TREATY WITH THE DELAWARE INDIANS. MAY 30, 1860.


A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

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

Whereas a treaty was made and concluded at Sarcoxyieville, on the Delaware reservation, on the thirtieth day of May, eighteen hundred and sixty, by Thomas B. Sykes, as commissioner on the part of the United States, and the chiefs and headmen of the Delaware tribe of Indians hereinafter mentioned, which treaty is in the following words, to wit:

Articles of agreement and convention made and concluded at Sarcoxyieville, on the Delaware reservation, this thirtieth day of May, one thousand eight hundred and sixty, by Thomas B. Sykes, as commissioner on the part of the United States, and the following named chiefs of the Delaware tribe of Indians, viz: John Connor, head chief of the whole tribe; Sar-cox-i-e, chief of the Turtle band; Ne-con-he-con, chief of the Wolf band; Rock-a-to-wha, chief of the Turkey band, and assistants to the said head chief, chosen and appointed by the people, and James Connor, chosen by the said chiefs as delegate.

ARTICLE I. By the first article of the treaty made and concluded at the city of Washington, on the sixth day of May, one thousand eight hundred and fifty-four, between George W. Manyenny, commissioner on the part of the United States, and certain delegates of the Delaware tribe of Indians, which treaty was ratified by the Senate of the United States on the eleventh day of July, one thousand eight hundred and fifty-four, there was reserved, as a permanent home for the said tribe, that part of their country lying east and south of a line beginning at a point on the line between the Delawares and Half-breeds Kansas, forty miles in a direct line west of the boundary between the Delawares and Wyandottes; thence north ten miles; thence in an easterly course to a point on the south bank of Big Island Creek, which shall also be on the bank of the Missouri river, where the usual high-water line of said creek intersects the high-water line of said river. And by the eleventh article of said treaty it was stipulated that "at any time hereafter when the Delawares desire it, and at their request and expense, the President may cause the country reserved for their permanent home, to be surveyed in the same manner as the ceded country is surveyed, and may assign such portion to each person or family as shall be designated by the principal men of the tribe: Provided, such assignments shall be uniform."

The Delawares having represented to the government that it is their wish that a portion of the lands reserved for their home may be divided among them in the manner contemplated by the eleventh article of the treaty aforesaid, it is hereby agreed by the parties hereto, that the said reservation shall be surveyed as early as practicable after the ratification of these articles of agreement and convention, in the same manner that the public lands are surveyed; and to each member of the Delaware tribe there shall be assigned a tract of land containing eighty acres, to include in every case, as far as practicable, a reasonable portion of timber, to be selected according to the legal subdivisions of survey.
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Mode of division.

Certificates to issue, &c.

Land not alienable, except, &c.

Certificates to be secured to family, &c.

Abandonment of land assigned.

Improvements.

Leavenworth, Pawnee, and Western R. R. Co. to have a preference in the purchase of land remaining. See amendment, post, p. 184.

Minimum price $1.25 per acre.

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Railroad company to have perpetual right of way.

Provision for Delaware who are absent.

ARTICLE II. The division and assignment in severality among the Delawares of the land shall be made in a compact body, under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive.

Certificates shall be issued by the Commissioner of Indian Affairs, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienable in fee, leased, or otherwise disposed of, except to the United States or to members of the Delaware tribe, and under such rules and regulations as may be prescribed by the Secretary of the Interior; and said tracts shall be exempt from levy, taxation, sale, or forfeiture, until otherwise provided by Congress.

Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient, respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons. And should any of the Indians to whom tracts shall be assigned, abandon them, the said Secretary may take such action in relation to the proper disposition thereof, as, in his judgment, may be necessary and proper.

The improvements of the Indians residing on the lands to be sold shall be valued by the United States, and the individual owners thereof shall receive the amount realized from the sale of the same, to be expended in building other improvements for them on the lands retained.

ARTICