as practicable, and that upon such ratification such former treaty shall thenceforth be abrogated and of no binding force or validity.

In testimony whereof, the said Commissioners as aforesaid, and the undersigned chiefs and headmen of the confederated tribes of the Arrapahoes and Cheyennes of the Upper Arkansas, have hereunto set their hands and seals, at the place and on the day and year first hereinbefore written. Execution.

JOHN B. SANBORN,	[SEAL.]
WM. S. HARNEY,	[SEAL.]
THOS. MURPHY,	[SEAL.]
KIT CARSON,	[SEAL.]
WM. W. BENT,	[SEAL.]
J. H. LEAVENWORTH,	[SEAL.]
JAMES STEELE.	[SEAL.]

Commissioners on the part of the United States.

MOKE-TA-VE-TO, or Black Kettle, head chief, his x mark. [SEAL.]
 OH-TO-AH-NE-SO-TO-WHEO, or Seven Bulls, chief, his x mark. [SEAL.]
 HARK-KAH-O-ME, or Little Robe, chief, his x mark. [SEAL.]
 MOKE-TAH-VO-VE-HO, or Black White Man, chief, his x mark. [SEAL.]
 MUN-A-MEN-EK, or Eagle's Head, headman, his x mark. [SEAL.]
 O-TO-AH-NIS-TO, or Bull that Hears, headman, his x mark. [SEAL.]

On the part of the Cheyennes.

OH-HAS-TEE, or Little Raven, head chief, his x mark. [SEAL.]
 OH-HAH-MAH-HAH, or Storm, chief, his x mark. [SEAL.]
 PAH-UF-PAH-TOP, or Big Mouth, chief, his x mark. [SEAL.]
 AH-CRA-KAH-TAU-NAH, or Spotted Wolf, chief, his x mark. [SEAL.]
 AH-NAH-WAT-TAN, or Black Man, headman, his x mark. [SEAL.]
 NAH-A-NAH-CHA, or Chief in Everything, headman, his x mark. [SEAL.]
 CHI-E-NUK, or Haversack, headman, his x mark. [SEAL.]

On the part of the Arrapahoes.

Signed and sealed in the presence of—

JOHN S. SMITH, <i>U. S. Interpreter.</i>	
W. R. IRWIN,	} <i>Secretaries.</i>
O. T. ATWOOD,	
S. A. KINGMAN,	
D. C. MCNEIL,	
E. W. WYNKOOP,	
BON. H. VAN HAVRE,	
J. E. BADGER,	
W. W. RICH.	

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 twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:— Ratification advised with amendments

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
May 22, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the Commissioners on the part of the United States, and the chiefs and headmen of and representing the confederated tribes of Ar[r]apaho[e] and Cheyenne Indians of the Upper Arkansas river, made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

AMENDMENTS :

- Ante*, p. 704. 1st. ARTICLE II. page 3, after the word "tribes," at the end of line 21, insert the following words: "*Provided, however*, That as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them as soon as practicable to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent."
- Ante*, p. 705. 2d. At the end of Article V. insert the following words: "*Provided*, That said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose."
- Ante*, p. 705. 3d. ARTICLE VI. page 8, lines 4 and 5, strike out the words "by Colonel J. M. Chivington, in command of United States troops."
- Ante*, p. 706. 4th. Strike out Article IX. and insert in lieu thereof the following: "Article IX. Upon the ratification of this treaty, all former treaties are hereby abrogated."

Attest :

J. W. FORNEY, *Secretary*.

And whereas the foregoing amendments having been fully explained and interpreted to the undersigned chiefs and headmen of the Arrapahoe and Cheyenne Indians, they did, on the tenth day of November, one thousand eight hundred and sixty-six, on behalf of their respective tribes, give their free and voluntary assent to said amendments, in the words and figures following, to wit:—

Whereas the Senate of the United States, in executive session, did, on the 22d day of May, A. D. 1866, advise and consent to the ratification of the treaty between the Commissioners on the part of the United States and the chiefs and headmen of and representing the confederated tribes of Ar[r]apaho[e] and Cheyenne Indians of the Upper Arkansas river, made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

AMENDMENTS :

- Ante*, p. 704. 1st. ARTICLE II. page 3, after the word "tribes," at the end of line 21, insert the following words: "*Provided, however*, That as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them as soon as practicable to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent."
- Ante*, p. 705. 2d. At the end of Article V. insert the following words: "*Provided*, That said location shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose."
- Ante*, p. 705. 3d. ARTICLE VI. page 8, lines 4 and 5, strike out the words "by Col. J. M. Chivington, in command of United States troops."

TREATY WITH THE CHEYENNES AND ARRAPAHOES. Oct. 14, 1865. 709

4th. Strike out Article IX. and insert in lieu thereof the following: *Ante*, p. 706.
 "Article IX. Upon the ratification of this treaty, all former treaties are hereby abrogated."

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned chiefs and headmen representing the confederated tribes of the Ar[r]apahoe and Cheyenne Indians of the Upper Arkansas river, we do hereby agree to and ratify the same.

Done at Fort Zarah, Kansas, on this 10th day of November, 1866.

OH-HAS-TIE, or Little Raven, head chief.	his x mark.
OH-HAH-MAH-HAH, or Storm.	his x mark.
AH-NAH-WAT-TAN, or Black Man.	his x mark.
CHIE-E-NUK, or Haversack.	his x mark.
NAH-A-NAT-CHA, or Round Chief.	his x mark.
NAH-KIN-NE-HA-NA, or Yellow Rabbit.	his x mark.

On the part of the Ar[r]apahoes.

MOKE-TO-VE-TO, or Black Kettle, head chief,	his x mark.
HARK-KA-O-ME, or Little Robe,	his x mark.
MOKE-TAH-VO-VE-HO, or Black White Man,	his x mark.
MUN-A-MEN-EK, or Eagle Head,	his x mark.
MAK-STE-A, or Big Head,	his x mark.
NAH-A-STO-KE, or Bear Killer,	his x mark.
VOH-IS-TO, or White Buffalo,	his x mark.

On the part of the Cheyennes.

JOHN S. SMITH, *U. S. Ind. Interpreter.*
 CHAS. BOGY, *Special U. S. Ind. Agt.*
 F. W. OLMSTED, *Secretary.*
 W. R. IRWIN, *Special U. S. Ind. Agt.*
 D. A. BUTTERFIELD.
 WM. MATHEWSON.
 E. W. WYNKOOP, *U. S. Indian Agent.*

And whereas by the terms of a treaty concluded at the council ground on the Little Arkansas river, in the State of Kansas, on the seventeenth day of October, one thousand eight hundred and sixty-five, between the United States and the Apache, Cheyenne, and Arrapahoe tribes of Indians, the said Apache Indians became confederated with the said Cheyenne and Arrapahoe Indians, and in article second of said treaty said Apaches are included in the several terms, stipulations, and agreements of the present treaty of the fourteenth of October, one thousand eight hundred and sixty-five, between the United States and the Cheyenne and Arrapahoe tribes of Indians; and whereas the amendments with which the Senate advised and consented to said treaty of the fourteenth of October, one thousand eight hundred and sixty-five, on the twenty-second of May, one thousand eight hundred and sixty-six, having also been fully explained and interpreted to the undersigned chiefs and headmen of the said Apache tribe of Indians, they did, on the nineteenth day of November, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments in the words and figures following, to wit:—

Treaties.

Post, p. 713.

Whereas the Senate of the United States, in executive session, did, on the twenty-second day of May, A. D. 1866, advise and consent to the ratification of the treaty between the Commissioners on the part of the United States and the chiefs and headmen of and representing the confederated tribes of Ar[r]apahoe and Cheyenne Indians of the Upper

Arkansas river, made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

AMENDMENTS :

- Ante*, p. 704. 1st. ARTICLE II. page 3, after the word "tribes," at the end of line 21, insert the following words: "*Provided, however,* That as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them as soon as practicable to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent."
- Ante*, p. 705. 2d. At the end of Article V. insert the following words: "*Provided,* That said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose."
- Ante*, p. 705. 3d. ARTICLE VI. page 8, lines 4 and 5, strike out the words "by Col. J. M. Chivington in command of United States troops."
- Ante*, p. 706. 4th. Strike out Article IX. and insert in lieu thereof the following. "Article IX. Upon the ratification of this treaty, all former treaties are hereby abrogated."

Treaties.
Post, p. 713.

And whereas by the terms of a treaty concluded at the council ground on the Little Arkansas river, in the State of Kansas, on the 17th day of October, 1865, between the United States and the Apache, Cheyenne, and Ar[r]apahoe tribes of Indians, the said Apache Indians became confederated with the said Cheyenne and Ar[r]apahoe Indians; and whereas it is provided by Article II. of said treaty, that "the several terms, stipulations, and agreements to be done and performed on the part of the United States for and with the said Cheyenne and Ar[r]apahoe tribes of Indians, and by the said Cheyenne and Ar[r]apahoe tribes of Indians for and with the United States, by the provisions of said treaty of October 14, 1865, shall be done and performed by the United States for and on behalf of the said confederated tribes or bands of Cheyenne, Ar[r]apahoe, and Apache Indians, and on their part shall be done, observed and performed to, with, and for the United States, in the same manner, to the same extent, and for like objects, to all intents and purposes, as would have been the case had said treaty been originally made and executed with the said confederated tribes of Cheyenne, Ar[r]apahoe, and Apache Indians"; and whereas the Senate of the United States, in executive session, did, on the 22d day of May, 1866, advise and consent to the said treaty between the United States and the Cheyenne and Ar[r]apahoe Indians, made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with certain amendments fully hereinbefore set forth; and whereas the same have been fully interpreted and explained to the undersigned chiefs and headmen of the Apache tribe of Indians, we, the said chiefs and headmen, do hereby agree to and ratify the same.

Done at Fort Zarah, Kansas, this the 19th day of November, A. D. 1866.

MAH-VIP-PAH, or the Wolf Sleeve, chief,	his x mark.
KARN-TIN-TAH, or the Crow, chief,	his x mark.
BA-ZHE-ECH, or Iron Shirt,	his x mark.
NAHN-TAN, or the Left Hand, chief,	his x mark.
DA-ICH-I-CHE,	
or the One who approaches his enemy.	his x mark.

Signed in the presence of
JOHN S. SMITH, *U. S. Interpreter.*
WM. MATHEWSON.

F. W. OLMSTED.

CHAS. BOGY, *Special U. S. Ind. Agent.*

W. R. IRWIN, *Special U. S. Ind. Agent.*

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty of the fourteenth of October, one thousand eight hundred and sixty-five, with the amendments as aforesaid.

Ratification.

In testimony whereof I have hereto signed my name, and have caused the seal of the United States to be affixed.

Done at the city of Washington, this second day of February, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*



Treaty between the United States of America and the Apache, Cheyenne, and Arrapahoe Tribes of Indians; Concluded October 17, 1865; Ratification advised May 22, 1866; Proclaimed May 26, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 17, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the council-ground on the Little Arkansas river, in the State of Kansas, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, James Steele, William W. Bent, Kit Carson, Thomas Murphy, and J. H. Leavenworth, Commissioners, on the part of the United States, and Kou-zhon-ta-co, (Poor Bear,) Ba-zhe-ech, (Iron Shirt,) and other chiefs and headmen, on the part of the Apache tribe of Indians, Moke-ta-ve-to, (Black Kettle,) Oh-to-ah-ne-so-to-wheo, (Seven Bulls,) and other chiefs and headmen, on the part of the Cheyenne tribe of Indians, and Oh-has-tee, (Little Raven,) Oh-hah-mah-hah, (Storm,) and other chiefs and headmen, on the part of the Arrapahoe tribe of Indians, all of which chiefs and headmen were duly authorized thereto by their respective tribes, which treaty is in the words and figures following, to wit: —

Preamble.

Whereas a treaty was made and concluded, by and between the undersigned Commissioners on the part of the United States, and the undersigned chiefs and headmen of the Cheyenne and Arrapahoe tribes of Indians, on the part of said tribes, on the fourteenth day of October, A. D. 1865, at the council-grounds on the Little Arkansas river, in the State of Kansas; and whereas the Apache Indians, who have been heretofore confederated with the Kiowa and Camanche tribes of Indians, are desirous of dissolving said confederation and uniting their fortunes with the said Cheyennes and Arrapahoes; and whereas the said last-named tribes are willing to receive among themselves on an equal footing with the members of their own tribes, the said Apache Indians; and the United States, by their said Commissioners, having given their assent thereto; it is therefore hereby agreed by and between the United States, by their said Commissioners, and the said Cheyenne, Arrapahoe, and Apache Indians, by the undersigned chiefs and headmen of said tribes respectively, as follows, viz: —

Contracting parties.

Ante, p. 703.

ARTICLE I. The said Cheyenne, Arrapahoe, and Apache tribes henceforth shall be and they are hereby united, and the United States will hereafter recognize said tribes as the confederated bands or tribes of Cheyenne, Arrapahoe, and Apache Indians.

Cheyenne, Arrapahoe, and Apache tribes are united and recognized as confederated tribes by the United States.

ARTICLE II. The several terms, stipulations and agreements to be done and performed on the part of the United States for and with the said Cheyenne and Arrapahoe tribes of Indians, and by the said Cheyenne and Arrapahoe tribes of Indians, for and with the United States, by the provisions of said treaty of October 14th, A. D. 1865, shall be done and performed by the United States for and on behalf of the said confederated tribes or bands of Cheyenne, Arrapahoe, and Apache Indians, and on

Stipulation of former treaty to be binding upon the parties hereto.

their part shall be done, observed and performed to, with and for the United States in the same manner, to the same extent, and for like objects, to all intents and purposes, as would have been the case had said treaty been originally made and executed with the said confederated tribes of Cheyenne, Arrapahoe, and Apache Indians.

Execution. In testimony whereof, the undersigned, Commissioners on the part of the United States, and the chiefs and headmen of said tribes, have hereunto set their hands and seals at the council-ground on the Little Arkansas, in the State of Kansas, this 17th day of October, A. D. 1865.

JOHN B. SANBORN,	[SEAL.]
WM. S. HARNEY,	[SEAL.]
JAMES STEELE,	[SEAL.]
WM. W. BENT,	[SEAL.]
KIT CARSON,	[SEAL.]
THOS. MURPHY,	[SEAL.]
J. H. LEAVENWORTH,	[SEAL.]

Commissioners on the part of the United States.

KOU-ZHON-TA-CO, or Poor Bear, head chief,	his x mark.	[SEAL.]
BA-ZHE-ECH, or Iron Shirt, chief,	his x mark.	[SEAL.]
AZ-CHE-OM-A-TE-NE, or the Old Fool Man, chief,	his x mark.	[SEAL.]
KARN-TIN-TA, or The Crow, chief,	his x mark.	[SEAL.]
MAH-VIP-PAH, or The Wolf Sleeve, chief,	his x mark.	[SEAL.]
NAHN-TAN, or The Chief,	his x mark.	[SEAL.]

On the part of the Apaches.

MOKE-TA-VE-TO, or Black Kettle, head chief,	his x mark.	[SEAL.]
OH-TO-AH-NE-SO-TO-WHEO, or Seven Bulls, chief,	his x mark.	[SEAL.]
HARK-KAH-O-ME, or Little Robe, chief,	his x mark.	[SEAL.]
MOKE-TAH-VO-VE-HO, or Black White Man, chief,	his x mark.	[SEAL.]
MUN-A-MEN-EK, or Eagle's Head, headman,	his x mark.	[SEAL.]
O-TO-AH-NIS-TO, or Bull that Hears, headman,	his x mark.	[SEAL.]

On the part of the Cheyennes.

OH-HAS-TEE, or Little Raven, head chief,	his x mark.	[SEAL.]
OH-HAH-MAH-HAH, or Storm, chief,	his x mark.	[SEAL.]
PAH-UF-PAH-TOP, or Big Mouth, chief,	his x mark.	[SEAL.]
AH-CRA-KA-TAU-NAH, or Spotted Wolf, chief,	his x mark.	[SEAL.]
AH-NAH-WAT-TAU, or Black Man, headman,	his x mark.	[SEAL.]
NAH-A-NAH-CHA, Chief in Everything, headman,	his x mark.	[SEAL.]
CHI-E-NUK, or Haversack, headman,	his x mark.	[SEAL.]

On the part of the Arrapahoes.

Signed and sealed in presence of —

W. R. IRWIN, *Secretary*.
D. C. McNEIL.

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 twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit: — Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
May 22, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States, by their Commissioners, and the chiefs and headmen of the Apaches and Cheyennes and Ar[r]apahoes, respectively, made and concluded at the council-ground on the Little Arkansas, in the State of Kansas, on the 17th of October, 1865.

Attest: J. W. FORNEY, *Secretary*.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty. Proclaimed.

In testimony whereof I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-sixth day of May, in the year of our Lord one thousand eight hundred [SEAL.] and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:
WILLIAM H. SEWARD, *Secretary of State*.

Treaty between the United States of America and the Camanche and Kiowa Tribes of Indians; Concluded October 18, 1865; Ratification advised, May 22, 1866; Proclaimed May 26, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 18, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at the council-ground on the little Arkansas river, in the State of Kansas, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Kit Carson, William W. Bent, James Steele, Thomas Murphy, and J. H. Leavenworth, Commissioners, on the part of the United States, and Tab-e-nan-i-kah, (Rising Sun,) Esh-e-tave-pa-rah, (Female Infant,) and other chiefs and headmen, on the part of the Camanche bands of Indians, and Queil-park, (Lone Wolf,) Wah-toh-konk, (Black Eagle,) and other chiefs and headmen, on the part of the Kiowa tribe of Indians, all of which chiefs and headmen were duly authorized thereto by their respective bands and tribes, which treaty is in the words and figures following, to wit: —

Preamble.

ARTICLES OF A TREATY made and concluded at the council-ground on the Little Arkansas river eight miles from the mouth of said river, in the State of Kansas, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, Commissioners on the part of the United States, and the undersigned chiefs and headmen of the several bands of Camanche Indians specified in connection with their signatures, and the chiefs and headmen of the Kiowa tribe of Indians, the said chiefs and headmen by the said bands and tribes being thereunto duly authorized.

Contracting parties.

ARTICLE I. It is agreed by the parties to this treaty that hereafter perpetual peace shall be maintained between the people and government of the United States and the Indians parties hereto, and that the Indians parties hereto shall forever remain at peace with each other and with all other Indians who sustain friendly relations with the government of the United States.

Perpetual peace.

For the purpose of enforcing the provisions of this article, it is agreed that in case hostile acts or depredations are committed by the people of the United States, or by the Indians on friendly terms with the United States, against the tribe or tribes or the individual members of the tribe or tribes who are parties to this treaty, such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints, through their agent, to the President of the United States, and thereupon an impartial arbitration shall be had under his direction, and the award thus made shall be binding on all parties interested, and the government of the United States will in good faith enforce the same.

Hostile acts to be settled by arbitration.

And the Indians parties hereto, on their part, agree, in case crimes or

Members of tribe committing crimes to be surrendered.

other violations of law shall be committed by any person or persons members of their tribe, such person or persons shall, upon complaint being made in writing, to their agent, superintendent of Indian affairs, or to other proper authority, by the party injured, and verified by affidavit, be delivered to the person duly authorized to take such person or persons into custody, to the end that such person or persons may be punished according to the laws of the United States.

Reservation for Indians who are parties hereto.

ARTICLE II. The United States hereby agree that the district of country embraced within the following limits, or such portion of the same as may hereafter from time to time be designated by the President of the United States for that purpose, viz : commencing at the northeast corner of New Mexico, thence south to the southeast corner of the same ; thence northeasterly to a point on main Red river opposite the mouth of the North Fork of said river ; thence down said river to the 98th degree of west longitude ; thence due north on said meridian to the Cimarrone river ; thence up said river to a point where the same crosses the southern boundary of the State of Kansas ; thence along said southern boundary of Kansas to the southwest corner of said State ; thence west to the place of beginning, shall be and is hereby set apart for the absolute and undisturbed use and occupation of the tribes who are parties to this treaty, and of such other friendly tribes as have heretofore resided within said limits, or as they may from time to time agree to admit among them, and that no white person except officers, agents, and employés of the government shall go upon or settle within the country embraced within said limits, unless formally admitted and incorporated into some one of the tribes lawfully residing there, according to its laws and usages. The Indians parties hereto on their part expressly agree to remove to and accept as their permanent home the country embraced within said limits, whenever directed so to do by the President of the United States, in accordance with the provisions of this treaty, and that they will not go from said country for hunting or other purposes without the consent in writing of their agent or other authorized person, specifying the purpose for which such leave is granted, and such written consent in all cases shall be borne with them upon their excursions, as evidence that they are rightfully away from their reservation, and shall be respected by all officers, employés, and citizens of the United States, as their sufficient safeguard and protection against injury or damage in person or property, by any and all persons whomsoever. It is further agreed by the Indians parties hereto that when absent from their reservation, they will refrain from the commission of any depredations or injuries to the person or property of all persons sustaining friendly relations with the government of the United States ; that they will not while so absent encamp, by day or night, within ten miles of any of the main travelled routes or roads through the country to which they go, or of the military posts, towns or villages therein, without the consent of the commanders of such military posts, or of the civil authorities of such towns or villages, and that henceforth they will and do hereby relinquish all claims or rights in and to any portion of the United States or territories, except such as is embraced within the limits aforesaid, and more especially their claims and rights in and to the country north of the Cimarrone river and west of the eastern boundary of New Mexico.

Boundaries. No whites, except, &c. to settle thereon, unless, &c.

Indians to remove thereto, and not leave, unless, &c. ;

to refrain from depredations ;

not to encamp within ten miles of, &c.

Claims to other lands relinquished.

Until removal to reservation, Indians to be where.

ARTICLE III. It is further agreed that until the Indians parties hereto have removed to the reservation provided for by the preceding article, in pursuance of the stipulations thereof, said Indians shall be and they are hereby expressly permitted to reside upon and range at pleasure throughout the unsettled portions of that part of the country they claim as originally theirs, which lies south of the Arkansas river, as well as the country embraced within the limits of the reservation provided for by the preceding article, and that they shall and will not go elsewhere, except upon the terms and conditions prescribed by the preceding article in rela-

tion to leaving said reservation : *Provided*, That the provisions of the preceding article in regard to encamping within ten miles of main travelled routes, military posts, towns and villages, shall be in full force as to the privileges granted by this article : *And provided further*, That they, the said Indians, shall and will at all times, and without delay, report to the commander of the nearest military post the presence in or approach to said country of any hostile band or bands of Indians whatever.

Proviso.

Proviso.

ARTICLE IV. It is further agreed by the parties hereto that the United States may lay off and build through the reservation, provided for by article II. of this treaty, roads or highways as may be deemed necessary, and may also establish such military posts within the same as may be found necessary, in order to preserve peace among the Indians, and in order to enforce such laws, rules, and regulations as are now or may from time to time be prescribed by the President and Congress of the United States for the protection of the rights of persons and property among the Indians residing upon said reservation, and further, that in time of war such other military posts as may be considered essential to the general interests of the United States may be established : *Provided, however*, That upon the building of such roads, or establishment of such military posts, the amount of injury sustained by reason thereof by the Indians inhabiting said reservation shall be ascertained under direction of the President of the United States, and thereupon such compensation shall be made to said Indians as, in the judgment of the Congress of the United States, may be deemed just and proper.

United States may build roads through reservation, and establish military posts.

Damages therefor to be ascertained and paid.

ARTICLE V. The United States agree that they will expend annually, during the period of forty years, from and after the ratification of this treaty, for the benefit of the Indians who are parties hereto, and of such others as may unite with them in pursuance of the terms hereof, in such manner and for such purposes as, in the judgment of the Secretary of the Interior for the time being, will best subserve their wants and interests as a people, the following amounts, that is to say, until such time as said Indians shall be removed to their reservations, as provided for by article II. of this treaty, an amount which shall be equal to ten dollars per capita for each person entitled to participate in the beneficial provisions of this treaty ; and from and after the time when such removal shall have been accomplished, an amount which shall be equal to fifteen dollars per capita for each person entitled as aforesaid. Such proportion of the expenditure provided for by this article as may be considered expedient to distribute in the form of annuities shall be delivered to said Indians as follows, viz : one third thereof during the spring, and two thirds thereof during the autumn of each year.

Annuities for forty years.

Amount

When to be delivered.

For the purpose of determining from time to time the aggregate amount to be expended under the provisions of this article, it is agreed that the number entitled to its beneficial provisions the coming year is four thousand, and that an accurate census of the Indians entitled shall be taken at the time of the annuity payment in the spring of each year by their agent or other person designated by the Secretary of the Interior, which census shall be the basis on which the amount to be expended the next ensuing year shall be determined.

Present number of Indians.

Census to be taken annually.

ARTICLE VI. The Indians parties to this treaty expressly covenant and agree that they will use their utmost endeavors to induce that portion of the respective tribes not now present to unite with them and accede to the provisions of this treaty, which union and accession shall be evidenced and made binding on all parties whenever such absentees shall have participated in the beneficial provisions of this treaty.

Other portions of tribes to be urged to join in this treaty.

In testimony whereof, the said Commissioners on the part of the United States, and the chiefs and headmen of the said bands of Camanche Indians and of the Kiowa tribe of Indians, hereinbefore referred to, and designated in connection with their signatures, have hereunto subscribed their names and affixed their seals on the day and year first above written.

Execution.

JOHN B. SANBORN,	[SEAL.]
WM. S. HARNEY,	[SEAL.]
KIT CARSON,	[SEAL.]
WM. W. BENT,	[SEAL.]
JAMES STEELE,	[SEAL.]
THOS. MURPHY,	[SEAL.]
J. H. LEAVENWORTH,	[SEAL.]

Commissioners on the part of the United States.

Signed and sealed in presence of—

W. R. IRWIN, *Secretary.*
 WM. T. KITTRIDGE.
 D. C. MCNEIL.
 JAS. S. BOYD.

TAB-E-NAN-I-KAH, or Rising Sun, his x mark, [SEAL.]
 Chief of Yampirica, or Root Eater band of Camanches, for Paddy-wah-say-mer and Ho-to-yo-koh-wat's bands.
 ESH-E-TAVE-PA-RAH, or Female Infant, his x mark, [SEAL.]
 Headman of Yampirica band of Camanches.
 A-SHA-HAB-BEET, or Milky Way, his x mark, [SEAL.]
 Chief Penne-taha, or Sugar Eater band of Camanches, and for Co-che-te-ka, or Buffalo Eater band.
 QUEEN-AH-E-VAH, or Eagle Drinking, his x mark, [SEAL.]
 Head chief of No-co-nee or Go-about band of Camanches.
 TA-HA-YER-QUOIP, or Horse's Back, his x mark, [SEAL.]
 2d chief of No-co-nee or Go-about band of Camanches.
 POCHA-NAW-QUOIP, or Buffalo Hump, his x mark [SEAL.]
 3d chief of Pennetaka, or Sugar Eater band of Camanches.
 HO-TO-YO-KOH-WOT, or Over the Buttes, his x mark, [SEAL.]
 Chief of Yampirica band.
 PARRY-WAH-SAY-MER, or Ten Bears, his x mark, [SEAL.]
 Chief of Yampirica band.
 BO-YAH-WAH-TO-YEH-BE, or Iron Mountain,
 Chief of Yampirica band of Camanches, his x mark, [SEAL.]
 BO-WAH-QUAS-SUH, or Iron Shirt, his x mark, [SEAL.]
 Chief of De-na-vi band, or Liver Eater band of Camanches.
 TO-SA-WI, or Silver Brooch, his x mark, [SEAL.]
 Head Chief of Pennetaka band of Camanches.
 QUEIL-PARK, or Lone Wolf, his x mark, [SEAL.]
 WAH-TOH-KONK, or Black Eagle, his x mark, [SEAL.]
 ZIP-KI-YAH, or Big Bow, his x mark, [SEAL.]
 SA-TAN-TA, or White Bear, his x mark, [SEAL.]
 TON-A-EN-KO, or Kicking Eagle, his x mark, [SEAL.]
 SETTEM-KA-YAH, or Bear Runs over a Man, his x mark, [SEAL.]
 KAW-PE-AH, or Plumed Lance, his x mark, [SEAL.]
 TO-HAU-SON, or Little Mountain, his x mark, [SEAL.]
 SA-TANK, or Sitting Bear, his x mark, [SEAL.]
 PAWNEE, or Poor Man, his x mark, [SEAL.]
 TA-KI-BULL, or Stinking Saddle Cloth, his x mark, [SEAL.]
 Chief of the Kiowa tribe.

Ratification. 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 twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
May 22, 1866.

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 council-ground on the Little Arkansas river, eight miles from the mouth of said river, in the State of Kansas, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between the Commissioners on the part of the United States, and the chiefs and headmen of the Kiowa tribe of Indians.

Attest:

J. W. FORNEY, *Secretary*.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty.

Proclaimed.

In testimony whereof I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-sixth day of May, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.

Treaty between the United States of America and the Two Kettles Band of Dakota or Sioux Indians; Concluded October 19, 1865; Ratification advised, with Amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: Oct. 19, 1865.

WHEREAS a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Cha-tan-skah, (The White Hawk,) E-to-ke-ah, (The Hump,) and other chiefs and headmen of the Two Kettles band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Two Kettles band of Dakota or Sioux Indians.

Contract parties.

ARTICLE I. The Two Kettles band of Dakota or Sioux Indians represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota or Sioux, or other adjacent tribes, from making hostile demonstrations against the government of the United States or its people.

Authority and jurisdiction of the United States acknowledged.

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction, hitherto at war with each other, the Two Kettles band of Dakota or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue, for the future, all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Persons and property of other tribes not to be first attacked.

ARTICLE III. All controversies or differences arising between the Two Kettles band of Dakota or Sioux, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

Controversies to be submitted to the arbitrament of the President.

Indians to withdraw from overland routes.

ARTICLE IV. The said band, represented in council, shall withdraw from the routes overland already established, or hereafter to be established through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of six thousand dollars annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That the said band so represented in council shall faithfully conform to the requirements of this treaty.

Amendment. Post, p. 725. Payment. Proviso.

Individual Indians locating upon lands to be protected.

ARTICLE V. Should any individual or individuals, or portion of the band of The Two Kettles band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any part of the land claimed by the said band, for the purpose of agricultural or other pursuits, it is hereby agreed by the parties to this treaty that such individual or individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and where twenty lodges or families of the Two Kettles band shall have located on lands for agricultural purposes, and signified the same to their agent or superintendent, they as well as other families so locating shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, also teachers, at the option of the Secretary of the Interior, when deemed necessary.

Payments for agricultural, &c. implements.

Farmer and blacksmith. Teachers.

Indemnity for killing a chief.

ARTICLE VI. Soldiers in the United States service having killed Ish-tah-chah-ne-aha, (Puffing Eyes,) a friendly chief of the Two Kettles band of Dakota or Sioux Indians, it is hereby agreed that the government of the United States shall cause to be paid to the surviving widow of the deceased and his children, seventeen in number, the sum of five hundred dollars; and to the said tribe or band, in common, as indemnity for killing said chief, the sum of five hundred dollars, said payment to be made under the direction of the Secretary of the Interior.

Amendment to be binding.

ARTICLE VII. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

Execution.

In testimony whereof, the Commissioners on the part of the United States, and the chiefs and headmen of the said Two Kettles band of Dakota or Sioux, have hereunto set their hands, this nineteenth day of October, one thousand eight hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the said chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, *Major-General*,
H. H. SIBLEY, *Brigadier-General*,
HENRY W. REED,
ORRIN GUERNSEY,

Commissioners on the part of the United States.

CHA-TAN-SKAH, The White Hawk, chief,	his x mark.
E-TO-KE-AH, The Hump, chief,	his x mark.
SHON-KAH-WAK-KON-KE-DESH-KAH, The Spotted Horse, chief,	his x mark.
MAH-TO-KE-DESH-KAH, The Spotted Bear, chief,	his x mark.
MAH-TO-TO-PAH, The Four Bears,	his x mark.

CHAN-TAY-O-ME-NE-O-ME-NE, The Whirling Heart, his x mark.
 MAH-TO-A-CHA-CHAH, The Bear that is like him, his x mark.
 TAH-HOO-KA-ZAH-NOM-PUB, The Two Lances, his x mark.
 MAH-TO-TON-KAH, The Big Bear, his x mark.
 TO-KE-CHI-WY-A, He that Catches the Enemy, his x mark.
 MAH-TO-NAN-GEE, The Bear that Stands, his x mark.
 SHON-KAH-DOO-TAH, The Red Dog, his x mark.
 CHON-NOM-PAH-PA-GE-NAN-KAH, He that wears the Pipe on his head, his x mark.
 TAH-SHON-KAH-MUZ-ZAH, His Iron Dog, his x mark.
 HO-PO-E-MUZ-ZAH, The Iron Wing, his x mark.
 CHAH-GE-LESH-KAH-WAK-KE-AN, The Thunder Spotted Hoop, his x mark.
 HAK-KAH-DOO-SAH, The Fast Elk, his x mark.
 WY-AH-TAH-TON-KAH, The Big Nation, his x mark.
 WE-KEE-PAH, The One that Calls the Women, his x mark.
 PA-JE-TO, Green Grass, his x mark.
 Chief CHON-KA-HAS-KA, Stinking Dog, his x mark.
 Chief PA-TA-SEA-WAH-BEL-LU, White Cow Eagle, his x mark.

Signed by the Commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained, in our presence:—

A. W. HUBBARD, *M. C. 6th dist. Iowa.*
 HEZ. L. HOSMER, *Chief Justice of Montana Territory.*
 CHAS. C. G. THORNTON, *Lt.-Col. 4th U. S. Vols.*
 E. F. RUTH, *Sec'y of Commission.*
 O. D. BARRETT, *Special Agent Ind. Aff.*
 ZEPHIER RECONTRE, his x mark, *Interpreter.*
 CHARLES DEGRE, his x mark, “

The foregoing signatures in this handwriting (that of Gen. Curtis) were made in presence of the undersigned.

Maj. A. P. SHREVE, *Paymaster U. S. A.*
 JOHN PATTEE, *Lt.-Col. 7th Iowa Cavalry.*

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:—

Ratification with amendment.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 March 5, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the Commissioners on the part of the United States, and the chiefs and headmen of the Two Kettles band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following

AMENDMENT:

Article IV., lines 3, 4, and 5, strike out the following words, viz: “and of their non-interference with the persons and property of citizens of the United States travelling thereon.”

Ante, p. 724.

Attest:

J. W. FORNEY, *Secretary.*

And whereas article seventh of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:—

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty, with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year of our Lord one thousand eight hundred and [SEAL.] sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Blackfeet Band of Dakota or Sioux Indians; Concluded October 19, 1865; Ratification advised, with Amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : Oct. 19, 1865.

WHEREAS a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and Wah-hah-chunk-i-ah-pee, (The One that is used as a Shield,) Wah-mun-dee-wak-ko-no, (The War Eagle in the Air,) and other chiefs and headmen of the Blackfeet band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit : — Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Blackfeet band of Dakota or Sioux Indians. Contracting parties.

ARTICLE I. The Blackfeet band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force to prevent other bands of the Dakota or Sioux, or other adjacent tribes from making hostile demonstrations against the government of the United States, or its people. Jurisdiction and authority of the United States acknowledged, &c.

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto a[t] war with each other, the Blackfeet band of Dakota or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue for the future all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them. Persons and property of other tribes not to be first attacked.

ARTICLE III. All controversies or differences arising between the Blackfeet band of Dakota or Sioux, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council. Controversies to be submitted to the arbitrament of the President.

Indians to
withdraw from
overland routes.
Amendment.
Post, p. 729

Payments.

Proviso.

Amendments
to be binding.

Execution.

ARTICLE IV. The said band, represented in council, shall withdraw from the routes overland, already established or hereafter to be established, through their country, and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of seven thousand dollars annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band, so represented in council, shall faithfully conform to the requirements of this treaty.

ARTICLE V. Any amendment or modification of this treaty, by the [Senate of the United States shall be considered final and binding upon the] said band represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said nation.

In testimony whereof the commissioners on the part of the United States, and the chiefs and headmen of the said Blackfeet band of the Dakota or Sioux, have hereunto set their hands, this nineteenth day of October, one thousand eight hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the said chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, *Major-General*,
H. H. SIBLEY, *Brig.-General*,
HENRY W. REED,
ORRIN GUERNSEY.

Chiefs.

WAH-HAH-CHUNK-IAH-PEE, The One that is
used as a Shield, his x mark.
WAH-MUN-DEE-WAK-KON-O, The War Eagle
in the Air, his x mark.
OYA-HIN-DI-A-MAN-NEE, The Track that Rings
as it Walks, his x mark.
SHON-KAH-HON-SKAH, The Long Dog, his x mark.

Principal Braves or Soldiers.

MAH-TO-KO-KE-PAH, He that Fears the Bear, his x mark.
A-HACK-AH-SAP-PAH, The Black Stag, his x mark.
A-HACK-AH-WE-CHASH-TAH, The Stag Man, his x mark.
MAH-TO-WASH-TAY, The Good Bear, his x mark.
TAH-TON-KAH-HO-WASH-TAY, The Buffalo
with a Fine Voice, his x mark
SHON-KAH-WAH-MUN-DEE, The Dog War
Eagle, his x mark.
WAH-MUN-DEE-YOU-HAH, He that has the War
Eagle, his x mark.
MUZ-ZAH-TO-YAH, The Blue Iron,
Chief CHAN-TA-PA-TA, Fire Heart, his x mark.
Chief CHAN-TA-NON-PAS, Two Hearts, his x mark.

Signed by the Commissioners on the part of the United States, and by the chiefs and headmen after the treaty had been fully read, interpreted, and explained, in our presence: —

A. W. HUBBARD, *M. C. 6th dist. Iowa.*
E. F. RUTH, *Sec'y to Commission.*
O. D. BARRETT, *Special Agent Ind. Affs.*

S. S. CURTIS, *Maj. 2d Colorado Cav.*
 R. R. HITT, *Reporter of the Commission.*
 ZEPHIER RECONTE, his x mark,
 CHARLES DEGRES, his x mark,
Interpreter[s]

Soldiers.

CE-HA-PA-CHI-KE-LA, Little Blackfoot,	his x mark.
CHAN-TA-PE-A, Strong Heart,	his x mark.
NON-PA-GE-GU-MUGAMA, Round Hand,	his x mark.

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 March 5, 1866,

Resolved, (two thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between the commissioners on the part of the United States and the chiefs and headmen of the Blackfeet Band of *Dacotah* [Dakota] or Sioux Indians, with the following Ratified with amendment.

AMENDMENT :

Article IV., lines 3, 4, and 5, strike out the following words, viz.: “and of their no[n]-interference with the persons and property of citizens of the United States travelling thereon.” See *Ante*, p. 728.

Attest :

J. W. FORNEY, *Secretary.*

And whereas it was intended and understood by article fifth of said treaty that any amendment or modification of it by the Senate of the United States should be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band :

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid. Proclaimed.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the year of our Lord one thousand eight hundred and sixty-six,
 [SEAL.] and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Sans Arcs Band of Dakota or Sioux Indians; Concluded October 20, 1865; Ratification advised, with Amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 20, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Wah-mun-dee-o-pee-dootah, (The War Eagle with the Red Tail,) Cha-tau'hne, (The Yellow Hawk,) and other chiefs and headmen of the Sans Arcs band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, Governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indians affairs for the northern superintendency, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Sans Arcs band of Dakota or Sioux Indians.

Contracting parties.

ARTICLE I. The Sans Arcs band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if requisite, physical force, to prevent other bands of Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

Authority and jurisdiction of the United States acknowledged

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Sans Arcs band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue for the future all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Persons and property of other tribes not to be first attacked.

ARTICLE III. All controversies or differences arising between the Sans Arcs band of Dakota or Sioux Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award shall be faithfully observed by the said band represented in council.

Controversies to be submitted to the arbitrament of the President.

Indians to withdraw from overland routes. Amendment. Post, p. 733.

Payment.

Proviso.

Individual Indians locating upon lands to be protected.

Payments for agricultural, &c., implements.

Farmer and blacksmith. Teachers.

Amendments to be binding.

Execution.

ARTICLE IV. The said band represented in council shall withdraw from the route overland already established, or hereafter to be established, through their country; and in consideration thereof and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay the said band the sum of thirty dollars for each lodge or family, annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE V. Should any individual or individuals or portion of the band of the Sans Arcs band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty, that such individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and whenever twenty lodges or families of the Sans Arcs band shall have located on land for agricultural purposes, and signified the same to their agent or superintendent, they, as well as other families so locating, shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits they shall be entitled to a farmer and blacksmith, at the expense of the government; as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

ARTICLE VI. Any amendment or modification of this treaty, by the Senate of the United States, shall be considered final and binding upon the said band represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the Commissioners on the part of the United States, and the chiefs and headmen of the said Sans Arcs band of Dakota or Sioux Indians, have hereunto set their hands this twentieth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, *Maj.-Gen'l*,
HENRY. H. SIBLEY, *Brig.-Gen'l*,
HENRY W. REED,
ORRIN GUERNSEY.

Chiefs.

WAH-MUN-DEE-O-PEE-DOO-TAH, The War Eagle with the Red Tail,	his x mark
CHA-TAU-HNE, Yellow Hawk,	his x mark
SHON-KAH-WE-TO-KO, The Fool Dog,	his x mark.

Chief Soldiers.

CHAN-TAY-MAH-TO, The Bear's Heart,	his x mark.
TAH-KO-KO-KE-PISH-NEE, The Man that Fears Nothing,	his x mark.
NUP-CHE-UNK, The Nine,	his x mark.
MAH-TO-NUK-KAH, The Bear's Ears,	his x mark.
CHAN-DESH-KAH-SAPPAH, The Black Hoop,	his x mark.
ZE-TE-KAH-NAH-SAPPEE, The Bird Necklace,	his x mark.

Signed by the Commissioners on the part of the United States, and by

the chiefs and headmen after the treaty had been fully read, interpreted, and explained, in our presence :

HEZ. L. HOSMER, *Chief Justice of Montana Territory.*

S. S. CURTIS, *Bvt. Lt. Col. U. S. V.*

E. F. RUTH, *Sec'y of Commission.*

W. S. WOODS, *Surgeon U. S. Vols.*

C. S. MORRISON,

O. E. GUERNSEY,

CHARLES DEGRE, his x mark, *Interpreter.*

Chief CROW FEATHER, *Con-ge-we-a-ka*, his x mark.

GRAY HAIR, *Pa-he-sa*, his x mark.

RED HAIR, *Pa-he-sha*, his x mark.

THE SHIELD EAGLE, *Wa-chan-ka-wam-ba-lee*, his x mark.

BLACK BEAR, *Ma-to-sapa*, his x mark.

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit :—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between the commissioners on the part of the United States, and the chiefs and headmen of the Sans Arcs band of *Dacotah* [Dakota] or Sioux Indians, with the following

Ratification
with amend-
ment.

AMENDMENT.

Article IV., lines 3, 4, and 5, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon." See *Ante*, p. 732.

Attest :

J. W. FORNEY, *Secretary.*

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band :—

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

Proclaimed.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the year of our Lord one thousand eight hundred and [SEAL.] sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Yanktonai Band of Dakota or Sioux Indians; Concluded October 20, 1865; Ratification advised, with Amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 20, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and M'Doka, (The Buck,) Mah-to-wak-kouah, (He that runs the Bear,) and other chiefs and headmen of the Yanktonai band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: —

Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Yanktonai band of Dakota or Sioux Indians.

Contracting parties.

ARTICLE I. The Yanktonai band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if requisite, physical force, to prevent other bands of Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

Jurisdiction and authority of the United States acknowledged.

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Yanktonai band of Dakota or Sioux Indians represented in council, anxious to respect the wishes of the government, hereby agree to discontinue, for the future, all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Persons and property of other tribes not to be first attacked.

ARTICLE III. All controversies or differences arising between the Yanktonai band of Dakota or Sioux Indians, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award shall be faithfully observed by the said band represented in council.

Controversies to be submitted to the arbitrament of the President.

ARTICLE IV. The said band, represented in council shall withdraw from the routes overland already established, or hereafter to be established, through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United

Indians to withdraw from overland routes Amendment. Post, p. 737.

States travelling thereon, the government of the United States agree to pay the said band the sum of thirty dollars for each lodge or family, annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band, so represented in council, shall faithfully conform to the requirements of this treaty.

Payments. Individual Indians locating on lands to be protected. **Proviso.** **ARTICLE V.** Should any individual or individuals, or portion of the band of the Yanktonai band of Dakota or Sioux Indians represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty that such individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and whenever twenty lodges or families of the Yanktonai band shall have located on lands for agricultural purposes, and signified the same to their agents or superintendent, they, as well as other families so locating, shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

Payments for agricultural, &c., purposes. **Farmer, blacksmith, and teachers.** **Amendments to be binding.** **ARTICLE VI.** Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

Execution. In testimony whereof, the Commissioners on the part of the United States, and the chiefs and headmen of the said Yanktonai band of Dakota or Sioux Indians, have hereunto set their hands, this twentieth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, *Maj.-Gen'l*,
H. H. SIBLEY, *Brig.-Gen'l*,
HENRY REED,
ORRIN GUERNSEY.

Chiefs.

M'DOKA, or The Buck, his x mark.
MAH-TO-WAK-KOUAH, He that Runs the Bear, his x mark.
SHON-KAH-WE-TE-KO, The Fool Dog, his x mark.

Chief Soldiers.

TAH-CHONK-PEE-SAPPAH, The Black Tomahawk, his x mark.
WAH-DOO-TAH-WAK-KEAN, The Red Thunder, his x mark.
TON-KON-HA-TON, The Rock with a Horn, his x mark.

Chiefs.

TWO BEARS, Mato-non-pa, his x mark.
WHITE BEAR, Ma-to-sea, his x mark.
BONE NECKLACE, Ho-hoo-non-pee, his x mark.

Soldier.

DOG CLOUD, his x mark

In presence of—

HEZ. L. HOSMER, *Chief Justice of Montana Territory.*
S. S. CURTIS, *Bot. Lt. Col. U. S. V.*

A. W. HUBBARD, *M. C. 6th Dist. Iowa,*
 E. F. RUTH, *Secretary of Commission.*
 R. R. HITT, *Reporter of Commission.*
 ZEPHIER RE[N]CONTRE, his x mark, *Interpreter.*
 CHARLES DEGRES, his x mark, *Interpreter.*

THE MAN THAT RUNS IN HIS TRACKS,
 O-yea-ke-pa, his x mark.
 THE MAN SURROUNDED, Na-je-om-pee, his x mark.
 THE MEDICINE WHITE MAN, Wa-se-che-
 wa-kon, his x mark.
 THE MAN THAT STIRS, Skin-ich-e-a, his x mark.
 FAST WALKER, Mon-ne-loo-sa, his x mark.
 RED BULL, Taw-ton, his x mark.

The foregoing signatures in this handwriting (that of General Curtis) were made in presence of the undersigned on the 28th and 29th October, 1865 at Fort Sully.

Maj. A. P. SHREVE, *Paymaster U. S. A.*
 JOHN PATTIE, *Lt. Col. 7th Iowa Cavalry.*

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 March 5, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between the Commissioners on the part of the United States and the *Upper* Yanktonai band of *Dacotah* [Dakota] or Sioux Indians, with the following

Ratification
 with amend-
 ment.

AMENDMENT:

Article IV., lines 3, 4, and 5, strike out the following words, viz.: “and of their non-interference with the persons and property of citizens of the United States travelling thereon.” See *Ante*, p. 735.

Attest: J. W. FORNEY, *Secretary.*

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:—

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:
 WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Onkpahpah Band of Dakota or Sioux Indians; Concluded October 20, 1865; Ratification advised, with Amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 20, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Ah-ke-tche-tah-hon-skah, (The Tall Soldier,) Mah-to-che-kah, (The Little Bear,) and other chiefs and headmen of the Onk-pah-pah band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :—

Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Onkpahpah band of Dakota or Sioux Indians.

Contracting parties.

ARTICLE I. The Onkpahpah band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if requisite, physical force, to prevent other bands of Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

Authority and jurisdiction of the United States acknowledged.

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Onkpahpah band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue for the future all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Persons and property of the tribes not to be first attacked

ARTICLE III. All controversies or differences arising between the Onkpahpah band of Dakota or Sioux Indians involving the question of peace or war shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award shall be faithfully observed by the said band represented in council.

Controversies to be submitted to the arbitrament of the President.

ARTICLE IV. The said band represented in council shall withdraw from the routes overland already established, or hereafter to be established, through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to

Indians to withdraw from overland routes.

Amendment. Post, p 741.

Payments. pay the said band the sum of thirty dollars for each lodge or family, annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

Proviso.

Individual Indians locating on lands to be protected. **ARTICLE V.** Should any individual or individuals, or portion of the band of the Onkpahpah band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty that such individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians, and whenever twenty lodges or families of the Onkpahpah band shall have located on land for agricultural purposes, and signified the same to their agents or superintendent, they as well as other families so locating shall receive the sum of twenty-five dollars annually for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

Payments for agricultural, &c., purposes.
Farmer, blacksmith, and teachers.

Amendments to be binding.

ARTICLE VI. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

Execution. In testimony whereof, the Commissioners on the part of the United States, and the chiefs and headmen of the said Onkpahpah band of Dakota or Sioux Indians, have hereunto set their hands this twentieth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, *Maj.-General*,
H. H. SIBLEY, *Brig.-General*,
HENRY W. REED,
ORRIN GUERNSEY.

Chiefs.

AH-KE-TCHE-TAH-HON-SKAH, The Tall Soldier, his x mark.
MAH-TO-CHE-KAH, The Little Bear, his x mark.
MUZZAH-E-NOM-PAH, The Iron that Comes Out, his x mark.
WAK-KE-AN-SKAH, The White Thunder, his x mark.

Chief Soldiers.

MAH-TO-NOM-PAH, The Two Bears, his x mark.
CHA-TAN-ME-NE-O-ME-NEE, The Whirling Heart, his x mark.

Chiefs.

MA-TO-CHEWICKSA, Bear's Rib, his x mark.
RUNNING ANTELOPE, Ta-to-kee-un, his x mark.
THE MAN THAT HAS A HEART FOR ALL, O-en-e-chau-ta-u-can, his x mark.

Soldiers.

THUNDER HAWK, Cha-ton-wa-ke-on, his x mark.
IRON HORN, Ha-ma-za, his x mark.
PLENTY CROWS, Con-ge-o-ta, his x mark.
THE MAN THAT FEARS THE EAGLE, Wam-bel-le-co-ke-pa, his x mark.
SPOTTED BUFFALO BULL, Ta-tanka-ge-lis-ka, his x mark.

Signed by the Commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained in our presence: —

HEZ. L. HOSMER, *Chief Justice of Montana Territory.*
 S. S. CURTIS, *Bvt. Lt. Col. U. S. V.*
 E. F. RUTH, *Sec'y of Commission.*
 W. S. WOODS, *Surgeon U. S. Vols.*
 C. S. MORRISON.
 O. E. GUERNSEY.
 CHARLES DEGRE, his x mark, *Interpreter.*

The foregoing signatures in this handwriting (that of Gen'l Curtis) were made in presence of the undersigned on the 28th and 29th Oct. 1865, at Fort Sully.

Maj. A. P. SHREVE, *Paymaster U. S. A.*
 JOHN PATTEE, *Lt. Col. 7th Iowa Cavalry.*

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit: —

Ratification
with amend-
ment.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.
 March 5th, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between the Commissioners on the part of the United States and the chiefs and headmen of the Onk-pah-pah band of *Dacotah* [Dakota] or Sioux Indians, with the following

AMENDMENT:

ARTICLE IV., lines 3, 4, and 5, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon." See *Ante*, p. 739.

Attest: J. W. FORNEY, *Secretary.*

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band: Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the year of our Lord one thousand eight hundred and [SEAL.] sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:
 WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Upper Yanktonais Band of Dakota or Sioux Indians; Concluded October 28, 1865; Ratification advised, with Amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 28, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Na-su-la-tan-ka, (Big Head,) Na-pa-tan-ka, (Big Hand,) and other chiefs and headmen of the Upper Yanktonais band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Upper Yanktonais band of Dakota or Sioux Indians.

Contracting parties.

ARTICLE I. The Upper Yanktonais band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

Jurisdiction and authority of the United States acknowledged.

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Upper Yanktonais band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue for the future all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Persons and property of other tribes not to be first attacked.

ARTICLE III. All controversies or differences arising between the Upper Yanktonais band of Dakota or Sioux Indians, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

Controversies to be submitted to the arbitrament of the President.

Indians to withdraw from overland routes. Amendment. Post, p. 745.

Payments. Proviso.

Individual Indians locating on lands to be protected.

Payments for agricultural purposes.

Farmer, blacksmith, and teachers.

Amendments to be binding.

Execution.

ARTICLE IV. The said band represented in council, shall withdraw from the routes overland already established, or hereafter to be established, through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay the said band the sum of ten thousand dollars, annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE V. Should any individual or individuals, or portion of the band of the Upper Yanktonais band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty that said individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians, and whenever twenty lodges or families of the Upper Yanktonais band shall have located on land for agricultural purposes, and signified the same to their agent or superintendent, they, as well as other families so locating, shall receive the sum of twenty-five dollars annually for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, as also teachers, at the option of the Secretary of the Interior, w[h]enever deemed necessary.

ARTICLE VI. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the Commissioners on the part of the United States, and the chiefs and headmen of the said Upper Yanktonais band of Dakota or Sioux Indians, have hereunto set their hands this twenty-eighth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, *Maj.-Gen'l.*
H. H. SIBLEY, *Brig.-Gen'l.*
HENRY W. REED,
ORRIN GUERNSEY.

The above signatures were made in our presence:—

GEO. D. HILL.
S. L. SPINK.
A. W. HUBBARD.
G. C. MOODY.

Chief: Big Head, NA-SU-LA-TAN-KA, his x mark.
Soldier: Big Hand, NA-PA-TAN-KA, his x mark.
Soldier: Left-handed Bear, MA-TO-CHAT-KA, his x mark.
Soldier: The Fine Dressed Man, WA-ICH-CO-YA-KA, his x mark.
The Man Covered with Lice, HA-O-POO-ZA, his x mark.
Little Soldier, A-KICH-IT-A-CHI-KI-LA, his x mark.
The Spread Horn, HA-KA-TI-NA, his x mark.
Black Tiger, EGO-MO-SA-PA, his x mark.
The Man Afraid of his War-club, CHAM-PI-CO-QUI-PA, his x mark.
The Big Shaved Head, COSH-LA-TON-CA, his x mark.
Lazy Bear, MA-TO-CHICK-PA-NE, his x mark.
The Man.

TREATY WITH THE UPPER YANKTONAIS INDIANS. Oct. 28, 1865. 745

Rock Man, TON-KA-WI-CHA-SA, his x mark.

Chief: Black Catfish, O-WA-SA-PA, his x mark.

Chief: The Curly-headed Goose, MA-GA-BO-MA-DO, his x mark.

The above signatures in this handwriting (that of Gen'l Curtis) were made in presence of the undersigned, on the 28th and 29th Oct., 1865, at Fort Sully.

MAJ. A. P. SHREVE, *Paymaster U. S. A.*

JOHN PATTEE, *Lt. Col. 7th Iowa Cavalry.*

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5th, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between the Commissioners on the part of the United States and the chiefs and headmen of the Upper Yanktonais band of *Dacotah* [Dakota or Sioux] Indians, with the following

Ratified with amendment.

AMENDMENT:

Article IV., lines 3, 4, and 5, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon."

Ante, p. 746.

Attest:

J. W. FORNEY, *Secretary.*

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the year of our Lord one thousand eight hundred and [SEAL.] sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the O'Gallala Band of Dakota or Sioux Indians; Concluded October 28, 1865; Ratification advised, with amendment, March 5, 1866; Proclaimed March 17, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

Oct. 28, 1865.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Tan-tan-ka-has-ka, (Long Bull,) Ma-lo-wa-ta-khe, (The Charging Bear,) and other chiefs and headmen of the O'Gallala band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF A TREATY made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Maj.-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the O'Gallala band of Dakota or Sioux Indians.

Contracting parties.

ARTICLE I. The O'Gallala band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

Jurisdiction and authority of the United States acknowledged.

ARTICLE II. Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the O'Gallala band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue for the future all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

Persons and property of other tribes not to be first attacked.

ARTICLE III. All controversies or differences arising between the O'Gallala band of Dakota or Sioux Indians, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted *shall be submitted* for the arbitrament of the *arbitrament of the* President, or such person or persons as may be designated by him, and

Controversies to be submitted to the arbitrament of the President.

the decision or award faithfully observed by the said band represented in council.

Indians to withdraw from overland routes. Amendment. *Post*, p. 749.

Payments. Proviso.

ARTICLE IV. The said band represented in council shall withdraw from the routes overland already established or hereafter to be established through their country: and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of ten thousand dollars annually for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band, so represented in council, shall faithfully conform to the requirements of this treaty.

Individual Indians locating on lands to be protected.

Payments for agricultural, &c., purposes.

Farmer, blacksmith, and teachers.

Amendments to be binding.

ARTICLE V. Should any individual or individuals, or portion of the band of the [O' Gallala] band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty, that such individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and whenever twenty lodges or families of the O' Gallala band shall have located on land for agricultural purposes, and signified the same to their agent or superintendent, they as well as other families so locating shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits they shall be entitled to a farmer and blacksmith, at the expense of the government, as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

ARTICLE VI. Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

Execution. In testimony whereof, the Commissioners on the part of the United States, and the chiefs and headmen of the said O' Gallala band of Dakota or Sioux Indians, have hereunto set their hands this twenty-sixth day of October, eighteen hundred and sixty-five after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B TAYLOR,
S. R. CURTIS, *Maj.-Gen' l*,
H. H. SIBLEY, *Brig.-Gen' l*,
HENRY W. REED,
ORRIN GUERNSEY.

Signed on the part of the Commission, in our presence:—

S. L. SPINK,
GEO. D. HILL,
A. W. HUBBARD,
G. C. MOODY.
Chief LONG BULL, Tan-tan-ka-has-ka, his x mark.
THE CHARGING BEAR, Ma-lo-wa-ta-khe, his x mark.
THE MAN THAT STANDS ON A HILL, Pa-ha-to-na-je, his x mark

The foregoing signatures in this handwriting (that of General Curtis) were made in presence of the undersigned on the 28th and 29th Oct., 1865, at Fort Sully.

Maj. A. P. SHREVE, *Paymaster U. S. A.*
JOHN PATTEE, *Lt. Col. 7th Iowa Cavalry.*

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 fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:—

Ratification
with amend-
ment.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and headmen of the O'Gallala band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following

AMENDMENT:

Article IV., lines 3, 4, and 5, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon." See *Ante*, p. 748.

Attest:

J. W. FORNEY, *Secretary*.

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:—

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

Proclaimed.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the year of our Lord one thousand eight hundred and [SEAL.] sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.

Supplemental Treaty between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon; Concluded November 15, 1865; Ratification advised March 2, 1867; Proclaimed March 28, 1867.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : Nov. 15, 1865.

WHEREAS, a supplemental Treaty was made and concluded at the Warm Springs Indian Agency, in the State of Oregon, on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-five, by and between J. W. Perit Huntington, Commissioner, on the part of the United States, and Mark, William Chinook, Kuck-up, and other chiefs and headmen of the confederated tribes and bands of Indians of Middle Oregon, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:— Preamble.

ARTICLES of agreement and convention entered into at the Warm Springs Agency, Oregon, by J. W. Perit Huntington, Sup't Indian affairs for Oregon, on behalf of the United States, and the undersigned, chiefs and headmen of the confederated tribes and bands of Middle Oregon, the same being amendatory of and supplemental to the treaty negotiated with the aforesaid tribes on the twenty-fifth day of June, eighteen hundred and fifty-five, and ratified by the Senate of the United States on the eighteenth day of April, eighteen hundred and fifty-nine. Contracting parties.

ARTICLE I. It having become evident from experience that the provision of Article I. of the treaty of the twenty-fifth of June, A. D. eighteen hundred and fifty-five, which permits said confederated tribes to fish, hunt, gather berries and roots, pasture stock, and erect houses on lands outside the reservation, and which have been ceded to the United States, is often abused by the Indians to the extent of continuously residing away from the reservation, and is detrimental to the interests of both Indians and whites; therefore it is hereby stipulated and agreed that all the rights enumerated in the third proviso of the first section of the before-mentioned treaty of the twenty-fifth of June, eighteen hundred and fifty-five, — that is to say, the right to take fish, erect houses, hunt game, gather roots and berries, and pasture animals upon lands without the reservation set apart by the treaty aforesaid — are hereby relinquished by the confederated Indian tribes and bands of middle Oregon, parties to this treaty. Certain rights granted by the former treaty relinquished hereby. Vol. xii. p. 964.

ARTICLE II. The tribes aforesaid covenant and agree that they will hereafter remain upon said reservation, subject to the laws of the United States, the regulations of the Indian Department, and the control of the officers thereof; and they further stipulate that if any of the members of said tribes do leave, or attempt to leave, said reservation in violation of this treaty, they will assist in pursuing and returning them, when called upon to do so by the superintendent or agent in charge. The tribes to remain upon their reservation. Penalty for leaving, &c.

ARTICLE III. In cases which may arise which make it necessary for any Indian to go without the boundaries of said reservation, the superintendent or agent in charge may, in his discretion, give to such Indian a written permit or pass, which shall always be for a short period and the Permits to go without the boundaries of the reservation.

expiration definitely fixed in said paper. Any Indian who, having gone out with a written pass, shall remain beyond the boundaries for a longer period than the time named in said pass, [shall] be deemed to have violated this treaty to the same extent as if he or she had gone without a pass.

Indians break-
ing this treaty
to forfeit annu-
ities.

ARTICLE IV. An infraction of this treaty shall subject the Indian guilty thereof to a deprivation of his or her share of the annuities, and to such other punishment as the President of the United States may direct.

Money for the
purchase of
teams, &c.

ARTICLE V. It is stipulated and agreed on the part of the United States, as a consideration for the relinquishment of the rights herein enumerated, that the sum of three thousand five hundred dollars shall be expended in the purchase of teams, agricultural implements, seeds, and other articles calculated to advance said confederated tribes in agriculture and civilization.

Allotment of
land to each
head of a fam-
ily.

ARTICLE VI. It is further agreed that the United States shall cause to be allotted to each head of a family in said confederated tribes and bands a tract of land sufficient for his or her use, the possession of which shall be guaranteed and secured to said family and the heirs thereof for ever.

Punishment of
persons unlaw-
fully furnishing
ardent spirits to
the Indians.

ARTICLE VII. To the end that the vice of intemperance among said tribes may be checked, it is hereby stipulated that when any members thereof shall be known to drink ardent spirits, or to have the same in possession, the facts shall be immediately reported to the agent or superintendent, with the name of the person or persons from whom the liquor was obtained; and the Indians agree to diligently use, under the direction of the superintendent or agent, all proper means to secure the identification and punishment of the persons unlawfully furnishing liquor as aforesaid.

Execution.

In testimony whereof, the said J. W. Perit Huntington, superintendent of Indian affairs, on the part of the United States, and the undersigned chiefs and head confederated tribes and bands aforesaid, have hereunto, in the presence of the subscribing witnesses and of each other, affixed our signatures and seals on this fifteenth day of November, in the year one thousand eight hundred and sixty-five.

J. W. PERIT HUNTINGTON, [SEAL.]
*Sup't Indian Affairs in Oregon, and acting Commissioner
on behalf of the United States.*

- MARK, head chief, his x mark. [SEAL.]
- WM. CHINOOK, his x mark. [SEAL.]
- KUCK-UP, his x mark. [SEAL.]
- PONST-AM-I-NE, his x mark. [SEAL.]
- ALEX-ZAN, his x mark. [SEAL.]
- TAS-SIMK, his x mark. [SEAL.]
- JOHN MISSION, his x mark. [SEAL.]
- LOCK-SQUIS-SQUIS-SA, his x mark. [SEAL.]
- KUCK-UPS, his x mark. [SEAL.]
- HOTE, his x mark. [SEAL.]
- I-PALT-PEL, his x mark. [SEAL.]
- SIN-NE-WAH, his x mark. [SEAL.]
- UMP-CHIL-LE-POO, his x mark. [SEAL.]
- SHOOLEY, his x mark. [SEAL.]
- TAH-KOO, his x mark. [SEAL.]
- TUM-TSCHE-CUS, his x mark. [SEAL.]
- TOU-WACKS, his x mark. [SEAL.]
- HUL-LE-QUIL-LA, his x mark. [SEAL.]
- TE-AH-KI-AK, his x mark. [SEAL.]
- CHOK-TE, his x mark. [SEAL.]
- KOOTSH-TA, his x mark. [SEAL.]

Done in presence of —

TALLAX, his x mark, *Interpreter.*
 DONALD MCKAY, his x mark, *Interpreter.*
 CHARLES LAFOLLETT, *Capt. 1st Og'n Inf.*
 J. W. D. GILLETT, *School Teacher.*
 MYRON REAVES, *Supt Farming operations.*

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 March, one thousand eight hundred and sixty-seven, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit: — Ratification

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 March 2, 1867.

Resolved, That the Senate advise and consent to the ratification of the treaty between the United States and the confederate tribes and bands of Indians of middle Oregon, concluded the fifteenth of November, one thousand eight hundred and sixty-five, the same being amendatory and supplemental to the treaty with said Indians of the twenty-fifth of June, one thousand eight hundred and fifty-five.

Attest: J. W. FORNEY, *Secretary.*

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the second of March, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty. Proclaimed.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-eighth day of March, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:
 WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Seminole Nation of Indians; Concluded March 21, 1866; Ratification advised July 19, 1866; Proclaimed August 16, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

March 21, 1866.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley, Elijah Sells, and Col. Ely S. Parker, Commissioners on the part of the United States, and John Chup-co, Cho-cote-harjo, Fos-harjo, and John F. Brown, chiefs and delegates of the Seminole Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit : —

Preamble.

ARTICLES OF A TREATY made and concluded at Washington, D. C., March 21, A. D. 1866, between the United States government, by its Commissioners, D. N. Cooley, Commissioner of Indian affairs, Elijah Sells, superintendent of Indian affairs, and Ely S. Parker, and the Seminole Indians, by their chiefs, John Chup-co, or Long John; Cho-cote-harjo, Fos-ha[r]-jo, John F. Brown.

Contracting parties.

PREAMBLE.

Whereas existing treaties between the United States and the Seminole nation are insufficient to meet their mutual necessities; and whereas the Seminole nation made a treaty with the so-called confederate states, August 1st, 1861, whereby they threw off their allegiance to the United States, and unsettled their treaty relations with the United States, and thereby incurred the liability of forfeiture of all lands and other property held by grant or gift of the United States; and whereas a treaty of peace and amity was entered into between the United States and the Seminole and other tribes at Fort Smith, September 10, 1865, whereby the Seminoles revoked, cancelled, and repudiated the said treaty with the so-called confederate states; and whereas the United States, through its commissioners, in said treaty of peace, promised to enter into treaty with the Seminole nation to arrange and settle all questions relating to and growing out of said treaty with the so-called confederate states; and whereas the United States, in view of said treaty of the Seminole nation with the enemies of the government of the United States, and the consequent liabilities of said Seminole nation, and in view of its urgent necessities for more lands in the Indian territory, requires a cession by said Seminole nation of a part of its present reservation, and is willing to pay therefor a reasonable price, while at the same time providing new and adequate lands for them.

Now, therefore, the United States, by its commissioners aforesaid, and the above-named delegates of the Seminole nation, the day and year above written, mutually stipulate and agree, on behalf of the respective parties, as follows, to wit : —

ARTICLE I. There shall be perpetual peace between the United States and the Seminole nation, and the Seminoles agree to be and remain firm allies of the United States, and always faithfully aid the government thereof to suppress insurrection and put down its enemies.

Peace and friendship.

Military occupation and protection by the United States.

The Seminoles also agree to remain at peace with all other Indian tribes, and with themselves. In return for these pledges of peace and friendship, the United States guarantee them quiet possession of their country, and protection against hostilities on the part of other tribes; and in the event of such hostilities, that the tribe commencing and prosecuting the same shall make just reparation therefor. Therefore the Seminoles agree to a military occupation of their country at the option and expense of the United States.

Amnesty.

A general amnesty of all past offences against the laws of the United States, committed by any member of the Seminole nation, is hereby declared; and the Seminoles, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offences against their government, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who have remained friendly to or taken up arms against the United States, but they shall enjoy equal privileges with other members of said tribe, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

Slavery not to exist among the Seminoles.

ARTICLE II. The Seminole nation covenant that henceforth in said nation slavery shall not exist, nor involuntary servitude, except for and in punishment of crime, whereof the offending party shall first have been duly convicted in accordance with law, applicable to all the members of said nation. And inasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights, it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color who may be adopted as citizens or members of said tribe.

Rights of those of African descent.

Cession of lands to the United States.

ARTICLE III. In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain, being the tract of land ceded to the Seminole Indians by the Creek nation under the provisions of article first (1st), treaty of the United States with the Creeks and Seminoles, made and concluded at Washington, D. C., August 7, 1856. In consideration of said grant and cession of their lands, estimated at two million one hundred and sixty-nine thousand and eighty (2,169,080) acres, the United States agree to pay said Seminole nation the sum of three hundred and twenty-five thousand three hundred and sixty-two (\$325,362) dollars, said purchase being at the rate of fifteen cents per acre. The United States having obtained by grant of the Creek nation the westerly half of their lands, hereby grant to the Seminole nation the portion thereof hereafter described, which shall constitute the national domain of the Seminole Indians. Said lands so granted by the United States to the Seminole nation are bounded and described as follows, to wit: Beginning on the Canadian river where the line dividing the Creek lands according to the terms of their sale to the United States by their treaty of February 6, 1866, following said line due north to where said line crosses the north fork of the Canadian river; thence up said north fork of the Canadian river a distance sufficient to make two hundred thousand acres by running due south to the Canadian river; thence down said Canadian river to the place of beginning. In consideration of said cession of two hundred thousand acres of land described above, the Seminole nation agrees to pay therefor the price of fifty cents per acre, amounting to the sum of one hundred thousand dollars, which amount shall be deducted from the sum paid by the United States for Seminole lands under the stipulations above written. The balance due the Seminole nation after making said deduction, amounting to one hundred thousand dollars, the United States agree

Payment by the United States.

Grant to the Seminoles.

Boundaries.

Payment therefor.

Balance due the Seminoles.

to pay in the following manner, to wit: Thirty thousand dollars shall be paid to enable the Seminoles to occupy, restore, and improve their farms, and to make their nation independent and self-sustaining, and shall be distributed for that purpose under the direction of the Secretary of the Interior; twenty thousand dollars shall be paid in like manner for the purpose of purchasing agricultural implements, seeds, cows, and other stock; fifteen thousand dollars shall be paid for the erection of a mill suitable to accommodate said nation of Indians; seventy thousand dollars to remain in the United States treasury, upon which the United States shall pay an annual interest of five per cent; fifty thousand of said sum of seventy thousand dollars shall be a permanent school fund, the interest of which shall be paid annually and appropriated to the support of schools; the remainder of the seventy thousand dollars, being twenty thousand dollars, shall remain a permanent fund, the interest of which shall be paid annually for the support of the Seminole government; forty thousand three hundred and sixty-two dollars shall be appropriated and expended for subsisting said Indians, discriminating in favor of the destitute; all of which amounts, excepting the seventy thousand dollars, to remain in the treasury as a permanent fund, shall be paid upon the ratification of said treaty, and disbursed in such manner as the Secretary of the Interior may direct. The balance, fifty thousand dollars, or so much thereof as may be necessary to pay the losses ascertained and awarded as hereinafter provided, shall be paid when said awards shall have been duly made and approved by the Secretary of the Interior. And in case said fifty thousand dollars shall be insufficient to pay all said awards, it shall be distributed pro rata to those whose claims are so allowed; and until said awards shall be thus paid, the United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent per annum from the date of the ratification of this treaty.

ARTICLE IV. To reimburse such members of the Seminole nation as shall be duly adjudged to have remained loyal and faithful to their treaty relations to the United States, during the recent rebellion of the so-called confederate states, for the losses actually sustained by them thereby, after the ratification of this treaty, or so soon thereafter as the Secretary of the Interior shall direct, he shall appoint a board of commissioners, not to exceed three in number, who shall proceed to the Seminole country and investigate and determine said losses. Previous to said investigation the agent of the Seminole nation shall prepare a census or enumeration of said tribe, and make a roll of all Seminoles who did in no manner aid or abet the enemies of the government, but remained loyal during said rebellion; and no award shall be made by said commissioners for such losses unless the name of the claimant appear on said roll, and no compensation shall be allowed any person for such losses whose name does not appear on said roll, unless said claimant, within six months from the date of the completion of said roll, furnishes proof satisfactory to said board, or to the commissioner of Indian affairs, that he has at all times remained loyal to the United States, according to his treaty obligations. All evidence touching said claims shall be taken by said commissioners, or any of them, under oath, and their awards made, together with the evidence, shall be transmitted to the commissioner of Indian affairs, for his approval, and that of the Secretary of the Interior. Said commissioners shall be paid by the United States such compensation as the Secretary of the Interior may direct. The provisions of this article shall extend to and embrace the claims for losses sustained by loyal members of said tribe, irrespective of race or color, whether at the time of said losses the claimants shall have been in servitude or not; provided said claimants are made members of said tribe by the stipulations of this treaty.

ARTICLE V. The Seminole nation hereby grant a right of way through

Board of commissioners to determine losses sustained by loyal Seminoles.

Census of those loyal.

No compensation except to loyal Indians.

Awards of commissioners.

Pay.

What claims for losses included.

How to be paid.

Right of way for railroad granted through the land of the Seminoles.

Lands will be sold.

Proviso.

Agency buildings.

Seminoles agree to certain legislation.

Proviso.

General council.

Census.

First general council, how composed.

their lands to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad from any point on their eastern to their western or southern boundary; but said railroad company, together with all its agents and employés, shall be subject to the laws of the United States relating to the intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior, for that purpose. And the Seminoles agree to sell to the United States, or any company duly authorized as aforesaid, such lands not legally owned or occupied by a member or members of the Seminole nation lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Seminole nation and the party or parties building said road — subject to the approval of the President of the United States: *Provided, however,* That said land thus sold shall not be reconveyed, leased, or rented to, or be occupied by, any one not a citizen of the Seminole nation, according to its laws and recognized usages: *Provided, also,* That officers, servants, and employés of said railroad necessary to its construction and management shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior; nor shall any conveyance of said lands be made to the party building and managing said road, until its completion as a first-class railroad and its acceptance as such by the Secretary of the Interior.

ARTICLE VI. Inasmuch as there are no agency buildings upon the new Seminole reservation, it is therefore further agreed that the United States shall cause to be constructed, at an expense not exceeding ten thousand (\$10,000) dollars, suitable agency buildings, the site whereof shall be selected by the agent of said tribe, under the direction of the superintendent of Indian affairs; in consideration whereof, the Seminole nation hereby relinquish and cede forever to the United States one section of their lands, upon which said agency buildings shall be *directed* [erected], which land shall revert to said nation when no longer used by the United States, upon said nation paying a fair value for said buildings at the time vacated.

ARTICLE VII. The Seminole nation agrees to such legislation as Congress and the President may deem necessary for the better administration of the rights of person and property within the Indian territory: *Provided, however,* [That] said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs.

The Seminole nation also agree that a general council, consisting of delegates elected by each nation, a tribe lawfully resident within the Indian territory, may be annually convened in said territory, which council shall be organized in such manner and possess such powers as are hereinafter described: —

1st. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said territory shall be taken, under the direction of the superintendent of Indian affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

2d. The first general council shall consist of one member from each tribe, and an additional member for each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory, and shall be elected by said tribes respectively who may assent to the establishment of said general council;

and if none should be thus formally selected by any nation or tribe, the said nation or tribe shall be represented in said general council by the chiefs and headmen of said tribes, to be taken in the order of their rank, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare to each tribe the number of members of said council to which they shall be entitled under the provisions of this article; and the persons so entitled to represent said tribe shall meet at such time and place as he shall appoint; but thereafter the time and place of the sessions of said council shall be determined by its action: *Provided*, That no session in any one year shall exceed the term of thirty days, and provided that special sessions of said council may be called by said superintendent whenever, in his judgment, or that of the Secretary of the Interior, the interest of said tribes shall require.

Time and place of meeting.
Sessions not to exceed 30 days.
Special sessions.

3d. Said general council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in said territory; the arrest and extradition of criminals and offenders escaping from one tribe to another; the administration of justice between members of the several tribes of said territory, and persons other than Indians and members of said tribes or nations; the construction of works of internal improvement and the common defence and safety of the nation of said territory. All laws enacted by said council shall take effect at such time as may therein be provided, unless suspended by direction of the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States; nor shall said council legislate upon matters pertaining to the organization, laws, or customs of the several tribes, except as herein provided for.

Powers of general council.

4th. Said council shall be presided over by the superintendent of Indian affairs, or, in case of his absence for any cause, the duties of said superintendent enumerated in this article shall be performed by such person as the Secretary of the Interior may direct.

Who to preside over council.

5th. The Secretary of the Interior shall appoint a secretary of said council, whose duty it shall be to keep an accurate record of all the proceedings of said council, and who shall transmit a true copy of all such proceedings, duly certified by the superintendent of Indian affairs, to the Secretary of the Interior immediately after the session of said council. He shall be paid out of the treasury of the United States an annual salary of five hundred dollars.

Secretary of council.

6th. The members of said council shall be paid by the United States the sum of four dollars per diem during the time actually in attendance upon the sessions of said council, and at the rate of four dollars for every twenty miles necessarily travelled by them in going to said council and returning to their homes, respectively, to be certified by the secretary of the said council and the sup[erintenden]t of Indian affairs.

Pay.
Pay of members.

7th. The Seminoles also agree that a court or courts may be established in said territory, with such jurisdiction and organized in such manner as Congress may by law provide.

Courts.

ARTICLE VIII. The stipulations of this treaty are to be a full settlement of all claims of said Seminole nation for damages and losses of every kind growing out of the late rebellion, and all expenditures by the United States of annuities in clothing and feeding refugee and destitute Indians since the diversion of annuities for that purpose, consequent upon the late war with the so-called confederate states. And the Seminoles hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Seminole nation by the United States. And the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Seminoles,

This treaty to be a full settlement of all claims.

Diversions of annuities.

to the use of refugee and destitute Indians, other than the Seminoles or members of the Seminole nation, after the close of the present fiscal year, June thirtieth, eighteen hundred and sixty-six.

Treaty obligations reaffirmed.

ARTICLE IX. The United States reaffirms and reassumes all obligations of treaty stipulations entered into before the treaty of said Seminole nation with the so-called confederate states, August first, eighteen hundred and sixty-one, not inconsistent herewith ; and further agree to renew all payments of annuities accruing by force of said treaty stipulations, from and after the close of the present fiscal year, June thirtieth, in the year of our Lord one thousand eight hundred and sixty-six, except as is provided in article eight (viii).

Land granted for missionary or educational purposes ;

ARTICLE X. A quantity of land not exceeding six hundred and forty acres, to be selected according to legal subdivisions, in one body, and which shall include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect, buildings within the Seminole country for missionary or educational purposes ; but no land thus granted, nor the buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of except with the consent and approval of the Secretary of the Interior. And whenever any such land or buildings shall be so sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Seminoles and such other persons as may be, or may hereafter become, members of the tribe according to its laws, customs, and usages.

not to be sold, except, &c.

When sold, proceeds to be how applied.

Inconsistent treaty provisions annulled.

ARTICLE XI. It is further agreed that all treaties heretofore entered into between the United States and the Seminole nation which are inconsistent with any of the articles or provisions of this treaty shall be, and are hereby, rescinded and annulled.

Execution.

In testimony whereof, the said Dennis N. Cooley, Commissioner of Indian affairs, Elijah Sells, superintendent of Indian affairs, and Col. Ely S. Parker, as aforesaid, and the undersigned, persons representing the Seminole nation, have hereunto set their hands and seals the day and year first above written.

DENNIS N. COOLEY, [SEAL.]
Commissioner of Indian Affairs.
 ELIJAH SELLS, [SEAL.]
Superintendent Indian Affairs.
 COL. ELY S. PARKER, [SEAL.]
Special Commissioner.
 JOHN CHUP-CO, his x mark, [SEAL.]
King or Head Chief.
 CHO-COTE-HARJO, his x mark, [SEAL.]
Counsellor.
 FOS-HARJO, his x mark, [SEAL.]
Chief.
 JOHN F. BROWN, [SEAL.]
Special Delegate for Southern Seminoles.

In presence of—

ROBERT JOHNSON, his x mark,
U. S. Interpreter for Seminole Indians.
 GEO. A. REYNOLDS,
U. S. Indian Agent for Seminoles.
 OK-TUS-SUS-HAR-JO, his x mark, or SANDS.
 COW-E-TO-ME-KO, his x mark.
 CHE-CHU-CHEE, his x mark.
 HARRY ISLAND, his x mark,
U. S. Interpreter for Creek Indians.

J. W. DUNN,

U. S. Indian Agent for the Creek Nation.

PERRY FULLER.

Signed by John F. Brown, special delegate for Southern Seminoles, in presence of, this June thirtieth, eighteen hundred and sixty-six —

W. R. IRWIN.

J. M. TEBBETTS.

GEO. A. REYNOLDS, *U. S. Indian Agent.*

ROBERT JOHNSON, his x mark, *U. S. Interpreter.*

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 nineteenth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:—

Ratification.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

July 19, 1866.

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 Washington, D. C., March twenty-first, in the year of our Lord one thousand eight hundred and sixty-six, between the Commissioners on the part of the United States and the Seminole Indians.

Attest:

J. W. FORNEY, *Secretary.*

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the nineteenth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty.

Proclaimed.

Done at the city of Washington this sixteenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

Supplemental Article to the Treaty of November 15, 1861, between the United States of America and the Pottawatomie Tribe of Indians; Concluded March 29, 1866; Ratification advised April 26, 1866; Proclaimed May 5, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

March 29, 1866.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a supplemental article to the treaty between the United States of America and the Pottawatomie Nation of Indians, of the fifteenth of November, one thousand eight hundred and sixty-one, was made and concluded at the city of Washington, in the District of Columbia, on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley, Commissioner, on the part of the United States, and J. N. Bourassa, U. F. Navane, and B. N. Bertrand, Business Committee, on the part of said nation of Indians, and duly authorized thereto by them, which supplemental article is in the words and figures following, to wit :—

Preamble.

Vol. xii. p. 1191.

Whereas certain amendments are desired by the Pottawatomie Indians to their treaty concluded at the Pottawatomie Agency on the fifteenth day of November, A. D. 1861, and amended by resolution of the Senate of the United States dated April the fifteenth, A. D. 1862; and whereas the United States are willing to assent to such amendments, it is therefore agreed by and between Dennis N. Cooley, Commissioner, on the part of the United States, thereunto duly authorized, and the undersigned Business Committee, acting on behalf of said tribe, and being thereunto duly authorized, in manner and form following, that is to say :—

Contracting parties.

ARTICLE I. The beneficial provisions in behalf of the more prudent and intelligent members of said tribe, contained in the third article of the amended treaty above recited, shall not hereafter be confined to males and heads of families, but the same shall be and are hereby extended to all adult persons of said tribe without distinction of sex, whether such persons are or shall be heads of families or otherwise, in the same manner, to the same extent, and upon the same terms, conditions, and stipulations as are contained in said third article of said treaty with reference to "males and heads of families."

Provisions of third article of former treaty extended to all adult persons of the tribe.

In testimony whereof the said parties by their Commissioner and Business Committee aforesaid have hereunto set their hands and seals at Washington City, District of Columbia, this 29th day of March, in the year of our Lord one thousand eight hundred and sixty-six.

Execution.

DENNIS N. COOLEY, [SEAL.]
Commissioner.

J. N. BOURASSA, [SEAL.]
U. F. NAVANE, [SEAL.]
B. N. BERTRAND, [SEAL.]

Business Committee.

Signed in presence of—

L. R. PALMER,
JAMES STEELE.

Ratification. And whereas the said supplemental article having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-sixth day of April, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.
April 26, 1866.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the supplemental article to the Pottawatomie treaty of November 15, 1861, concluded on the 29th of March, 1866.

Attest:

J. W. FORNEY, *Secretary*.

Proclaimed. Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-sixth of April, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said supplemental article of treaty as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this fifth day of May, in the year of our Lord one thousand eight hundred and sixty-six,
[SEAL.] and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.

Treaty between the United States of America and the Bois Forte Band of Chippewa Indians; Concluded April 7, 1866; Ratification advised, with Amendment, April 26, 1866; Amendment accepted April 28, 1866; Proclaimed May 5, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

April 7, 1866.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley and E. E. L. Taylor, Commissioners, on the part of the United States, and Gabeshcodaway or Going through the Prairie, Babawmadjeweshcang or Mountain Traveller, and others, chiefs, headmen, and warriors of the Bois Forte Band of Chippewa Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :—

Preamble.

ARTICLES OF A TREATY made and concluded at Washington, District of Columbia, this seventh day of April, in the year of our Lord one thousand eight hundred and sixty-six, by and between the United States, party of the first part, by their Commissioners, D. N. Cooley, Commissioner of Indian Affairs, and E. E. L. Taylor, thereunto duly authorized, and the Bois Forte band of Chippewa Indians, parties of the second part, by the undersigned chiefs, headmen, and warriors of said bands, thereunto duly authorized.

Contracting parties.

ARTICLE I. The peace and friendship now existing between the United States and said Bois Forte bands of Indians shall be perpetual.

Peace and friendship.

ARTICLE II. In consideration of the agreements, stipulations, and undertakings to be performed by the United States, and hereinafter expressed, the Bois Forte bands of Chippewas have agreed to, and do hereby, cede and forever relinquish and surrender to the United States all their right, title, claim, and interest in and to all lands and territory heretofore claimed, held, or possessed by them, and lying east of the boundary line mentioned and established in and by the first article of the treaty made and concluded by and between the United States of the one part, and the Chippewas of Lake Superior and the Mississippi of the other part, on the 30th day of September, A. D. 1854, and more especially in and to all that portion of said territory heretofore claimed and occupied by them at and near Lake Vermillion as a reservation. The Bois Forte band of Chippewas in like manner cede and relinquish forever to the United States all their claim, right, title, and interest in and to all lands and territory lying westwardly of said boundary line, or elsewhere within the limits of the United States.

Cession of lands to the United States.

Boundaries.

Vol. x. p. 1109.

ARTICLE III. In consideration of the foregoing cession and relinquishment, the United States agree to and will perform the stipulations, undertakings, and agreements following, that is to say :—

The United States to set apart a reservation.

1st. There shall be set apart within one year after the date of the ratification of this treaty, under the direction of the President of the

United States, within the Chippewa country, for the perpetual use and occupancy of said Bois Forte band of Chippewas, a tract of land of not less than one hundred thousand acres, the said location to include a lake known by the name of Netor As-sab-a-co-na, if, upon examination of the country by the agent sent by the President of the United States to select the said reservation, it is found practicable to include the said lake therein, and also one township of land on the Grand Fork river, at the mouth of Deer creek, if such location shall be found practicable.

The United States to erect shop, school-house, houses for chiefs, and other buildings;

2d. The United States will as soon as practicable after the setting apart of the tract of country first above mentioned, erect thereon without expense to said Indians, one blacksmith's shop, to cost not exceeding five hundred dollars; one school-house to cost not exceeding five hundred dollars; and eight houses for their chiefs, to cost not exceeding four hundred dollars each; and a building for an agency house and storehouse for the storage of goods and provisions, to cost not exceeding two thousand dollars.

to pay annuities for twenty years.

Objects of annuities.

3d. The United States will expend annually for and in behalf of said Bois Forte band of Chippewas, for and during the term of twenty years from and after the ratification of this treaty, the several sums and for the purposes following, to wit: For the support of one blacksmith and assistant, and for tools, iron, and steel, and other articles necessary for the blacksmith's shop, fifteen hundred dollars; for one school-teacher, and the necessary books and stationery for the school, eight hundred dollars, the chiefs in council to have the privilege of selecting, with the approval of the Secretary of the Interior, the religious denomination to which the said teacher shall belong; for instructions of the said Indians in farming, and the purchase of seeds, tools, &c., for that purpose, eight hundred dollars; and for annuity payments, the sum of eleven thousand dollars, three thousand five hundred dollars of which shall be paid to them in money per capita, one thousand dollars in provisions, ammunition, and tobacco, and six thousand five hundred dollars to be distributed to them in goods and other articles suited to their wants and condition.

Payment of \$50,000 to Indians.

Amendment. Post, p. 767.

ARTICLE IV. To enable the chiefs, headmen, and warriors now present to establish their people upon the new reservation, and to purchase useful articles and presents for their people, the United States agree to pay to them, upon the ratification of this treaty, the sum of fifty thousand dollars, to be expended under the direction of the Secretary of the Interior.

Grant of lands to certain persons for services.

ARTICLE V. In consideration of the services heretofore rendered to the said Indians by Francis Roussaire, senior, Francis Roussaire, jr., and Peter E. Bradshaw, it is hereby agreed that the said persons shall each have the right to select one hundred and sixty acres of land, not mineral lands, and to receive patents therefor from the United States; and for the like services to the Indians, the following-named persons, to wit: Peter Roy, Joseph Gurnoe, Francis Roy, Vincent Roy, Eustace Roussaire, and D. George Morrison shall each have the right to select eighty acres of land, not mineral lands, and to receive from the United States patents therefor.

Annuities to be paid upon the reservation, if, &c.

Inconsistent provisions of former treaties abrogated.

ARTICLE VI. It is further agreed that all payments of annuities to the Bois Forte band of Chippewas shall be made upon their reservation if, upon examination, it shall be found practicable to do so.

ARTICLE VII. It is agreed by and between the parties hereto that upon the ratification of this treaty all former treaties existing between them inconsistent herewith shall be, and the same are hereby, abrogated and made void to all intents and purposes; and the said Indians hereby relinquish any and all claims for arrears of payments claimed to be due under such treaties, or that are hereafter to fall due under the provisions of the same; except that as to the third clause of the 12th article of the treaty of Sept. 30th, 1854, providing for a blacksmith, smithshop, sup-

Part of treaty of Sept. 30, 1854,

plies, and instructions in farming, the same shall continue in full force and effect, but the benefits thereof shall be transferred to the Chippewas of Lake Superior. to remain in full force. Vol. x. p. 1110. Payment of expenses of delegation to Washington.

ARTICLE VIII. The United States also agree to pay the necessary expenses of transportation and subsistence of the delegates who have visited Washington for the purpose of negotiating this treaty, not exceeding the sum of ten thousand dollars.

In testimony whereof, the undersigned, Commissioners on behalf of the United States, and the delegates on behalf of the Bois Forte band of Chippewas, have hereunto set their hands and seals the day and year first above written.

D. N. COOLEY, *Com'r of Ind. Affairs.* [L. s.]
 E. E. L. TAYLOR, *Special Com'r.* [L. s.]

- GABESHCODAWAY, or Going through the Prairie, his x mark. [L. s.]
- BABAWMADJEWESHANG, or Mountain Traveller, his x mark. [L. s.]
- ADAWAWNEQUABENACE, or Twin-haired Bird, his x mark. [L. s.]
- SAGWADACAMEGISHANG, or He who Tries the Earth, his x mark. [L. s.]
- NEONING, or The Four Fingers, his x mark. [L. s.]
- WABAWGAMAWGAU, or The Tomahawk, his x mark. [L. s.]
- GANAWAWBAMINA, or He who is Looked at, his x mark. [L. s.]
- GAWNANDAWAWINZO, or Berry Hunter, his x mark. [L. s.]
- ABETANG, or He who Inhabits. his x mark. [L. s.]

In presence of—

- LUTHER E. WEBB, [L. s.]
U. S. Indian Agent for Chippewas, Lake Superior.
 - JOSEPH D. GURNOE, [L. s.]
U. S. Interpreter, Lake Superior.
 - J. C. RAMSEY.
 - BENJ'N THOMPSON.
 - PETER ROY.
 - D. GEO. MORRISON.
 - VINCENT ROY, Jr.
 - W. H. WATSON.
- } [L. s.]

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 twenty-sixth day of April, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 April 26, 1866.

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 Washington, District of Columbia, the seventh day of April, 1866, between the United States and the Bois Forte band of Chippewa Indians, with the following

AMENDMENT:

Article IV., line 4, strike out the word "fifty," and insert in lieu thereof the word *thirty*. *Ante*, p. 766.

Attest:

J. W. FORNEY, *Secretary.*

Amendment
accepted.

And whereas the foregoing amendment having been fully explained and interpreted to the chiefs, headmen, and warriors of the Bois Forte Band of Chippewa Indians whose names are subscribed to the writing hereto following, they did, on the twenty-eighth day of April, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendment in the words and figures following, to wit:—

Whereas the Senate of the United States has advised and consented to the ratification of the treaty¹ made on the seventh day of April, 1866, with the Bois Forte band of Chippewa Indians, with the following amendment, to wit:—

“In article IV. of said treaty, line 4, strike out the word ‘fifty,’ and insert in lieu thereof the word *thirty*.”

Now, therefore, we, the chiefs, headmen, and warriors of the said Bois Forte band, duly authorized by our people, do hereby assent and agree to the said amendment above written, the same having been interpreted to us, and being fully understood by us.

Witness our hands and seals this 28th day of April, A. D. 1866, at Washington, D. C.

GABESHCODAWAY, his x mark.	[L. S.]
BABAWMADJEWESH CANG, his x mark.	[L. S.]
ADAWAWNEQUABENACE, his x mark.	[L. S.]
GAGWADACAMEGISHCANG, his x mark.	[L. S.]
WABAWGAMAWGAU, his x mark.	[L. S.]
GANAWAWBAMINA, his x mark.	[L. S.]
GAWNANDAWAWINZO, his x mark.	[L. S.]
ABETANG, his x mark.	[L. S.]

Witness:—

JOSEPH D. GURNOE, [L. S.] *U. S. Interpreter.*
 D. N. COOLEY, [L. S.] *Com'r Ind. Affairs.*
 L. E. WEBB, *U. S. Indian Agent.*
 J. C. RAMSEY.

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-sixth of April, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty, with the amendment as aforesaid.

In testimony whereof, I have signed my name, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this fifth day of May, in the year of our Lord one thousand eight hundred and sixty-six, [SEAL.] and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Choctaw and Chickasaw Indians; Concluded April 28, 1866; Ratification advised, with Amendments, June 28, 1866; Amendments accepted July 2, 1866; Proclaimed July 10, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

April 28, 1866.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-eighth day of April, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley, Elijah Sells, and E. S. Parker, Commissioners, on the part of the United States, and Alfred Wade, Allen Wright, James Riley, and John Page, Commissioners, on the part of the Choctaw nation of Indians, and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, Commissioners, on the part of the Chickasaw nation of Indians, all of which Commissioners were duly authorized thereto, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF AGREEMENT AND CONVENTION between the United States and the Choctaw and Chickasaw nations of Indians, made and concluded at the city of Washington the twenty-eighth day of April, in the year eighteen hundred and sixty-six, by Dennis N. Cooley, Elijah Sells, and E. S. Parker, Special Commissioners on the part of the United States, and Alfred Wade, Allen Wright, James Riley, and John Page, Commissioners on the part of the Choctaws, and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, Commissioners on the part of the Chickasaws.

Contracting parties.

ARTICLE I. Permanent peace and friendship are hereby established between the United States and said nations; and the Choctaws and Chickasaws do hereby bind themselves respectively to use their influence and to make every exertion to induce Indians of the plains to maintain peaceful relations with each other, with other Indians, and with the United States.

Peace and friendship.

ARTICLE II. The Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in punishment of crime whereof the parties shall have been duly convicted, in accordance with laws applicable to all members of the particular nation, shall ever exist in said nations.

Slavery and involuntary servitude to cease.

ARTICLE III. The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than five per cent, in trust for the said nations, until the legislatures of the Choctaw and Chickasaw nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said

Cession of the leased district to the United States.

Purchase money to be invested by the United States and held in trust until, &c.

nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw nations in the proportion of three fourths to the former and one fourth to the latter, — less such sum, at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said territory in such manner as the United States shall deem proper, — the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

Rights of negroes and freedmen.

ARTICLE IV. The said nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration on reasonable and equitable contracts for their labor, which the law should aid them to enforce. And they agree, on the part of their respective nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness and be protected against injury; and they further agree, that while the said freedmen, now in the Choctaw and Chickasaw nations, remain in said nations, respectively, they shall be entitled to as much land as they may cultivate for the support of themselves and families, in cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of the occupant, it being understood that in the event of the making of the laws, rules, and regulations aforesaid, the forty acres aforesaid shall stand in place of the land cultivated as last aforesaid.

Amnesty for past offences.

ARTICLE V. A general amnesty of all past offences against the laws of the United States, committed before the signing of this treaty by any member of the Choctaw or Chickasaw nations, is hereby declared; and the United States will especially request the States of Missouri, Kansas, Arkansas, and Texas to grant the like amnesty as to all offences committed by any member of the Choctaw or Chickasaw nation. And the Choctaws and Chickasaws, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offences against their respective governments, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who may have remained friendly to the United States, but they shall enjoy equal privileges with other members of said tribes, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

Amendment. Post, p. 782.

ARTICLE VI: The Choctaws and Chickasaws hereby grant a right of way through their lands to any company or companies which shall be duly authorized by Congress, or by the legislatures of said nations, respectively, and which shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad through the Choctaw and Chickasaw nations from the north to the south thereof, and from the east to the west side thereof, in accordance with the provisions of the 18th article of the treaty of June twenty-second, one thousand eight hundred and fifty-five, which provides that for any property taken or destroyed in the construction thereof full compensation shall be made to the party or parties injured, to be ascertained and determined in such manner as the President of the United States shall direct. But such railroad company or companies, with all its or their agents and employés shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose. And it is also stipulated and agreed that the nation through which the road or roads aforesaid shall pass may subscribe to the stock of the particular company or companies such amount or amounts as they may be able to pay for in alternate sections of unoccupied lands for a space of six miles on each side of said road or roads, at a price per acre to be agreed upon between said Choctaw and Chickasaw nations and the said company or companies, subject to the approval of the President of the United States: *Provided, however,* That said land, thus subscribed, shall not be sold, or demised, or occupied by any one not a citizen of the Choctaw or Chickasaw nations, according to their laws and recognized usages: *Provided,* That the officers, servants, and employés of such companies necessary to the construction and management of said road or roads shall not be excluded from such occupancy as their respective functions may require, they being subject to the provisions of the Indian intercourse law and such rules and regulations as may be established by the Secretary of the Interior: *And provided also,* That the stock thus subscribed by either of said nations shall have the force and effect of a first mortgage bond on all that part of said road, appurtenances, and equipments situated and used within said nations respectively, and shall be a perpetual lien on the same, and the said nations shall have the right, from year to year, to elect to receive their equitable proportion of declared dividends of profits on their said stock, or interest on the par value at the rate of six per cent per annum.

2. And it is further declared, in this connection, that as fast as sections of twenty miles in length are completed, with the rails laid ready for use, with all water and other stations necessary to the use thereof, as a first class road, the said company or companies shall become entitled to patents for the alternate sections aforesaid, and may proceed to dispose thereof in the manner herein provided for, subject to the approval of the Secretary of the Interior.

3. And it is further declared, also, in case of one or more of said alternate sections being occupied by any member or members of said nations respectively, so that the same cannot be transferred to the said company or companies, that the said nation or nations, respectively, may select any unoccupied section or sections, as near as circumstances will permit, to the said width of six miles on each side of said road or roads, and convey the same as an equivalent for the section or sections so occupied as aforesaid.

ARTICLE VII. The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory: *Provided, however,* Such legislation shall not in any wise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries,

Right of way through their country for railroads.

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Damages.

Companies subject to laws, &c.

Indians may subscribe to stock.

Provisos.

When companies to be entitled to patents for the lands.

Other lands may be selected in lieu of occupied sections.

Legislation by Congress for rights of persons and property.

or the rights, laws, privileges, or customs of the Choctaws and Chickasaw nations respectively.

ARTICLE VIII. The Choctaws and Chickasaw also agree that a council, consisting of delegates elected by each nation or tribe lawfully resident within the Indian territory, may be annually convened in said territory to be organized as follows:—

A council to be convened annually.

Census of the tribes to be taken.

1. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said assembly, a census of each tribe, lawfully resident in said territory, shall be taken, under the direction of the superintendent of Indian affairs, by competent persons, to be appointed by him, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

Council to consist of whom

2. The council shall consist of one member from each tribe or nation whose population shall exceed five hundred, and an additional member for each one thousand Indians, native or adopted, or each fraction of a thousand greater than five hundred being members of any tribe lawfully resident in said territory, and shall be selected by the tribes or nations respectively who may assent to the establishment of said general assembly; and if none should be thus formally selected by any nation or tribe, it shall be represented in said general assembly by the chief or chiefs and headmen of said tribes, to be taken in the order of their rank as recognized in tribal usage in the number and proportions above indicated.

Members to which each tribe is entitled.

3. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare to each tribe the number of members of said council to which they shall be entitled under the provisions of this article; and the persons so to represent the said tribes shall meet at such time and place as he shall designate, but thereafter the time and place of the sessions of the general assembly shall be determined by itself: *Provided*, That no session in any one year shall exceed the term of thirty days, and provided that the special sessions may be called whenever, in the judgment of the Secretary of the Interior, the interests of said tribes shall require it.

Time and place of meeting.

Length of session and special sessions.

Power of general assembly.

4. The general assembly shall have power to legislate upon all subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in the said territory, the arrest and extradition of criminals escaping from one tribe to another, the administration of justice between members of the several tribes of the said territory, and persons other than Indians and members of said tribes or nations, the construction of works of internal improvement, and the common defence and safety of the nations of the said territory. All laws enacted by said council shall take effect at the times therein provided, unless suspended by the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States or the laws of Congress or existing treaty stipulations with the United States; nor shall said council legislate upon matters pertaining to the legislative, judicial, or other organization, laws, or customs of the several tribes or nations except as herein provided for.

President of council.

5. Said council shall be presided over by the superintendent of Indian affairs, or, in case of his absence from any cause, the duties of the superintendent enumerated in this article shall be performed by such person as the Secretary of the Interior shall indicate.

Secretary.

Duty and pay.

6. The Secretary of the Interior shall appoint a secretary of said council, whose duty it shall be to keep an accurate record of all the proceedings of said council, and to transmit a true copy thereof, duly certified by the superintendent of Indian affairs, to the Secretary of the Interior immediately after the sessions of said council shall terminate. He shall be paid five hundred dollars, as an annual salary, by the United States.

7. The members of the said council shall be paid by the United States

TREATY WITH THE CHOCTAWS AND CHICKASAWS. APRIL 28, 1866. 773

four dollars per diem while in actual attendance thereon, and four dollars mileage for every twenty miles going and returning therefrom by the most direct route, to be certified by the secretary of said council and the presiding officer.

Pay and mileage of members.

8. The Choctaws and Chickasaws also agree that a court or courts may be established in said territory with such jurisdiction and organization as Congress may prescribe: *Provided*, That the same shall not interfere with the local judiciary of either of said nations.

Courts may be established.

9. Whenever Congress shall authorize the appointment of a delegate from said territory, it shall be the province of said council to elect one from among the nations represented in said council.

Delegate from the territory.

10. And it is further agreed that the superintendent of Indian affairs shall be the executive of the said territory, with the title of "governor of the Territory of Oklahoma," and that there shall be a secretary of the said territory, to be appointed by the said superintendent; that the duty of the said governor, in addition to those already imposed on the superintendent of Indian affairs, shall be such as properly belong to an executive officer charged with the execution of the laws, which the said council is authorized to enact under the provisions of this treaty; and that for this purpose he shall have authority to appoint a marshal of said territory and an interpreter; the said marshal to appoint such deputies, to be paid by fees, as may be required to aid him in the execution of his proper functions; and be the marshal of the principal court of said territory that may be established under the provisions of this treaty.

Superintendent of Indian affairs to be the executive.

Title and duties.

11. And the said marshal and the said secretary shall each be entitled to a salary of five hundred dollars per annum, to be paid by the United States, and such fees in addition thereto as shall be established by said governor, with the approbation of the Secretary of the Interior; it being understood that the said fee lists may at any time be corrected and altered by the Secretary of the Interior, as the experience of the system proposed herein to be established shall show to be necessary, and shall in no case exceed the fees paid to marshals of the United States for similar services.

Marshal.

Salary of marshal and secretary.

The salary of the interpreter shall be five hundred dollars, to be paid in like manner by the United States.

Salary of interpreter.

12. And the United States agree that in the appointment of marshals and deputies, preference, qualifications being equal, shall be given to competent members of the said nations, the object being to create a laudable ambition to acquire the experience necessary for political offices of importance in the respective nations.

Appointment of marshals and deputies.

13. And whereas it is desired by the said Choctaw and Chickasaw nations that the said council should consist of an upper and lower house, it is hereby agreed that whenever a majority of the tribes or nations represented in said council shall desire the same, or the Congress of the United States shall so prescribe, there shall be, in addition to the council now provided for, and which shall then constitute the lower house, an upper house, consisting of one member from each tribe entitled to representation in the council now provided for—the relations of the two houses to each other being such as prevail in the States of the United States; each house being authorized to choose its presiding officer and clerk to perform the duties appropriate to such offices; and it being the duty, in addition, of the clerks of each house to make out and transmit to the territorial secretary fair copies of the proceedings of the respective houses immediately after their respective sessions, which copies shall be dealt with by the said secretary as is now provided in the case of copies of the proceedings of the council mentioned in this act, and the said clerks shall each be entitled to the same per diem as members of the respective houses, and the presiding officers to double that sum.

Provision for an upper house of the council

ARTICLE IX. Such sums of money as have, by virtue of treaties existing in the year eighteen hundred and sixty-one, been invested for the

Certain sums invested to remain so invested.

Amendment.
Post, p. 782.

Treaty obligations, &c. reaffirmed, and payment of annuities to be renewed.

Survey and division of lands in severalty.

Land office established at Boggy Depot.

Maps of surveys to exhibit actual occupancies, &c.

Notice to parties interested to examine the maps.

purposes of education, shall remain so invested, and the interest thereof, including any arrears which may have accrued, shall be applied for the same purposes, in such manner as shall be designated by the legislative authorities of the Choctaw and Chickasaw nations respectively.

ARTICLE X. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw nations, entered into prior to the late rebellion, and in force at that time, not inconsistent herewith; and further agrees to renew the payment of all annuities and others moneys accruing under such treaty stipulations and acts of legislation, from and after the close of the fiscal year ending on the thirtieth of June, in the year eighteen hundred and sixty-six.

ARTICLE XI. Whereas the land occupied by the Choctaw and Chickasaw nations, and described in the treaty between the United States and said nations, of June twenty-second, eighteen hundred and fifty-five, is now held by the members of said nations in common, under the provisions of the said treaty; and whereas it is believed that the holding of said land in severalty will promote the general civilization of said nations, and tend to advance their permanent welfare and the best interests of their individual members, it is hereby agreed that, should the Choctaw and Chickasaw people, through their respective legislative councils, agree to the survey and dividing their land on the system of the United States, the land aforesaid east of the ninety-eighth degree of west longitude shall be, in view of the arrangements hereinafter mentioned, surveyed and laid off in ranges, townships, sections, and parts of sections; and that for the purpose of facilitating such surveys and for the settlement and distribution of said land as hereinafter provided, there shall be established at Boggy Depot, in the Choctaw territory, a land office; and that, in making the said surveys and conducting the business of the said office, including the appointment of all necessary agents and surveyors, the same system shall be pursued which has heretofore governed in respect to the public lands of the United States, it being understood that the said surveys shall be made at the cost of the United States and by their agents and surveyors, as in the case of their own public lands, and that the officers and employés shall receive the same compensation as is paid to officers and employés in the land offices of the United States in Kansas.

ARTICLE XII. The maps of said surveys shall exhibit, as far as practicable, the outlines of the actual occupancy of members of the said nations, respectively; and when they are completed, shall be returned to the said land office at Boggy Depot for inspection by all parties interested, when notice for ninety days shall be given of such return, in such manner as the legislative authorities of the said nations, respectively, shall prescribe, or, in the event of said authorities failing to give such notice in a reasonable time, in such manner as the register of said land office shall prescribe, calling upon all parties interested to examine said maps to the end that errors, if any, in the location of such occupancies, may be corrected.

ARTICLE XIII. The notice required in the above article shall be given, not only in the Choctaw and Chickasaw nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw nations, may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation, and occupy and commence an improvement on the land selected within the time aforesaid, the said selection shall be can-

celled, and the land shall thereafter be discharged from all claim on account thereof.

ARTICLE XIV. At the expiration of the ninety days aforesaid the legislative authorities of the said nations, respectively, shall have the right to select one quarter-section of land in each of the counties of said nations respectively, in trust for the establishment of seats of justice therein, and also as many quarter-sections as the said legislative councils may deem proper for the permanent endowment of schools, seminaries, and colleges in said nation, provided such selection shall not embrace or interfere with any improvement in the actual occupation of any member of the particular nation without his consent; and provided the proceeds of sale of the quarter-sections selected for seats of justice shall be appropriated for the erection or improvement of public buildings in the county in which it is located.

Lands may be selected for seats of justice, for schools, seminaries and colleges.

ARTICLE XV. At the expiration of the ninety days' notice aforesaid, the selection which is to change the tenure of the land in the Choctaw and Chickasaw nations from a holding in common to a holding in severalty shall take place, when every Choctaw and Chickasaw shall have the right to one quarter-section of land, whether male or female, adult or minor, and if in actual possession or occupancy of land improved or cultivated by him or her, shall have a prior right in the quarter-section in which his or her improvement lies; and every infant shall have selected for him or her a quarter-section of land in such location as the father of such infant, if there be a father living, and if no father living, then the mother or guardian, and should there be neither father, mother, nor guardian, then as the probate judge of the county, acting for the best interest of such infant, shall select.

Each Indian to have a right to one quarter-section of land.

Actual occupant.

Infants.

ARTICLE XVI. Should an actual occupant of land desire, at any time prior to the commencement of the surveys aforesaid, to abandon his improvement, and select and improve other land, so as to obtain the prior right of selection thereof, he or she shall be at liberty to do so; in which event the improvement so abandoned shall be open to selection by other parties: *Provided*, That nothing herein contained shall authorize the multiplication of improvements so as to increase the quantity of land beyond what a party would be entitled to at the date of this treaty.

Actual occupant, prior to surveys, may abandon his improvements and select other land.

Proviso.

ARTICLE XVII. No selection to be made under this treaty shall be permitted to deprive or interfere with the continued occupation, by the missionaries established in the respective nations, of their several missionary establishments; it being the wish of the parties hereto to promote and foster an influence so largely conducive to civilization and refinement. Should any missionary who has been engaged in missionary labor for five consecutive years before the date of this treaty in the said nations, or either of them, or three consecutive years prior to the late rebellion, and who, if absent from the said nations, may desire to return, wish to select a quarter-section of land with a view to a permanent home for himself and family, he shall have the privilege of doing so, provided no selection shall include any public buildings, schools or seminary; and a quantity of land not exceeding six hundred and forty acres, to be selected according to legal subdivisions in one body, and to include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect buildings within the Choctaw and Chickasaw country for missionary or educational purposes; but no land thus granted, nor the buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of, except with the consent of the legislatures of said nations respectively and approval of the Secretary of the Interior; and whenever such lands or buildings shall be sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the

Occupation by missionaries of missionary establishments not to be interfered with.

Rights of certain missionaries.

Choctaws and Chickasaws, and such other persons as may hereafter become members of their nations, according to their laws, customs, and usages.

Rights of parents in selecting land for children.

ARTICLE XVIII. In making a selection for children the parent shall have a prior right to select land adjacent to his own improvements or selection, provided such selection shall be made within thirty days from the time at which selections under this treaty commence.

Mode of selecting lands.

ARTICLE XIX. The manner of selecting as aforesaid shall be by an entry with the register of the land office, and all selections shall be made to conform to the legal subdivisions of the said lands as shown by the surveys aforesaid on the maps aforesaid; it being understood that nothing herein contained is to be construed to confine a party selecting to one section, but he may take contiguous parts of sections by legal subdivisions in different sections, not exceeding together a quarter-section.

Proof of improvements to be made prior to entries.

ARTICLE XX. Prior to any entries being made under the foregoing provisions, proof of improvements, or actual cultivation, as well as the number of persons for whom a parent or guardian, or probate judge of the county proposes to select and of their right to select, and of his or her authority to select for them, shall be made to the register and receiver of the land office, under regulations to be prescribed by the Secretary of the Interior.

Sections sixteen and thirty-six to be reserved for schools. Proviso.

ARTICLE XXI. In every township the sections of land numbered sixteen and thirty-six shall be reserved for the support of schools in said township: *Provided*, That if the same has been already occupied by a party or parties having the right to select it, or it shall be so sterile as to be unavailable, the legislative authorities of the particular nations shall have the right to select such other unoccupied sections as they may think proper.

Military posts and Indian agencies.

ARTICLE XXII. The right of selection hereby given shall not authorize the selection of any land required by the United States as a military post, or Indian agency, not exceeding one mile square, which, when abandoned, shall revert to the nation in which the land lies.

Names of persons for whom selections are made to be in books of register.

ARTICLE XXIII. The register of the land office shall inscribe in a suitable book or books, in alphabetical order, the name of every individual for whom a selection shall be made, his or her age, and a description of the land selected.

Town lots.

ARTICLE XXIV. Whereas it may be difficult to give to each occupant of an improvement a quarter-section of land, or even a smaller subdivision, which shall include such improvement, in consequence of such improvements lying in towns, villages, or hamlets, the legislative authorities of the respective nations shall have power, where, in their discretion, they think it expedient, to lay off into town lots any section or part of a section so occupied, to which lots the actual occupants, being citizens of the respective nations, shall have pre-emptive right, and, upon paying into the treasury of the particular nation the price of the land as fixed by the respective legislatures, exclusive of the value of said improvement, shall receive a conveyance thereof. Such occupant shall not be prejudiced thereby in his right to his selection elsewhere. The town lots which may be unoccupied shall be disposed of for the benefit of the particular nation, as the legislative authorities may direct from time to time. When the number of occupants of the same quarter-section shall not be such as to authorize the legislative authorities to lay out the same, or any part thereof, into town lots, they may make such regulations for the disposition thereof as they may deem proper, either by subdivision of the same, so as to accommodate the actual occupants, or by giving the right of prior choice to the first occupant in point of time, upon paying the others for their improvements, to be valued in such way as the legislative authorities shall prescribe, or otherwise. All occupants retaining their lots under this section, and desiring, in addition, to make a selection, must pay for the lots so retained, as in the case of town lots. And any

Choctaw or Chickasaw who may desire to select a sectional division other than that on which his homestead is, without abandoning the latter, shall have the right to purchase the homestead sectional division at such price as the respective legislatures may prescribe.

ARTICLE XXV. During ninety days from the expiration of the ninety days' notice aforesaid, the Choctaws and Chickasaws shall have the exclusive right to make selections, as aforesaid, and at the end of that time the several parties shall be entitled to patents for their respective selections, to be issued by the President of the United States, and countersigned by the chief executive officer of the nation in which the land lies, and recorded in the records of the executive office of the particular nation; and copies of the said patents, under seal, shall be evidence in any court of law or equity.

When patents to issue for selected lands.

ARTICLE XXVI. The right here given to Choctaws and Chickasaws, respectively, shall extend to all persons who have become citizens by adoption or intermarriage of either of said nations, or who may hereafter become such.

Citizens by adoption or intermarriage to have same rights.

ARTICLE XXVII. In the event of disputes arising in regard to the rights of parties to select particular quarter-sections or other divisions of said land, or in regard to the adjustment of boundaries, so as to make them conform to legal divisions and subdivisions such disputes shall be settled by the register of the land office and the chief executive officer of the nation in which the land lies, in a summary way, after hearing the parties; and if said register and chief officer cannot agree, the two to call in a third party, who shall constitute a third referee, the decision of any two of whom shall be final, without appeal.

Disputes as to selections of lands, how to be settled.

ARTICLE XXVIII. Nothing contained in any law of either of the said nations shall prevent parties entitled to make selections contiguous to each other; and the Choctaw and Chickasaw nations hereby agree to repeal all laws inconsistent with this provision.

Contiguous selections.

ARTICLE XXIX. Selections made under this treaty shall, to the extent of one quarter-section, including the homestead or dwelling, be inalienable for the period of twenty-one years from the date of such selection, and upon the death of the party in possession shall descend according to the laws of the nation where the land lies; and in the event of his or her death without heirs, the said quarter-section shall escheat to and become the property of the nation.

Selections to be inalienable, &c.

ARTICLE XXX. The Choctaw and Chickasaw nations will receive into their respective districts east of the ninety-eighth degree of west longitude, in the proportion of one fourth in the Chickasaw and three fourths in the Choctaw nation, civilized Indians from the tribes known by the general name of the Kansas Indians, being Indians to the north of the Indian territory, not exceeding ten thousand in number, who shall have in the Choctaw and Chickasaw nations, respectively, the same rights as the Choctaws and Chickasaws, of whom they shall be the fellow-citizens, governed by the same laws, and enjoying the same privileges, with the exception of the right to participate in the Choctaw and Chickasaw annuities and other moneys, and in the public domain, should the same or the proceeds thereof be divided per capita among said Choctaws and Chickasaws, and among others the right to select land as herein provided for Choctaws and Chickasaws, after the expiration of the ninety days during which the selections of land are to be made, as aforesaid, by said Choctaws and Chickasaws; and the Choctaw and Chickasaw nations pledge themselves to treat the said Kansas Indians in all respects with kindness and forbearance, aiding them in good faith to establish themselves in their new homes, and to respect all their customs and usages not inconsistent with the constitution and laws of the Choctaw and Chickasaw nations respectively. In making selections after the advent of the Indians and the actual occupancy of land in said nation, such occupancy

Not over 10,000 Kansas Indians will be received into district east of, &c. who shall have same rights, &c.

shall have the same effect in their behalf as the occupancies of Choctaws and Chickasaws; and after the said Choctaws and Chickasaws have made their selections as aforesaid, the said persons of African descent mentioned in the third article of the treaty, shall make their selection as therein provided, in the event of the making of the laws, rules, and regulations aforesaid, after the expiration of ninety days from the date at which the Kansas Indians are to make their selections as therein provided, and the actual occupancy of such persons of African descent shall have the same effect in their behalf as the occupancies of the Choctaws and Chickasaws.

Such Kansas Indians may come at once.

ARTICLE XXXI. And whereas some time must necessarily elapse before the surveys, maps, and selections herein provided for can be completed so as to permit the said Kansas Indians to make their selections in their order, during which time the United States may desire to remove the said Indians from their present abiding places, it is hereby agreed that the said Indians may at once come into the Choctaw and Chickasaw nations, settling themselves temporarily as citizens of the said nations, respectively, upon such land as suits them and is not already occupied.

Documents in land offices to be given to Choctaws and Chickasaws in two years.

ARTICLE XXXII. At the expiration of two years, or sooner, if the President of the United States shall so direct, from the completion of the surveys and maps aforesaid, the officers of the land offices aforesaid shall deliver to the executive departments of the Choctaw and Chickasaw nations, respectively, all such documents as may be necessary to elucidate the land title as settled according to this treaty, and forward copies thereof, with the field-notes, records, and other papers pertaining to said titles, to the commissioner of the general land office; and thereafter grants of land and patents therefor shall be issued in such manner as the legislative authorities of said nations may provide for all the unselected portions of the Choctaw and Chickasaw districts as defined by the treaty of June twenty-second, eighteen hundred and fifty-five.

Proceedings afterwards.

Selected lands to be held in severalty, and the unselected in common.

ARTICLE XXXIII. All lands selected as herein provided shall thereafter be held in severalty by the respective parties, and the unselected land shall be the common property of the Choctaw and Chickasaw nations, in their corporate capacities, subject to the joint control of their legislative authorities.

Those prevented from selecting in ninety days may select afterwards.

ARTICLE XXXIV. Should any Choctaw or Chickasaw be prevented from selecting for him or herself during the *the* ninety days aforesaid, the failure to do so shall not authorize another to select the quarter-section containing his improvement, but he may at any time make his selection thereof, subject to having his boundaries made to conform to legal divisions as aforesaid.

Selections after transfer of land records.

ARTICLE XXXV. Should the selections aforesaid not be made before the transfer of the land records to the executive authorities of said nations, respectively, they shall be made according to such regulations as the legislative authorities of the two nations, respectively, may prescribe, to the end that full justice and equity may be done to the citizens of the respective territories.

Selected land abandoned for seven years, except, &c. may be rented, &c.

ARTICLE XXXVI. Should any land that has been selected under the provisions of this treaty be abandoned and left uncultivated for the space of seven years by the party selecting the same, or his heirs, except in the case of infants under the age of twenty-one years, or married women, or persons non compos mentis, the legislative authorities of the nation where such land lies may either rent the same for the benefit of those interested, or dispose of the same otherwise for their benefit, and may pass all laws necessary to give effect to this provision.

Payment by the United States for lands selected by other Indians.

ARTICLE XXXVII. In consideration of the right of selection hereinbefore accorded to certain Indians other than the Choctaws and Chickasaws, the United States agree to pay to the Choctaw and Chickasaw nations, out of the funds of Indians removing into said nations respectively, under the provisions of this treaty, such sum as may be fixed by the

legislatures of said nations, not exceeding one dollar per acre, to be divided between the said nations in the proportion of one fourth to the Chickasaw nation, and three fourths to the Choctaw nation, with the understanding that at the expiration of twelve months the actual number of said immigrating Indians shall be ascertained, and the amount paid that may be actually due at the rate aforesaid; and should still further immigrations take place from among said Kansas Indians, still further payments shall be made accordingly from time to time.

ARTICLE XXXVIII. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw.

White persons marrying Indians and residing in the nation, or adopted, to be members of the nation and subject to its laws.

ARTICLE XXXIX. No person shall be licensed to trade with the Choctaws or Chickasaws except by the agent, with the advice and consent of the legislative authorities of the nation he may propose to trade in; but no license shall be required to authorize any member of the Choctaw or Chickasaw nations to trade in the Choctaw or Chickasaw country who is authorized by the proper authority of the nation, nor to authorize Choctaws or Chickasaws to sell flour, meal, meat, fruit, and other provisions, stock, wagons, agricultural implements, or tools brought from the United States into the said country.

Licenses to trade.

Amendment. Post, p. 782.

ARTICLE XL. All restrictions contained in any treaty heretofore made, or in any regulation of the United States upon the sale or other disposition of personal chattel property by Choctaws or Chickasaws, are hereby removed.

Treaty restrictions upon sales of personal property removed.

ARTICLE XLI. All persons who are members of the Choctaw or Chickasaw nations, and are not otherwise disqualified or disabled, shall hereafter be competent witnesses in all civil and criminal suits and proceedings in any courts of the United States, any law to the contrary notwithstanding.

Witnesses.

ARTICLE XLII. The Choctaw and Chickasaw nations shall deliver up persons accused of crime against the United States, or any of them, who may be found within their limits, on the requisition of the governor of any State, or of the United States.

Surrender of fugitives from justice. Amendment. Post, p. 782.

ARTICLE XLIII. The United States promise and agree that no white person, except officers, agents, and employes of the government, and of any internal improvement company, or persons travelling through, or temporarily sojourning in, the said nations, or either of them, shall be permitted to go into said territory, unless formally incorporated and naturalized by the joint action of the authorities of both nations into one of the said nations of Choctaws and Chickasaws, according to their laws, customs, or usages; but this article is not to be construed to affect parties heretofore adopted, or to prevent the employment temporarily of white persons who are teachers, mechanics, or skilled in agriculture, or to prevent the legislative authorities of the respective nations from authorizing such works of internal improvement as they may deem essential to the welfare and prosperity of the community, or be taken to interfere with or invalidate any action which has heretofore been had in this connection by either of the said nations.

No white person except, &c. to be permitted to go into said territory, unless, &c.

ARTICLE XLIV. Post offices shall be established and maintained by the United States at convenient places in the Choctaw and Chickasaw nations, to and from which the mails shall be carried at reasonable intervals, at the rates of postage prevailing in the United States.

Post offices and mails.

ARTICLE XLV. All the rights, privileges, and immunities heretofore possessed by said nations or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had

Former rights and immunities of the Indians to remain in force.

in connection with them, shall be, and are hereby declared to be, in full force, so far as they are consistent with the provisions of this treaty.

Money due the Indians under this treaty, how to be paid.

ART[ICLE] XLVI. Of the moneys stipulated to be paid to the Choctaws and Chickasaws under this treaty for the cession of the leased district, and the admission of the Kansas Indians among them, the sum of one hundred and fifty thousand dollars shall be advanced and paid to the Choctaws, and fifty thousand dollars to the Chickasaws, through their respective treasurers, as soon as practicable after the ratification of this treaty, to be repaid out of said moneys or any other moneys of said nations in the hands of the United States; the residue, not affected by any provision of this treaty, to remain in the Treasury of the United States at an annual interest of not less than five per cent, no part of which shall be paid out as annuity, but shall be annually paid to the treasurer of said nations, respectively, to be regularly and judiciously applied, under the direction of their respective legislative councils, to the support of their government, the purposes of education, and such other objects as may be best calculated to promote and advance the welfare and happiness of said nations and their people respectively.

Amendment. Post, p. 782.

After survey and assignment of the lands in severalty, annuities and funds to be capitalized, &c.;

ART[ICLE] XLVII. As soon as practicable after the lands shall have been surveyed and assigned to the Choctaws and Chickasaws in severalty as herein provided, upon application of their respective legislative councils, and with the assent of the President of the United States, all the annuities and funds invested and held in trust by the United States for the benefit of said nations respectively shall be capitalized or converted into money, as the case may be; and the aggregate amounts thereof belonging to each nation shall be equally divided and paid per capita to the individuals thereof respectively, to aid and assist them in improving their homesteads and increasing or acquiring flocks and herds, and thus encourage them to make proper efforts to maintain successfully the new relations which the holding of their lands in severalty will involve: *Provided, nevertheless,* That there shall be retained by the United States such sum as the President shall deem sufficient of the said moneys to be invested, that the interest thereon may be sufficient to defray the expenses of the government of said nations respectively, together with a judicious system of education, until these objects can be provided for by a proper system of taxation; and whenever this shall be done to the satisfaction of the President of the United States, the moneys so retained shall be divided in the manner and for the purpose above mentioned.

to be divided per capita.

Certain sums may be retained.

Payment of \$25,000 to commissioners of each nation for incidental expenses.

ART[ICLE] XLVIII. Immediately after the ratification of this treaty there shall be paid, out of the funds of the Choctaws and Chickasaws in the hands of the United States, twenty-five thousand dollars to the Choctaw and twenty-five thousand dollars to the Chickasaw commissioners, to enable them to discharge obligations incurred by them for various incidental and other expenses to which they have been subjected, and for which they are now indebted.

Commission to settle damages of loyal Indians driven from their homes.

ART[ICLE] XLIX. And it is further agreed that a commission, to consist of a person or persons to be appointed by the President of the United States, shall be appointed immediately on the ratification of this treaty, who shall take into consideration and determine the claim of such Choctaws and Chickasaws as allege that they have been driven during the late rebellion from their homes in the Choctaw [and Chickasaw] nations on account of their adhesion to the United States, for damages, with power to make such award as may be consistent with equity and good conscience, taking into view all circumstances, whose report, when ratified by the Secretary of the Interior, shall be final, and authorize the payment of the amount from any moneys of said nations in the hands of the United States as the said commission may award.

Amendment. Post, p. 782.

Commission to determine the claims of loyal

ART[ICLE] L. Whereas Joseph G. Heald and Reuben Wright, of Massachusetts, were licensed traders in the Choctaw country at the com-

TREATY WITH THE CHOCTAWS AND CHICKASAWS. APRIL 28, 1866. 781

mencement of the rebellion, and claim to have sustained large losses on account of said rebellion, by the use of their property by said nation, and that large sums of money are due them for goods and property taken, or sold to the members of said nation, and money advanced to said nation; and whereas other loyal citizens of the United States may have just claims of the same character: It is hereby agreed and stipulated that the President of the United States shall, within three months from the ratification of this treaty, appoint a commission, to consist of one or more discreet persons, to investigate said claims, and fully examine the same; and such sum or sums of money as shall by the report of said commission, approved by the Secretary of the Interior, be found due to such persons, not exceeding ninety thousand dollars, shall be paid by the United States to the persons entitled thereto, out of any money belonging to said nation in the possession of the United States: *Provided*, That no claim for goods or property of any kind shall be allowed or paid, in whole or part, which shall have been used by said nation or any member thereof in aid of the rebellion, with the consent of said claimants: *Provided also*, That if the aggregate of said claims thus allowed and approved shall exceed said sum of ninety thousand dollars, then that sum shall be applied pro rata in payment of the claims so allowed.

citizens of the United States for damages.

Amendment. Post, p. 782.

Provisos.

Inconsistent treaty provisions declared null.

ART[ICLE] LI. It is further agreed that all treaties and parts of treaties inconsistent herewith be, and the same are hereby, declared null and void.

In testimony whereof, the said Dennis N. Cooley, Elijah Sells, and E. S. Parker, commissioners in behalf of the United States, and the said commissioners on behalf of the Choctaw and Chickasaw nations, have hereunto set their hands and seals the day and year first above written.

D. N. COOLEY, *Com'r Ind. Aff'rs*, [SEAL.]
 ELIJAH SELLS, *Sup't Ind Aff.*, [SEAL.]
 E. S. PARKER, *Spl. Com'r*, [SEAL.]
Commissioners for U. S.

ALFRED WADE, [SEAL.]
 ALLEN WRIGHT, [SEAL.]
 JAMES RILEY, [SEAL.]
 JOHN PAGE, [SEAL.]

Choctaw Commissioners.

WINCHESTER COLBERT, [SEAL.]

^{his} EDMUND x PICKENS, [SEAL.]

^{mark} HOLMES COLBERT, [SEAL.]
 COLBERT CARTER, [SEAL.]
 ROBERT H. LOVE, [SEAL.]

Chickasaw Commissioners.

CAMPBELL LEFLORE,
Secretary of Choctaw Delegation.

E. S. MITCHELL,
Sec[re]tary of Chickasaw Delega.

In presence of—

JNO. H. B. LATROBE,
 P. P. PITCHLYNN,
Principal Chief Choctaws.
 DOUGLAS H. COOPER,
 J. HARLAN,
 CHARLES E. MIX.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did on Ratification with amendments.

the twenty-eighth day of June, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution, with amendments, in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
June 28, 1866.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Choctaw and Chickasaw nations of Indians, made and concluded at the city of Washington, the twenty-eighth day of April, in the year eighteen hundred and sixty-six, by Dennis N. Cooley, Elijah Sells, and E. S. Parker, special commissioners on the part of the United States, and Alfred Wade, Allen Wright, James Riley, and John Page, commissioners on the part of the Choctaws, and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, commissioners on the part of the Chickasaws, with the following

Amendments.

AMENDMENTS:

Ante, p. 770.

1st. At the end of article V. add the following:—

The people of the Choctaw and Chickasaw nations stipulate and agree to deliver up to any duly authorized agent of the United States all public property in their possession which belong[s] to the late so-called “confederate states of America” or the United States, without any reservation wha[t]-soever, particularly ordnance, ordnance stores, and arms of all kinds.

Ante, p. 774.

2d. Article IX. lines 4 and 5, strike out the words “including any arrears which may have accrued.”

Ante, p. 779.

3d. Article XXXIX. lines 1, 2, and 3, strike out the following: “Be licensed to trade with the Choctaws or Chickasaws, except by the agent, with the advice and consent,” and insert in lieu thereof: No person shall expose goods or other articles for sale as a trader without a permit.

Ante, p. 779.

4th. Strike out Article XLII. and insert in lieu thereof the following as a substitute: The Choctaw and Chickasaw nations shall deliver up persons accused of crime against the United States, who may be found within their respective limits on the requisition of the governor of any State for a crime committed against the laws of said State, and upon the requisition of the judge of the district court of the United States for the district within which the crime was committed.

Ante, p. 780.

5th. Article XLVI. line 13, strike out the words “not less than.”

Ante, p. 780.

6th. Article XLIX. line 3, after the words “United States” insert: not exceeding three.

Ante, p. 781.

7th. Article [L]. lines 11 to and including line 15, strike out the following words: “that the President of the United States shall, within three months from the ratification of this treaty, appoint a commission, to consist of one or more discreet persons,” and insert in lieu thereof: that the commission provided for in the proceeding [preceding] article shall.

Attest:

J. W. FORNEY, *Secretary*.

Amendments
assented to.

And whereas the foregoing amendments having been fully explained and interpreted to the respective commissioners of the Choctaw and Chickasaw nations of Indians hereinbefore named, they did, on the second day of July, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments, in the words and figures following, to wit:—

Whereas the Senate of the United States did, on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and sixty-six, advise and consent to the ratification of the articles of agreement and

convention between the United States and the Choctaw and Chickasaw nations of Indians made and concluded at the city of Washington the twenty-eighth day of April, in the year eighteen hundred and sixty-six, by Dennis N. Cooley, Elijah Sells, and E. S. Parker, special commissioners on the part of the United States, and Alfred Wade, Allen Wright, James Riley, and John Page, commissioners on the part of the Choctaws, and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, commissioners on the part of the Chickasaws, with the following amendments, to wit:—

1st. At the end of Article V. add the following: The people of the Choctaw and Chickasaw nations stipulate and agree to deliver up to any duly authorized agent of the United States all public property in their possession which belong[s] to the late so-called “confederate states of America” or the United States, without any reservation whatsoever, particularly ordnance, ordnance stores, and arms of all kinds.

2d. Article IX. lines 4 and 5, strike out the words: “including any arrears which may have accrued.”

3d. Article XXXIX. lines 1, 2, and 3, strike out the following: “be licensed to trade with the Choctaws or Chickasaws, except by the agent, with the advice and consent,” and insert in lieu thereof: No person shall expose goods or other articles for sale as a trader without a permit.

4th. Strike out Article XLII. and insert in lieu thereof the following as a substitute: The Choctaw and Chickasaw nations shall deliver up persons accused of crime against the United States, who may be found within their respective limits on the requisition of the Governor of any State, for a crime committed against the laws of said State, and upon the requisition of the judge of the district court of the United States for the district within which the crime was committed.

5th. Article XLVI. line 13, strike out the words “not less than.”

6th. Article XLIX. line 3, after the words “United States” insert: not exceeding three.

7th. Article [L.] lines 11 to and including line 15, strike out the following words: “That the President of the United States shall, within three months from the ratification of this treaty, appoint a commission to consist of one or more discreet persons,” and insert in lieu thereof: that the commission provided for in the preceding article shall.

Now, therefore, we, the commissioners on the part of the said Choctaws and Chickasaws, do hereby assent and agree to the said amendments above written, the same having been interpreted to us, and being fully understood by us.

Witness our hands and seals this second day of July, in the year of our Lord one thousand eight hundred and sixty-six at Washington, D. C.

ALFRED WADE,	[SEAL.]
ALLEN WRIGHT,	[SEAL.]
JAMES RILEY,	[SEAL.]
JOHN PAGE,	[SEAL.]

Choctaw Commissioners.

WINCHESTER COLBERT,	[SEAL.]
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EDMUND ^{his} x PICKENS,	[SEAL.]
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HOLMES COLBERT,	[SEAL.]
COLBERT CARTER,	[SEAL.]
ROBERT H. LOVE,	[SEAL.]

Chickasaw Commissioners.

In presence [of]

JNO. H. B. LATROBE.

CHARLES E. MIX.

P. P. PITCHLYNN, *Principal chief Choctaw nation.*

DOUGLAS H. COOPER.
ALFRED H. JACKSON.
W. R. IRWIN.
LEWIS S. HAYDEN.
E. S. MITCHELL, *Secty. Chick. Commisn.*

Proclaimed. Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-eighth day of June, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty, with the amendments as aforesaid.

In testimony whereof I have signed my name, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, and of [SEAL.] the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

Treaty between the United States of America and the Creek Nation of Indians; Concluded June 14, 1866; Ratification advised, with Amendments, July 19, 1866; Amendments accepted July 23, 1866; Proclaimed August 11, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

June 14, 1866.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the fourteenth day of June, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley and Elijah Sells, Commissioners, on the part of the United States, and Ok-ta-has Harjo, Cow-mikko, and Cotch-cho-chee, delegates at large of the Creek Nation of Indians, and D. N. McIntosh and James M. C. Smith, special delegates of the Southern Creeks, on the part of said Creek Nation of Indians and Southern Creeks, all of which delegates at large and special delegates were duly authorized thereto by said Creek Nation and Southern Creeks, which treaty is in the words and figures following, to wit:—

Preamble.

TREATY OF CESSION AND INDEMNITY concluded at the city of Washington on the fourteenth day of June, in the year of our Lord one thousand eight hundred and sixty-six, by and between the United States, represented by Dennis N. Cooley, Commissioner of Indian affairs, Elijah Sells, superintendent of Indian affairs for the Southern superintendency, and Col. Ely S. Parker, special Commissioner, and the Creek Nation of Indians, represented by Ok-tars-sars-harjo, or Sands; Cow-to-me-co and Che-chu-chee, delegates at large, and D. N. McIntosh and James Smith, special delegates of the Southern Creeks.

Contracting parties.

PREAMBLE.

WHEREAS existing treaties between the United States and the Creek Nation have become insufficient to meet their mutual necessities; and whereas the Creeks made a treaty with the so-called confederate states, on the tenth of July, one thousand eight hundred and sixty-one, whereby they ignored their allegiance to the United States, and unsettled the treaty relations existing between the Creeks and the United States, and did so render themselves liable to forfeit to the United States all benefits and advantages enjoyed by them in lands, annuities, protection, and immunities, including their lands and other property held by grant or gift from the United States; and whereas in view of said liabilities the United States require of the Creeks a portion of their land whereon to settle other Indians; and whereas a treaty of peace and amity was entered into between the United States and the Creeks and other tribes at Fort Smith, September tenth, eighteen hundred and sixty-five, whereby the Creeks revoked, cancelled, and repudiated the aforesaid treaty made with the so-called confederate states; and whereas the United States, through its commissioners, in said treaty of peace and amity, promised to enter into treaty with the Creeks to arrange and settle all questions relating to and growing out of said treaty with the so-called confederate states: Now, therefore, the United States, by its commissioners, and the above-named delegates

of the Creek Nation, the day and year above mentioned, mutually stipulate and agree, on behalf of the respective parties, as follows, to wit:—

Peace and
friendship.

ARTICLE I. There shall be perpetual peace and friendship between the parties to this treaty, and the Creeks bind themselves to remain firm allies and friends of the United States, and never to take up arms against the United States, but always faithfully to aid in putting down its enemies. They also agree to remain at peace with all other Indian tribes; and, in return, the United States guarantees them quiet possession of their country, and protection against hostilities on the part of other tribes. In the event of hostilities, the United States agree that the tribe commencing and prosecuting the same, shall, as far as may be practicable, make just reparation therefor. To insure this protection, the Creeks agree to a military occupation of their country, at any time, by the United States, and the United States agree to station and continue in said country from time to time, at its own expense, such force as may be necessary for that purpose. A general amnesty of all past offences against the laws of the United States, committed by any member of the Creek Nation, is hereby declared. And the Creeks, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offences against their government, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who have remained friendly to, or taken up arms against, the United States, but they shall enjoy equal privileges with other members of said tribe, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

Military occu-
pation and pro-
tection by the
United States.

Amnesty.

Slavery not to
exist among the
Creeks.

ARTICLE II. The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof,] shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

Rights of those
of African de-
scent.

Cession of
lands to the
United States.

ARTICLE III. In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain three millions two hundred and fifty thousand five hundred and sixty acres, the United States agree to pay the sum of thirty (30) cents per acre, amounting to nine hundred and seventy-five thousand one hundred and sixty-eight dollars, in the manner hereinafter provided, to wit: two hundred thousand dollars shall be paid per capita in money, unless otherwise directed by the President of the United States, upon the ratification of this treaty, to enable the Creeks to occupy, restore, and improve their farms, and to make their

Payments
therefor, and
mode of pay-
ment.

Amendment.
Post, p. 791.

nation independent and self-sustaining, and to pay the damages sustained by the mission schools on the North Fork and the Arkansas rivers, not to exceed two thousand dollars, and to pay the delegates such per diem as the agent and Creek council may agree upon, as a just and fair compensation, all of which shall be distributed for that purpose by the agent, with the advice of the Creek council, under the direction of the Secretary of the Interior. One hundred thousand dollars shall be paid to soldiers that enlisted in the Federal army and the loyal refugee Indians and freedmen who were driven from their homes by the Rebel forces, to reimburse them in proportion to their respective losses; four hundred thousand dollars shall be paid per capita in money to said Creek nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of land to other Indians. The United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent per annum from the date of the ratification of this treaty, on the amount hereinbefore agreed upon for said ceded lands, after deducting the said two hundred thousand dollars; the residue, two hundred and seventy-five thousand one hundred and sixty-eight dollars, shall remain in the treasury of the United States, and the interest thereon, at the rate of five per centum per annum, be annually paid to said Creeks as above stipulated.

Amendment.
Post, p. 791.

ARTICLE IV. Immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal army, loyal refugee Indians, and freedmen, be made by him. The superintendent of Indian affairs for the Southern superintendency and the agent of the United States for the Creek nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the commissioner of Indian affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of one hundred thousand (\$100,000) dollars can be raised from the sale of said land to other Indians.

Losses of loyal
refugee Indians
and freedmen,
soldiers enlisted
in federal army.

Census, &c.

ARTICLE V. The Creek nation hereby grant a right of way through their lands, to the Choctaw and Chickasaw country, to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad from any point north of to any point in or south of the Creek country, and likewise from any point on their eastern to their western or southern boundary, but said railroad company, together with all its agents and employes, shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose, and the Creeks agree to sell to the United States, or any company duly authorized as aforesaid, such lands not legally owned or occupied by a member or members of the Creek nation, lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Creek nation and the party or parties building said road, subject to the approval of the President of the United States: *Provided, however,* That said land thus sold shall not be

Right of way
granted for a
railroad.

Conditions.

Lands will be
sold.

Proviso.

reconveyed, leased, or rented to, or be occupied by any one not a citizen of the Creek nation, according to its laws and recognized usages: *Provided, also,* That officers, servants, and employes of said railroad necessary to its construction and management, shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian intercourse law and such rules and regulations as may be established by the Secretary of the Interior, nor shall any conveyance of any of said lands be made to the party building and managing said road until its completion as a first-class railroad, and its acceptance as such by the Secretary of the Interior.

Creek orphan fund, and orphan children.

ARTICLE VI. Inasmuch as the bonds, or a portion thereof, in which the Creek orphan fund has been heretofore invested, from certain causes have largely depreciated in value, and are for the purposes for which said fund was set aside unproductive, it is hereby further stipulated that such of the bonds now held by the Secretary of the Interior, in trust for the orphans of the Creek nation, as may be necessary to establish a manual-labor school for the improvement and education of the orphan children of said nation shall be disposed of, and the avails thereof used for that purpose, under the direction of the Secretary of the Interior. The residue of said fund shall be retained in the treasury of the United States, upon which interest at the rate of five per cent shall annually be paid for the maintenance and support of said school.

Amendment. Post, p. 791.

Seminole may convey to the United States.

ARTICLE VII. The Creeks hereby agree that the Seminole tribe of Indians may sell and convey to the United States all or any portion of the Seminole lands, upon such terms as may be mutually agreed upon by and between the Seminoles and the United States.

Line dividing the Creek country to be surveyed.

ARTICLE VIII. It is agreed that the Secretary of the Interior forthwith cause the line dividing the Creek country, as provided for by the terms of the sale of Creek lands to the United States in article third of this treaty, to be accurately surveyed under the direction of the commissioner of Indian affairs, the expenses of which survey shall be paid by the United States.

Agency buildings.

ARTICLE IX. Inasmuch as the agency buildings of the Creek tribe have been destroyed during the late war, it is further agreed that the United States shall at their own expense, not exceeding ten thousand dollars, cause to be erected suitable agency buildings, the sites whereof shall be selected by the agent of said tribe, in the reduced Creek reservation, under the direction of the superintendent of Indian affairs.

In consideration whereof, the Creeks hereby cede and relinquish to the United States one section of their lands, to be designated and selected by their agent, under the direction of the superintendent of Indian affairs, upon which said agency buildings shall be erected, which section of land shall revert to the Creek nation when said agency buildings are no longer used by the United States, upon said nation paying a fair and reasonable value for said buildings at the time vacated.

Creeks agree to certain legislation.

ARTICLE X. The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory: *Provided, however,* [That] said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs. The Creeks also agree that a general council, consisting of delegates elected by each nation or tribe lawfully resident within the Indian territory, may be annually convened in said territory, which council shall be organized in such manner and possess such powers as are hereinafter described.

General council.

Census.

First. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census, or enumeration of each tribe lawfully resident in said territory, shall be taken under the direction of the

superintendent of Indian affairs, who for that purpose is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

Second. The first general council shall consist of one member from each tribe, and an additional member for each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory, and shall be selected by said tribes respectively, who may assent to the establishment of said general council, and if none should be thus formally selected by any nation or tribe, the said nation or tribe shall be represented in said general council by the chief or chiefs and headmen of said tribe, to be taken in the order of their rank as recognized in tribal usage, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare to each tribe the number of members of said council to which they shall be entitled under the provisions of this article, and the persons entitled to so represent said tribes shall meet at such time and place as he shall appoint, but thereafter the time and place of the sessions of said council shall be determined by its action: *Provided*, That no session in any one year shall exceed the term of thirty days, and provided that special sessions of said council may be called whenever, in the judgment of the Secretary of the Interior, the interest of said tribe shall require.

First general council, how composed.

Time and place of meeting.

Sessions not to exceed 30 days.

Special sessions.

Powers of general council.

Third. Said general council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in said territory, the arrest and extradition of criminals and offenders escaping from one tribe to another, the administration of justice between members of the several tribes of said territory, and persons other than Indians and members of said tribes or nations, the construction of works of internal improvement, and the common defence and safety of the nations of said territory. All laws enacted by said general council shall take effect at such time as may therein be provided, unless suspended by direction of the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States, nor shall said council legislate upon matters pertaining to the organization, laws, or customs of the several tribes, except as herein provided for.

Fourth. Said council shall be presided over by the superintendent of Indian affairs, or, in case of his absence from any cause, the duties of said superintendent enumerated in this article shall be performed by such person as the Secretary of the Interior may direct.

Who to preside over council.

Fifth. The Secretary of the Interior shall appoint a secretary of said council, whose duty it shall be to keep an accurate record of all the proceedings of said council, and who shall transmit a true copy of all such proceedings, duly certified by the superintendent of Indian affairs, to the Secretary of the Interior immediately after the sessions of said council shall terminate. He shall be paid out of the treasury of the United States an annually salary of five hundred dollars.

Secretary of council.

Pay.

Sixth. The members of said council shall be paid by the United States the sum of four dollars per diem during the time actually in attendance on the sessions of said council, and at the rate of four dollars for every twenty miles necessar[il]y travelled by them in going to and returning to their homes, respectively, from said council, to be certified by the secretary of said council and the superintendent of Indian affairs.

Pay of members.

Seventh. The Creeks also agree that a court or courts may be established in said territory, with such jurisdiction and organized in such manner as Congress may by law provide.

Courts.

ARTICLE XI. The stipulations of this treaty are to be a full settlement of all claims of said Creek nation for damages and losses of every

This treaty to be a full settlement of all claims.

kind growing out of the late rebellion and all expenditures by the United States of annuities in clothing and feeding refugee and destitute Indians since the diversion of annuities for that purpose consequent upon the late war with the so-called confederate states; and the Creeks hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Creek nation by the United States, and the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Creeks, to the use of refugee and destitute Indians other than the Creeks or members of the Creek nation after the close of the present fiscal year, June thirtieth, eighteen hundred and sixty-six.

Diversions of annuities.

Treaty obligations reaffirmed.

ARTICLE XII. The United States reaffirms and reassumes all obligations of treaty stipulations with the Creek nation entered into before the treaty of said Creek nation with the so-called confederate states, July tenth, eighteen hundred and sixty-one, not inconsistent herewith; and further agrees to renew all payments of annuities accruing by force of said treaty stipulations from and after the close of the present fiscal year, June thirtieth, eighteen hundred and sixty-six, except as is provided in article eleventh.

Lands granted for missionary or educational purposes;

not to be sold, except, &c.;

when sold, proceeds to be how applied.

ARTICLE XIII. A quantity of land not exceeding one hundred and sixty acres, to be selected according to legal subdivisions, in one body, and to include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect buildings within the Creek country for missionary or educational purposes; but no land thus granted nor the buildings which have been or may be erected thereon shall ever be sold or otherwise disposed of, except with the consent and approval of the Secretary of the Interior; and whenever any such lands or buildings shall be so sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Creeks and such other persons as may be or may hereafter become members of the tribe according to its laws, customs, and usages; and if at any time said improvements shall be abandoned for one year for missionary or educational purposes, all the rights herein granted for missionary and educational purposes shall revert to the said Creek nation.

Inconsistent treaty provisions annulled.

ARTICLE XIV. It is further agreed that all treaties heretofore entered into between the United States and the Creek nation which are inconsistent with any of the articles or provisions of this treaty shall be, and are hereby, rescinded and annulled; and it is further agreed that ten thousand dollars shall be paid by the United States, or so much thereof as may be necessary, to pay the expenses incurred in negotiating the foregoing treaty.

Execution.

In testimony whereof, we, the commissioners representing the United States and the delegates representing the Creek nation, have hereunto set our hands and seals at the place and on the day and year above written.

D. N. COOLEY, [SEAL.]
Comr. Ind. Affrs.

ELIJAH SELLS, [SEAL.]
Supt. Ind. Aff.

OK-TA-HAS HARJO, his x mark. [SEAL.]

COW MIKKO, his x mark. [SEAL.]

COTCH-CHO-CHEE, his x mark. [SEAL.]

D. N. McINTOSH. [SEAL.]

JAMES M. C. SMITH. [SEAL.]

In presence of —

J. W. DUNN, *U. S. Indian Agent.*

J. HARLAN, *U. S. Indian Agent.*

CHARLES E. MIX.

J. M. TEBBETTS.

GEO. A. REYNOLDS, *U. S. Indian Agent.*

JOHN B. SANBORN.

JOHN F. BROWN, *Seminole Delegate.*

JOHN CHUPCO, his x mark.

FOS-HAR-JO, his x mark.

CHO-COTE-HUGA, his x mark.

R. FIELDS, *Cherokee Delegate.*

DOUGLAS H. COOPER.

WM. PENN ADAIR,

HARRY ISLAND, his x mark, *U. S. Interpreter, Creek Nation.*

SULUDIN WATIE.

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 nineteenth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:—

Ratification,
with amend-
ments.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 19, 1866.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty of cession and indemnity concluded at the city of Washington on the fourteenth day of June, eighteen hundred and sixty-six, by and between the United States, represented by their Commissioners, and the Creek nation of Indians, with the following

AMENDMENTS :

- 1st. Article III. line 21, after the word "paid," insert the words: in money and divided. *Ante*, p. 786.
- " same line, strike out the words "in money."
- 2d. " line 43, after the word "paid" insert the words: in money and divided. *Ante*, p. 787.
- " same line, strike out the words "in money."
- 3d. Strike out all of Article VI. *Ante*, p. 788.
- Attest: J. W. FORNEY, *Secretary.*

And whereas the foregoing amendments having been fully explained and interpreted to the aforementioned delegates at large and special delegates of the Creek nation of Indians and southern Creeks, they did, on the twenty-third day of July, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments, in the words and figures following, to wit:—

Amendments
assented to.

Whereas the Senate of the United States did, on the 19th day of July, 1866, advise and consent to the ratification of the treaty of cession and indemnity concluded at the city of Washington on the 14th day of June, 1866, by and between the United States, represented by their Commissioners, and the Creek nation of Indians, with the following amendments, to wit:—

- 1st. Article III. line 21, after the word "paid" insert the words: in money and divided.
- " same line, strike out the words "in money."
- 2d. " line 43, after the word "paid" insert the words: in money and divided.
- " same line, strike out the words "in money."
- 3d. Strike out all of Article VI.

TREATY WITH THE CREEK INDIANS. JUNE 14, 1866.

Now, therefore, we, the delegates representing the Creek Nation of Indians, do hereby assent and agree to the said amendments above written, the same having been interpreted to us and being fully understood by us.

Witness our hands and seals this 23d day of July, A. D. 1866, at Washington, D. C.

OK-TA-HAS-HARJO, his x mark.

[SEAL.]

COW MIKKO, his x mark.

[SEAL.]

COTCH-CHO-CHEE, his x mark.

[SEAL.]

D. N. MCINTOSH,

[SEAL.]

JAMES M. C. SMITH.

[SEAL.]

In presence of—

CHARLES E. MIX.

W. R. IRWIN.

LEWIS S. HAYDEN.

G. D. CURTIS.

GEO. A. REYNOLDS.

E. B. GRAYSON.

JOHN F. BROWN.

J. HARLAN, *U. S. Indian Agent.*

HARRY ISLAND, his x mark, *U. S. Interpreter for Creeks.*

ROBERT JOHNSON, his x mark, *U. S. Interpreter for Seminoles.*

JOHN CHUP-CO, his x mark.

FOS HARPO, his x mark.

CHO-COTE HARJO, his x mark.

Proclaimed.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the nineteenth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendments as aforesaid.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this eleventh day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

HENRY STANBERRY, *Acting Secretary of State.*

Treaty between the United States of America and the Delaware Tribe of Indians; Concluded July 4, 1866; Ratification advised July 26, 1866; Proclaimed August 10, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

July 4, 1866.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at the Delaware Agency, Kansas, on the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-six, by and between Thomas Murphy, John G. Pratt, and William H. Watson, Commissioners, on the part of the United States, and Captain John Connor, Captain Sarcoxie, Charles Journeycake, and other chiefs and councillors of the Delaware tribe of Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF AGREEMENT between the United States and the chiefs and councillors of the Delaware Indians, on behalf of said tribe, made at the Delaware Agency, Kansas, on the fourth day of July, eighteen hundred and sixty-six.

Contracting parties.

WHEREAS Congress has by law made it the duty of the President of the United States to provide by treaty for the removal of the Indian tribes from the State of Kansas; and whereas the Delaware Indians have expressed a wish to remove from their present reservation in said State to the Indian country, located between the States of Kansas and Texas; and whereas the United States have, by treaties negotiated with the Choctaws and Chickasaws, with the Creeks, and with the Seminoles, Indian tribes residing in said Indian country, acquired the right to locate other Indian tribes within the limits of the same; and whereas the Missouri River Railroad Company, a corporation existing in the State of Kansas by the laws thereof,—and which company has built a railroad connecting with the Pacific Railroad, from near the mouth of the Kaw River to Leavenworth, in aid of which road the Delawares, by treaty in eighteen hundred and sixty-four, agreed to dispose of their lands,—has expressed a desire to purchase the present Delaware Indian reservation in the said State, in a body, at a fair price :

Preamble.

It is hereby agreed between Thomas Murphy, superintendent of Indian affairs, John G. Pratt, agent for the Delawares, and William H. Watson, special commissioner, who are duly appointed to act for the United States; and Captain John Connor, Captain Sarcoxie, and Charles Journeycake, chiefs, and James Ketchum, James Connor, Andrew Miller, and John Sarcoxie, councillors, duly appointed and authorized by said Delaware Indians to act for them and in their behalf, to wit:—

ARTICLE I. That the United States shall secure and cause to be paid to said Indians the full value of all that part of their reservation, with the improvements then existing on the same, heretofore sold to the Leavenworth, Pawnee, and Western Railroad Company, according to the terms of a treaty ratified August twenty-second, eighteen hundred and sixty, and supplemental treaties, and in accordance with the conditions, restrictions, and limitations thereof.

Value of reservation heretofore sold to be paid the Delawares.

Remainder of reservation may be sold.

ARTICLE II. That the Secretary of the Interior shall be, and he is, authorized to sell to said Missouri River Railroad Company, or to other responsible party or parties, in a body, all the remaining part of said reservation, being the lands conveyed to said Delaware Indians in pursuance of the provisions of the supplemental treaty of September twenty-fourth, eighteen hundred and twenty-nine, and all other lands owned by the said tribe in the State of Kansas not previously disposed of, except as herein-after provided, for a price not less than two dollars and fifty cents per acre, exclusive of improvements.

Price.

Lands of those Indians electing to become citizens to be reserved from sale.

ARTICLE III. It shall be the duty of the Secretary of the Interior to give each of all the adult Delaware Indians who have received their proportion of land in severalty an opportunity, free from all restraint, to elect whether they will dissolve their relations with their tribe and become citizens of the United States: and the lands of all such Indians as may elect so to become citizens, together with those of their minor children, held by them in severalty, shall be reserved from the sale hereinbefore provided for. And the Secretary of the Interior shall cause any and all improvements made on any of the said lands, the sale of which is provided for, whether held in common or in severalty, to be appraised, and the value thereof added to the price of said lands, to be paid for when payment is made for the lands upon which said improvements exist; and the money received for the improvements on the land of each Indian held in severalty shall be paid to him at any time after its payment to the Secretary of the Interior, when the department shall be notified that said Indian is ready to remove to the Indian country; to provide for his removal to, and to enable him to make improvements on his new home therein:

Improvements to be appraised;

value thereof paid to each Indian.

Lands to be set apart for children born since allotment.

Provided, That whenever it shall be ascertained under the registry above provided for what lands will be vacated, there shall be set apart from the lands held in common, for each child of Delaware blood, born since the allotment of land to said tribe in severalty was made under previous treaties, a quantity of land equal to the amount to which they would have been entitled had they been born before said allotment, provided that selections for children belonging to families whose head may elect to remain may be made from lands which are to be vacated by those who elect to remove: *And provided further*, That in case there shall be improvements upon any heretofore allotted lands, so selected for children of the Delawares, payment shall be made for such improvements, at their appraised value, by the parents or guardians of said children, at the same time as if the said lands had been sold to the railroad company or other parties.

Improvements.

The United States to sell certain lands to the Delawares.

ARTICLE IV. The United States agree to sell to the said Delaware Indians a tract of land ceded to the government by the Choctaws and Chickasaws, the Creeks, or the Seminoles, or which may be ceded by the Cherokees in the Indian country, to be selected by the Delawares in one body in as compact a form as practicable, so as to contain timber, water, and agricultural lands, to contain in the aggregate, if the said Delaware Indians shall so desire, a quantity equal to one hundred and sixty (160) acres for each man, woman, and child who shall remove to said country, at the price per acre paid by the United States for the said lands, to be paid for by the Delawares out of the proceeds of sales of lands in Kansas, heretofore provided for. The said tract of country shall be set off with clearly and permanently marked boundaries by the United States; and also surveyed as public lands are surveyed, when the Delaware council shall so request, when the same may, in whole or in part, be allotted by said council to each member of said tribe residing in said country, said allotment being subject to the approval of the Secretary of the Interior.

Price.

Boundaries and surveys.

Peaceable possession guaranteed.

ARTICLE V. The United States guarantee to the said Delawares peaceable possession of their new home herein provided to be selected for

them in the Indian country, and protection from hostile Indians and internal strife and civil war, and a full and just participation in any general council or territorial government that may be established for the nations and tribes residing in said Indian country.

ARTICLE VI. It is agreed that the proceeds of the sale of the Delaware lands herein provided for shall be paid to said Indians in the manner following, to wit: Whenever the Department of the Interior shall be notified by the council, through the agent, that any of the Delawares who hold land in severalty are ready to remove, at the same time describing their allotments, there shall be paid to each such person the value of his allotment, and that of his family, to enable him to remove to and improve his new home, provided the money for the said allotment shall have been paid to the Secretary of the Interior; and while said money, or any part thereof, shall remain in the treasury of the United States, the Delawares shall be entitled to receive interest on the amount so retained at the rate of five (5) per cent per annum. And the residue of the proceeds of the sale of the Delaware lands, being those which have not been allotted, or which have once been allotted, but have been abandoned by the allottees, shall be added to the general fund of the Delawares, interest thereon to be paid to the Indians in the same manner as is now provided in regard to that fund.

Proceeds of sales of lands to be paid to the Indians, and how.

ARTICLE VII. Within thirty days after the ratification of this treaty it shall be the duty of the Secretary of the Interior to give the said Missouri River Railroad Company notice that he is authorized to contract with them or other responsible party or parties for the sale of said lands on the terms specified in this treaty, indicating the approximate quantity thereof; and within twenty days after receiving said notice at their usual place of doing business in the State of Kansas it shall be competent for said company to elect to make the purchase, by filing with the said Secretary their bond, with approved security, in double the amount proposed to be paid by them for the whole of said lands, guaranteeing that they will purchase all of the lands to be sold under the provisions of this treaty, and that they will pay for them in accordance with the terms thereof. And upon the filing of a satisfactory bond as above provided by said company, the contract for such purchase shall be concluded by the said Secretary with said Missouri River Railroad Company, at not less than two dollars and fifty cents per acre for the whole of the lands herein provided to be sold: *Provided, however,* That if said railroad company shall not within the twenty days above limited file its bond for the purchase as herein prescribed, the Secretary of the Interior may at the expiration of that time accept any offer for the whole of said lands in one body, at not less than two dollars and fifty cents per acre, from any other responsible parties; but no offer shall be considered from other parties than said Missouri River Railroad Company, unless accompanied by a certificate of deposit in the First National Bank of the city of Washington, D. C., to the credit of the said Secretary, for an amount equal to ten per cent of the aggregate value of the land at the price proposed, to be forfeited for the use of the Delawares if the sale should be awarded to said person or corporation so proposing to purchase the lands, and said party should fail to make payment as hereinafter provided.

Purchase of the lands by the Missouri River Railroad Company.

If, &c. land may be sold to others.

ARTICLE VIII. That within sixty days after the sale of said land shall have been effected, the purchaser shall pay to the said Secretary, in trust for the Delawares, the stipulated price of said unallotted lands, with the appraised value of improvements thereon, excepting therefrom the mill reservation, and the quarter sections upon which the council-house and blacksmith shops are built, the use of which shall be retained until the final removal of the Delawares, and for which payment shall not be required from the purchaser until possession is delivered; and from time to time thereafter, as often as the Secretary of the Interior shall notify

Payment, when to be made.

the said purchaser that ten thousand acres or more of said lands have been vacated by said Indians, within three months thereafter, said purchaser shall pay to the Secretary of the Interior, in trust for the said Indians, the stipulated price for said lands, with the appraised value of the improvements; and so on until all are paid for, according to the true intent and meaning hereof; and as said lands shall be paid for, patents therefor, conveying the same in fee simple, shall be from time to time issued to said purchaser, or to his or its assigns, by the President of the United States.

Registry to be made of Delawares electing to become citizens.

ARTICLE IX. It is also stipulated that the Secretary of the Interior shall cause a registry to be made of the names of all of said Delawares who have elected to dissolve their tribal relations and to become citizens of the United States, as provided in this treaty, with the names, ages, and sex of the members of the family of each of said Delawares, and present a certified copy of the same to the judge of the district court of the United States for the district of Kansas, and cause a copy to be filed in the office of the commissioner of Indian affairs, after which any of said Delawares, being adults, may appear before the said judge in open court, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and also make proof to the satisfaction of said court that he is sufficiently intelligent and prudent to control his own affairs and interests, that he has adopted the habits of civilized life, and has been able to support, for at least five years, himself and family; when he shall receive a certificate of the same under the seal of the said court; and on the filing of the said certificate in the office of the commissioner of Indian affairs, the said Delaware Indian shall be constituted a citizen of the United States, and be entitled to receive a patent in fee simple, with power of alienation, for the land heretofore allotted to him, and his just proportion, in cash or in bonds, of the cash value of the credits of said tribe, principal and interest, then held in trust

Mode of procedure to become citizens.

Patent of land before allotted.

Proportion of proceeds of sales.

Minor children.

by the United States; and also, as the same may be received, his proportion of the proceeds of the sale of lands under the provisions of this treaty, when he shall cease to be a member of said tribe. Whereupon all of the minor children of those who have become citizens shall be construed to have elected to sever their connection with said tribe for the time being, and be entitled to their just proportion of the annuities of the tribe, to be paid to the head of the family to be expended for their support and education until they shall attain the age of twenty-one years, after which each shall elect to remove to his tribe or to become a citizen of the United States, as hereinbefore provided, and if thus admitted to citizenship, shall be entitled to all the privileges and interests herein provided for the head of the family. Should any minor as aforesaid, arriving at the age of twenty-one years, and electing to become a citizen of the United States, or any adult Indian having so elected, fail to be admitted, he shall not be compelled to remove, but the Secretary of the Interior shall provide proper guardianship for the protection of his rights and interests and those of his family. There shall be granted to each of the Delawares who have thus become citizens, a patent in fee simple for the lands heretofore allotted to them, and, if they do not remove with the nation, their pro rata share of all annuities and trust property held by the United States for them, the division to be made under the direction of the President of the United States, after which such persons shall cease to be members of the Delaware tribe, and shall not further participate in their councils, nor share in their property or annuities.

Grant to those that have become citizens.

Funds of the tribe not to be used to pay debts of individual members. Licenses to trade. Salaries of chiefs.

ARTICLE X. It is further agreed that the funds of the Delawares shall never be applied by the government to the payment of the debt or debts of any individual member or members of the nation; nor shall any person be licensed to trade with the Delawares without the consent of the chiefs and council; and the salaries of the chiefs shall henceforward be four hundred dollars per annum.

ARTICLE XI. The Delawares acknowledge their dependence upon the United States, and again renew their pledges of devotion to the government thereof, and ask its protection; and the United States agree to protect, preserve, and defend them in all their just rights. Dependence and protection.

ARTICLE XII. It is also agreed that if the said Secretary should not be able to sell the said lands as hereinbefore provided, he may cause the same to be appraised, in separate tracts, at their fair cash value, no tract to be valued at less than two dollars and fifty cents per acre, and the same when appraised may be sold at not less than the appraised value, and for as much more as the same will bring, and the money arising from the sale to be applied and distributed as hereinbefore provided. Sale of lands.

ARTICLE XIII. It is agreed by the Delawares that railroad companies engaged in building roads whose routes shall lie through their new reservation in the Indian country shall have a right of way through and over said lands, not exceeding two hundred feet in width for any such road, and also the right to enter on all lands and take and use such gravel, stone, and other material except timber as may be necessary for the construction of such roads, compensation to be made for any damages done in obtaining such material, and for any damages arising from the location or running of such roads to improvements which shall have been made before such road shall have been located, such damages to be ascertained under regulations to be prescribed by the Secretary of the Interior. Right of way for railroads.

ARTICLE XIV. The United States further agree that, in accordance with the general provisions of the sixth article of the Delaware treaty of May thirty, eighteen hundred and sixty, which have not yet been fulfilled, there shall be credited to the Delawares, in the purchase of their new reservation in the Indian country, the sum of thirty thousand dollars, which credit by the United States shall be received by the Delawares as a full settlement of all claims against the government for depredations upon timber to the date of the signing of this treaty; and the Delawares shall receive, without cost, from the United States, land included within their new reservation to the amount of twenty-three sections, in place of the twenty-three sections of half-breed Kaw lands referred to in said sixth section of the treaty of eighteen hundred and sixty; and inasmuch as the Delawares claim that a large amount of stock has been stolen from them by whites since the treaty of eighteen hundred and fifty-four, the United States agree to have a careful examination of such claims made under the direction of the Secretary of the Interior, and when the value of such stolen stock shall have been ascertained, the same shall be reported to Congress with a recommendation for an appropriation to pay for the same; and all moneys appropriated for such purpose shall be paid to the owners of said stock. Settlement of all claims of the Delawares for depredations.

ARTICLE XV. It is also agreed by the contracting parties that nothing contained in this treaty shall be so construed as to require the Delawares to remove from their present homes, until after they shall have selected and received title to lands for new homes elsewhere. Delawares not to move until new homes are provided.

In testimony whereof, the said superintendent, agent, and special commissioner, on behalf of the United States, and the said chiefs and councilors on behalf of the Delawares, have hereunto set their hands and seals this fourth day of July, one thousand eight hundred and sixty-six. Execution.

THOS. MURPHY, [SEAL.]

Superintendent.

JOHN G. PRATT, [SEAL.]

Agent.

W. H. WATSON, [SEAL.]

Special Commissioner,

JOHN CONNOR, his x mark, [SEAL.]

Head Chief.

TREATY WITH THE DELAWARE INDIANS. JULY 4, 1866.

CAPTAIN SARCOXIE, his x mark, [SEAL.]
Assistant Chief.
 CHARLES JOURNEYCAKE, [SEAL.]
Assistant Chief.
 JAMES KETCH[U]M, [SEAL.]
 JAMES CONNOR, his x mark, [SEAL.]
 ANDREW MILLER, his x mark, [SEAL.]
 JOHN SARCOXIE, his x mark, [SEAL.]
Councillors.

ISAAC JOHNYCAKE,
U. S. Interpreter.

In presence of—

HENRY S. BULKLEY.
 EDWARD S. MENAGER.
 LOUIS A. MENAGER.

Ratification. 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 twenty-sixth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:—

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 July 26, 1866.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement between the United States and Delaware Indians, made at the Delaware Agency, Kansas, on the fourth day of July, one thousand eight hundred and sixty-six.

Attest: J. W. FORNEY, *Secretary.*

Proclaimed. Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-sixth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this tenth day of August,
 in the year of our Lord one thousand eight hundred and
 [SEAL.] sixty-six, and of the Independence of the United States of
 America the ninety-first.

ANDREW JOHNSON.

By the President:
 HENRY STANBERRY, *Acting Secretary of State.*

Treaty between the United States of America and the Cherokee Nation of Indians; Concluded July 19, 1866; Ratification advised, with Amendments, July 27, 1866; Amendments accepted July 31, 1866; Proclaimed August 11, 1866.

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

July 19, 1866.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the nineteenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley and Elijah Sells, Commissioners, on the part of the United States, and Smith Christie, White Catcher, James McDaniel, S. H. Benge, Daniel H. Ross, and J. B. Jones, delegates of the Cherokee nation, appointed by resolution of the national council, on the part of said Cherokee nation, which treaty is in the words and figures following, to wit:—

Preamble.

ARTICLES OF AGREEMENT AND CONVENTION at the city of Washington on the nineteenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, between the United States, represented by Dennis N. Cooley, Commissioner of Indian affairs, [and] Elijah Sells, superintendent of Indian affairs for the southern superintendency, and the Cherokee nation of Indians, represented by its delegates, James McDaniel, Smith Christie, White Catcher, S. H. Benge, J. B. Jones, and Daniel H. Ross—John Ross, principal chief of the Cherokees, being too unwell to join in these negotiations.

Contracting parties.

PREAMBLE.

WHEREAS existing treaties between the United States and the Cherokee nation are deemed to be insufficient, the said contracting parties agree as follows, viz:—

ARTICLE I. The pretended treaty made with the so-called confederate states by the Cherokee nation on the seventh day of October, eighteen hundred and sixty-one, and repudiated by the national council of the Cherokee nation on the eighteenth day of February, eighteen hundred and sixty-three, is hereby declared to be void.

Pretended treaty declared void.

ARTICLE II. Amnesty is hereby declared by the United States and the Cherokee nation for all crimes and misdemeanors committed by one Cherokee on the person or property of another Cherokee, or of a citizen of the United States, prior to the fourth day of July, eighteen hundred and sixty-six; and no right of action arising out of wrongs committed in aid or in the suppression of the rebellion shall be prosecuted or maintained in the courts of the United States or in the courts of the Cherokee nation.

Amnesty.

Amendment
Post p. 807.

ARTICLE III. The confiscation laws of the Cherokee nation shall be repealed, and the same, and all sales of farms, and improvements on real estate, made or pretended to be made in pursuance thereof, are hereby agreed and declared to be null and void, and the former owners of such property so sold, their heirs or assigns, shall have the right peaceably to reoccupy their homes, and the purchaser under the confiscation laws, or his heirs or assigns, shall be repaid by the treasurer of the Cherokee

Confiscation laws repealed and former owners restored to their rights.

nation from the national funds, the money paid for said property, and the cost of permanent improvements on such real estate, made thereon since the confiscation sale; the cost of such improvements to be fixed by a commission, to be composed of one person designated by the Secretary of the Interior and one by the principal chief of the nation, which two may appoint a third in cases of disagreement, which cost so fixed shall be refunded to the national treasurer by the returning Cherokees within three years from the ratification hereof.

Improvements.

Cherokees, freed persons, and free negroes may elect to reside where.

ARTICLE IV. All the Cherokees and freed persons who were formerly slaves to any Cherokee, and all free negroes not having been such slaves, who resided in the Cherokee nation prior to June first, eighteen hundred and sixty-one, who may within two years elect not to reside northeast of the Arkansas river and southeast of Grand river, shall have the right to settle in and occupy the Canadian district southwest of the Arkansas river, and also all that tract of country lying northwest of Grand river, and bounded on the southeast by Grand river and west by the Creek reservation to the northeast corner thereof; from thence west on the north line of the Creek reservation to the ninety-sixth degree of west longitude; and thence north on said line of longitude so far that a line due east to Grand river will include a quantity of land equal to one hundred and sixty acres for each person who may so elect to reside in the territory above described in this article: *Provided*, That that part of said district north of the Arkansas river shall not be set apart until it shall be found that the Canadian district is not sufficiently large to allow one hundred and sixty acres to each person desiring to obtain settlement under the provisions of this article.

Proviso.

Those so electing to reside there may elect local officers, judges, &c.

ARTICLE V. The inhabitants electing to reside in the district described in the preceding article shall have the right to elect all their local officers and judges, and the number of delegates to which by their numbers they may be entitled in any general council to be established in the Indian territory under the provisions of this treaty, as stated in Article XII.; and to control all their local affairs, and to establish all necessary police regulations and rules for the administration of justice in said district, not inconsistent with the constitution of the Cherokee nation or the laws of the United States; *Provided*, The Cherokees residing in said district shall enjoy all the rights and privileges of other Cherokees who may elect to settle in said district as hereinbefore provided, and shall hold the same rights and privileges and be subject to the same liabilities as those who elect to settle in said district under the provisions of this treaty; *Provided also*, That if any such police regulations or rules be adopted which, in the opinion of the President, bear oppressively on any citizen of the nation, he may suspend the same. And all rules or regulations in said district, or in any other district of the nation, discriminating against the citizens of other districts, are prohibited, and shall be void.

Proviso.

Proviso.

Representation in national council.

ARTICLE VI. The inhabitants of the said district hereinbefore described shall be entitled to representation according to numbers in the national council, and all laws of the Cherokee nation shall be uniform throughout said nation. And should any such law, either in its provisions or in the manner of its enforcement, in the opinion of the President of the United States, operate unjustly or injuriously in said district, he is hereby authorized and empowered to correct such evil, and to adopt the means necessary to secure the impartial administration of justice, as well as a fair and equitable application and expenditure of the national funds as between the people of this and of every other district in said nation.

Unequal laws.

Courts.

ARTICLE VII. The United States court to be created in the Indian territory; and until such court is created therein, the United States district court, the nearest to the Cherokee nation, shall have exclusive original jurisdiction of all causes, civil and criminal, wherein an inhabitant of the district hereinbefore described shall be a party, and where an in-

habitant outside of said district, in the Cherokee nation, shall be the other party, as plaintiff or defendant in a civil cause, or shall be defendant or prosecutor in a criminal case, and all process issued in said district by any officer of the Cherokee nation, to be executed on an inhabitant residing outside of said district, and all process issued by any officer of the Cherokee nation outside of said district, to be executed on an inhabitant residing in said district, shall be to all intents and purposes null and void, unless indorsed by the district judge for the district where such process is to be served, and said person, so arrested, shall be held in custody by the officer so arresting him, until he shall be delivered over to the United States marshal, or consent to be tried by the Cherokee court: *Provided*, That any or all the provisions of this treaty, which make any distinction in rights and remedies between the citizens of any district and the citizens of the rest of the nation, shall be abrogated whenever the President shall have ascertained, by an election duly ordered by him, that a majority of the voters of such district desire them to be abrogated, and he shall have declared such abrogation: *And provided further*, That no law or regulation, to be hereafter enacted within said Cherokee nation or any district thereof, prescribing a penalty for its violation, shall take effect or be enforced until after ninety days from the date of its promulgation, either by publication in one or more newspapers of general circulation in said Cherokee nation, or by posting up copies thereof in the Cherokee and English languages in each district where the same is to take effect, at the usual place of holding district courts.

Courts.

Process.

Proviso.

Proviso.

ARTICLE VIII. No license to trade in goods, wares, or merchandise *merchandise* shall be granted by the United States to trade in the Cherokee nation, unless approved by the Cherokee national council, except in the Canadian district, and such other district north of Arkansas river and west of Grand river occupied by the so-called southern Cherokees, as provided in Article IV. of this treaty.

Licenses to trade not to be granted unless, &c.

ARTICLE IX. The Cherokee nation having, voluntarily, in February, eighteen hundred and sixty-three, by an act of their national council, forever abolished slavery, hereby covenant and agree that never hereafter shall either slavery or involuntary servitude exist in their nation otherwise than in the punishment of crime, whereof the party shall have been duly convicted, in accordance with laws applicable to all the members of said tribe alike. They further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees: *Provided*, That owners of slaves so emancipated in the Cherokee nation shall never receive any compensation or pay for the slaves so emancipated.

Slavery, &c. not to exist.

Freedmen.

No pay for emancipated slaves.

ARTICLE X. Every Cherokee and freed person resident in the Cherokee nation shall have the right to sell any products of his farm, including his or her live stock, or any merchandise or manufactured products, and to ship and drive the same to market without restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside of the Indian territory.

Farm products may be sold, &c.

ARTICLE XI. The Cherokee nation hereby grant a right of way not exceeding two hundred feet wide, except at stations, switches, water-stations, or crossing of rivers, where more may be indispensable to the full enjoyment of the franchise herein granted, and then only two hundred additional feet shall be taken, and only for such length as may be absolutely necessary, through all their lands, to any company or corporation which shall be duly authorized by Congress to construct a railroad from any point north to any point south, and from any point east to any point west of, and which may pass through, the Cherokee nation. Said com-

Right of way for railroads.

pany or corporation, and their employés and laborers, while constructing and repairing the same, and in operating said road or roads, including all necessary agents on the line, at stations, switches, water-tanks, and all others necessary to the successful operation of a railroad, shall be protected in the discharge of their duties, and at all times subject to the Indian intercourse laws, now or which may hereafter be enacted and be in force in the Cherokee nation.

General council. ARTICLE XII. The Cherokees agree that a general council, consisting of delegates elected by each nation or tribe lawfully residing within the Indian territory, may be annually convened in said territory, which council shall be organized in such manner and possess such powers as hereinafter prescribed.

Census. First. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said territory shall be taken under the direction of the commissioner of Indian affairs, who for that purpose is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior, and paid by the United States.

First general council, how composed. Second. The first general council shall consist of one member from each tribe, and an additional member for each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory, and shall be selected by said tribes respectively, who may assent to the establishment of said general council; and if none should be thus formally selected by any nation or tribe so assenting, the said nation or tribe shall be represented in said general council by the chief or chiefs and headmen of said tribes, to be taken in the order of their rank as recognized in tribal usage, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare to each tribe assenting to the establishment of such council the number of members of such council to which they shall be entitled under the provisions of this article, and the persons entitled to represent said tribes shall meet at such time and place as he shall approve; but thereafter the time and place of the sessions of said council shall be determined by its action: *Provided*, That no session in any one year shall exceed the term of thirty days: *And provided*, That special sessions of said council may be called by the Secretary of the Interior whenever in his judgment the interest of said tribes shall require such special session.

Time and place of first meeting.
Sessions not to exceed 30 days.
Special sessions.

Powers of general council.

Third. Said general council shall have power to legislate upon matters pertaining to the intercourse and relations of the Indian tribes and nations and colonies of freedmen resident in said territory; the arrest and extradition of criminals and offenders escaping from one tribe to another, or into any community of freedmen; the administration of justice between members of different tribes of said territory and persons other than Indians and members of said tribes or nations; and the common defence and safety of the nations of said territory.

Laws, when to take effect.

All laws enacted by such council shall take effect at such time as may therein be provided, unless suspended by direction of the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or laws of Congress, or existing treaty stipulations with the United States. Nor shall said council legislate upon matters other than those above indicated: *Provided, however*, That the legislative power of such general council may be enlarged by the consent of the national council of each nation or tribe assenting to its establishment, with the approval of the President of the United States.

Legislative power may be enlarged.

President of council.

Fourth. Said council shall be presided over by such person as may be designated by the Secretary of the Interior.

Fifth. The council shall elect a secretary, whose duty it shall be to keep an accurate record of all the proceedings of said council, and who shall transmit a true copy of all such proceedings, duly certified by the presiding officer of such council, to the Secretary of the Interior, and to each tribe or nation represented in said council, immediately after the sessions of said council shall terminate. He shall be paid out of the treasury of the United States an annual salary of five hundred dollars.

Secretary of council

Pay.

Sixth. The members of said council shall be paid by the United States the sum of four dollars per diem during the term actually in attendance on the sessions of said council, and at the rate of four dollars for every twenty miles necessarily travelled by them in going from and returning to their homes, respectively, from said council, to be certified by the secretary and president of the said council.

Pay of members of council

ARTICLE XIII. The Cherokees also agree that a court or courts may be established by the United States in said territory, with such jurisdiction and organized in such manner as may be prescribed by law: *Provided*, That the judicial tribunals of the nation shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their country in which members of the nation, by nativity or adoption, shall be the only parties, or where the cause of action shall arise in the Cherokee nation, except as otherwise provided in this treaty.

Courts.

ARTICLE XIV. The right to the use and occupancy of a quantity of land not exceeding one hundred and sixty acres, to be selected according to legal subdivisions in one body, and to include their improvements, and not including the improvements of any member of the Cherokee nation, is hereby granted to every society or denomination which has erected, or which with the consent of the national council may hereafter erect, buildings within the Cherokee country for missionary or educational purposes. But no land thus granted, nor buildings which have been or may be erected thereon, shall ever be sold or [o]therwise disposed of except with the consent and approval of the Cherokee national council and of the Secretary of the Interior. And whenever any such lands or buildings shall be sold or disposed of, the proceeds thereof shall be applied by said society or societies for like purposes within said nation, subject to the approval of the Secretary of the Interior.

Lands for missionary or educational purposes:

not to be sold, except, &c.;

proceeds of sale

ARTICLE XV. The United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of 96°, on such terms as may be agreed upon by any such tribe and the Cherokees, subject to the approval of the President of the United States, which shall be consistent with the following provisions, viz: Should any such tribe or band of Indians settling in said country abandon their tribal organization, there being first paid into the Cherokee national fund a sum of money which shall sustain the same proportion to the then existing national fund that the number of Indians sustain to the whole number of Cherokees then residing in the Cherokee country, they shall be incorporated into and ever after remain a part of the Cherokee nation, on equal terms in every respect with native citizens. And should any such tribe, thus settling in said country, decide to preserve their tribal organizations, and to maintain their tribal laws, customs, and usages, not inconsistent with the constitution and laws of the Cherokee nation, they shall have a district of country set off for their use by metes and bounds equal to one hundred and sixty acres, if they should so decide, for each man, woman, and child of said tribe, and shall pay for the same into the national fund such price as may be agreed on by them and the Cherokee nation, subject to the approval of the President of the United States, and in cases of disagreement the price to be fixed by the President.

The United States may settle civilized Indians in the Cherokee country.

How may be made part of Cherokee nation. Those wishing to preserve tribal organization, to have land set off to them;

And the said tribe thus settled shall also pay into the national fund a sum of money, to be agreed on by the respective parties, not greater in proportion to the whole existing national fund and the probable proceeds

to pay sum into national fund.

of the lands herein ceded or authorized to be ceded or sold than their numbers bear to the whole number of Cherokees then residing in said country, and thence afterwards they shall enjoy all the rights of native Cherokees. But no Indians who have no tribal organizations, or who shall determine to abandon their tribal organizations, shall be permitted to settle east of the 96° of longitude without the consent of the Cherokee national council, or of a delegation duly appointed by it, being first obtained. And no Indians who have and determine to preserve their tribal organizations shall be permitted to settle, as herein provided, east of the 96° of longitude without such consent being first obtained, unless the President of the United States, after a full hearing of the objections offered by said council or delegation to such settlement, shall determine that the objections are insufficient, in which case he may authorize the settlement of such tribe east of the 96° of longitude.

Limits of places of settlement.

Where the United States may settle friendly Indians.

Lands.

ARTICLE XVI. The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee simple to each of said tribes to be held in common or by their members in severalty as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

Possession and jurisdiction over such lands.

The Cherokee nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Cession of lands to the United States in trust.

ARTICLE XVII. The Cherokee nation hereby cedes, in trust to the United States, the tract of land in the State of Kansas which was sold to the Cherokees by the United States, under the provisions of the second article of the treaty of 1835; and also that strip of the land ceded to the nation by the fourth article of said treaty which is included in the State of Kansas, and the Cherokees consent that said lands may be included in the limits and jurisdiction of the said State.

Lands to be surveyed and appraised;

The lands herein ceded shall be surveyed as the public lands of the United States are surveyed, under the direction of the commissioner of the general land office, and shall be appraised by two disinterested persons, one to be designated by the Cherokee national council and one by the Secretary of the Interior, and, in case of disagreement, by a third person, to be mutually selected by the aforesaid appraisers. The appraisement to be not less than an average of one dollar and a quarter per acre, exclusive of improvements.

may be sold to highest bidder.

And the Secretary of the Interior shall from time to time, as such surveys and appraisements are approved by him, after due advertisements for sealed bids, sell such lands to the highest bidders for cash in parcels not exceeding one hundred and sixty acres, and at not less than the appraised value: *Provided*, That whenever there are improvements of the value of fifty dollars made on the lands not being mineral, and owned and personally occupied by any person for agricultural purposes at the date of the signing hereof, such person so owning, and in person residing on such improvements, shall, after due proof, made under such regulations as the Secretary of the Interior may prescribe, be entitled to buy, at the appraised value, the smallest quantity of land in legal subdivisions which will include his improvements, not exceeding in the aggregate one hundred and sixty acres; the expenses of survey and appraisement to be paid by the Secretary out of the proceeds of sale of said land: *Provided*, That nothing in his article shall prevent the Secretary of the Interior from selling the

Improvements.

Proviso.

- whole of said neutral lands in a body to any responsible party, for cash, for a sum not less than eight hundred thousand dollars. Amendment. *Post*, p. 807.
- ARTICLE XVIII. That any lands owned by the Cherokees in the State of Arkansas and in States east of the Mississippi may be sold by the Cherokee nation in such manner as their national council may prescribe, all such sales being first approved by the Secretary of the Interior. Sales by Cherokees of lands in Arkansas.
- ARTICLE XIX. All Cherokees being heads of families residing at the date of the ratification of this treaty on any of the lands herein ceded, or authorized to be sold, and desiring to remove to the reserved country, shall be paid by the purchasers of said lands the value of such improvements, to be ascertained and appraised by the commissioners who appraise the lands, subject to the approval of the Secretary of the Interior; and if he shall elect to remain on the land now occupied by him, shall be entitled to receive a patent from the United States in fee simple for three hundred and twenty acres of land to include his improvements, and thereupon he and his family shall cease to be members of the nation. Heads of families.
- ARTICLE XX. Whenever the Cherokee national council shall request it, the Secretary of the Interior shall cause the country reserved for the Cherokees to be surveyed and allotted among them, at the expense of the United States. Lands reserved to be surveyed and allotted.
- ARTICLE XXI. It being difficult to learn the precise boundary line between the Cherokee country and the States of Arkansas, Missouri, and Kansas, it is agreed that the United States shall, at its own expense, cause the same to be run as far west as the Arkansas, and marked by permanent and conspicuous monuments, by two commissioners, one of whom shall be designated by the Cherokee national council. Boundary line to be run and marked.
- ARTICLE XXII. The Cherokee national council, or any duly appointed delegation thereof, shall have the privilege to appoint an agent to examine the accounts of the nation with the government of the United States at such time as they may see proper, and to continue or discharge such agent, and to appoint another, as may be thought best by such council or delegation; and such agent shall have free access to all accounts and books in the executive departments relating to the business of said Cherokee nation, and an opportunity to examine the same in the presence of the officer having such books and papers in charge. Agent of Cherokees to examine accounts, books, &c.
- ARTICLE XXIII. All funds now due the nation, or that may hereafter accrue from the sale of their lands by the United States as hereinbefore provided for, shall be invested in United States registered stocks at their current value, and the interest on all said funds shall be paid semi-annually on the order of the Cherokee nation, and shall be applied to the following purposes, to wit: Thirty-five per cent shall be applied for the support of the common schools of the nation and educational purposes; fifteen per cent for the orphan fund, and fifty per cent for general purposes, including reasonable salaries of district officers; and the Secretary of the Interior, with the approval of the President of the United States, may pay out of the funds due the nation, on the order of the national council or a delegation duly authorized by it, such amount as he may deem necessary to meet outstanding obligations of the Cherokee nation, caused by the suspension of the payment of their annuities, not to exceed the sum of one hundred and fifty thousand dollars. Funds, how to be invested.
- ARTICLE XXIV. As a slight testimony for the useful and arduous services of the Rev. Evan Jones, for forty years a missionary in the Cherokee nation, now a cripple, old and poor, it is agreed that the sum of three thousand dollars be paid to him, under the direction of the Secretary of the Interior, out of any Cherokee fund in or to come into his hands not otherwise appropriated. Interest, how to be paid.
- ARTICLE XXV. A large number of the Cherokees who served in the army of the United States having died, leaving no heirs entitled to receive bounties and arrears of pay on account of such service, it is agreed that Payment to Rev. Evan Jones.
- Bounties and arrears for services as Indian

volunteers, how to be paid.

all bounties and arrears for service in the regiments of Indian United States volunteers which shall remain unclaimed by any person legally entitled to receive the same for two years from the ratification of this treaty, shall be paid as the national council may direct, to be applied to the foundation and support of an asylum for the education of orphan children, which asylum shall be under the control of the national council, or of such benevolent society as said council may designate, subject to the approval of the Secretary of the Interior.

Possession and protection guaranties.

ARTICLE XXVI. The United States guarantee to the people of the Cherokee nation the quiet and peaceable possession of their country and protection against domestic feuds and insurrections and against hostilities of other tribes. They shall also be protected against inter[r]uptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory. In case of hostilities among the Indian tribes, the United States agree that the party or parties commencing the same shall, so far as practicable, make reparation for the damages done.

Military posts in Cherokee nation.

ARTICLE XXVII. The United States shall have the right to establish one or more military posts or stations in the Cherokee nation, as may be deemed necessary for the proper protection of the citizens of the United States lawfully residing therein and the Cherokees and other citizens of the Indian country. But no sutler or other person connected therewith,

Spirituuous, &c. liquors forbidden, except, &c.

either in or out of the military organization, shall be permitted to introduce any spirit[u]ous, vinous, or malt liquors into the Cherokee nation, except the medical department proper, and by them only for strictly medical purposes. And all persons not in the military service of the United States, not citizens of the Cherokee nation, are to be prohibited from coming into the Cherokee nation, or remaining in the same, except as herein otherwise provided; and it is the duty of the United States Indian agent for the Cherokees to have such persons, not lawfully residing or sojourning therein, removed from the nation, as they now are, or hereafter may be, required by the Indian intercourse laws of the United States.

Certain persons prohibited from coming into the nation.

Payment for certain provisions and clothing.

ARTICLE XXVIII. The United States hereby agree to pay for provisions and clothing furnished the army under Appotholehala in the winter of 1861 and 1862, not to exceed the sum of ten thousand dollars, the accounts to be ascertained and settled by the Secretary of the Interior.

Expenses of Cherokee delegations.

ARTICLE XXIX. The sum of ten thousand [dollars,] or so much thereof as may be necessary to pay the expenses of the delegates and representatives of the Cherokees invited by the government to visit Washington for the purposes of making this treaty, shall be paid by the United States on the ratification of this treaty.

Amendment. Post, p. 807.

Payment of certain losses by missionaries, &c.

ARTICLE XXX. The United States agree to pay to the proper claimants all losses of property by missionaries or missionary societies, resulting from their being ordered or driven from the country by United States agents, and from their property being taken and occupied or destroyed by United States troops, not exceeding in the aggregate twenty thousand dollars, to be ascertained by the Secretary of the Interior.

Inconsistent treaty provisions annulled.

ARTICLE XXXI. All provisions of treaties, heretofore ratified and in force, and not inconsistent with the provisions of this treaty, are hereby reaffirmed and declared to be in full force; and nothing herein shall be construed as an acknowledgment by the United States, or as a relinquishment by the Cherokee nation of any claims or demands under the guaranties of former treaties, except as herein expressly provided.

Execution.

In testimony whereof, the said commissioners on the part of the United States, and the said delegation on the part of the Cherokee nation, have hereunto set their hands and seals, at the city of Washington, this *ninth* [nineteenth] day of July, A. D. one thousand eight hundred and sixty-six.

D. N. COOLEY, *Com'r Ind. Affairs.*
 ELIJAH SELLS, *Sup't Ind. Affs.*
 SMITH CHRISTIE,
 WHITE CATCHER,
 JAMES MCDANIEL,
 S. H. BENGE,
 DANL. H. ROSS,
 J. B. JONES.

*Delegates of the Cherokee Nation, appointed by Resolution
 of the National Council.*

In presence of—

W. H. WATSON,
 J. W. WRIGHT.

Signatures witnessed by the following-named persons, the following interlineations being made before signing: On page 1st the word "the" interlined, on page 11 the word "the" struck out, and to said page 11 a sheet attached requiring publication of laws; and on page 34th the word "ceded" struck out and the words "neutral lands" inserted. Page 47½ added relating to expenses of treaty.

THOMAS EWING, JR.,
 WM. A. PHILLIPS,
 J. W. WRIGHT.

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 twenty-seventh day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:—

Ratification
 with amend-
 ments.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 July 27, 1866.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made at the city of Washington, on the nineteenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, between the United States and the Cherokee nation of Indians, with the following

AMENDMENTS:

1st. Insert at the end of Article II. the following:—

Ante, p. 799

But the Cherokee nation stipulate and agree to deliver up to the United States, or their duly authorized agent, any or all public property, particularly ordnance, ordnance stores, arms of all kinds, and quartermasters' stores, in their possession or control, which belonged to the United States or the so-called confederate states, without any reservation.

2d. Strike out the last proviso in Article XVII. and insert in lieu thereof the following:—

Ante, p. 805.

Provided, That nothing in this article shall prevent the Secretary of the Interior from selling the whole of said lands not occupied by actual settlers at the date of the ratification of this treaty, not exceeding one hundred and sixty acres to each person entitled to pre-emption under the pre-emption laws of the United States, in a body, to any responsible party, for cash, for a sum not less than one dollar per acre.

3d. Insert at the end of Article XXIX. the following:—

Ante, p. 806.

And the Secretary of the Interior shall also be authorized to pay the reasonable costs and expenses of the delegates of the southern Cherokees.

The moneys to be paid under this article shall be paid out of the proceeds of the sales of the national lands in Kansas.

Attest: J. W. FORNEY, *Secretary.*

Amendments
assented to.

And whereas the foregoing amendments having been fully explained and interpreted to the aforementioned delegates of the Cherokee nation, they did, on the thirty-first day of July, one thousand eight hundred and sixty-six, give, on behalf of said nation, their free and voluntary assent to said amendments, in the words and figures following, to wit:—

Whereas the Senate of the United States did, on the twenty-seventh day of July, eighteen hundred and sixty-six, advise and consent to the ratification of the articles of agreement and convention, made at the city of Washington, on the nineteenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, between the United States and the Cherokee nation of Indians, with the following

AMENDMENTS, to wit:—

1st. Insert at the end of Article II. the following:—

But the Cherokee nation stipulate and agree to deliver up to the United States, or their duly authorized agent, any or all public property, particularly ordnance, ordnance stores, arms of all kinds, and quartermasters' stores, in their possession or control, which belonged to the United States or the so-called confederate states, without any reservation.

3d. Strike out the last proviso in Article XVII. and insert in lieu thereof the following:—

Provided, That nothing in this article shall prevent the Secretary of the Interior from selling the whole of said lands not occupied by actual settlers at the date of the ratification of this treaty, not exceeding one hundred and sixty acres to each person entitled to pre-emption under the pre-emption laws of the United States, in a body, to any responsible party, for cash, for a sum not less than one dollar per acre.

3d. Insert at the end of Article XXIX. the following:—

And the Secretary of the Interior shall also be authorized to pay the reasonable costs and expenses of the delegates of the southern Cherokees.

The moneys to be paid under this article shall be paid out of the proceeds of the sales of the national lands in Kansas.

Now, therefore, we, the delegates on the part of the said Cherokee nation, do hereby assent and agree to the said amendments above written, the same having been explained to us and being fully understood by us.

Witness our hands and seals, this thirty-first day of July, A. D. eighteen hundred and sixty-six, at Washington, D. C.

SMITH CHRISTIE.	[SEAL.]
WHITE CATCHER.	[SEAL.]
JAMES McDANIEL.	[SEAL.]
S. H. BENGE.	[SEAL.]
DANL. H. ROSS.	[SEAL.]
J. B. JONES.	[SEAL.]

In presence of—

D. N. COOLEY, *Com'r Ind. Affairs.*
 J. HARLAN, *U. S. Ind. Agent.*
 CHARLES E. MIX,
 J. W. WRIGHT,
 W. R. IRWIN.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-seventh of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendments as aforesaid.

Proclaimed.

In testimony whereof I have signed my name hereto, and have caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of August, in the year of our Lord one thousand eight hundred and sixty-six and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

HENRY STANBERRY, *Acting Secretary of State.*

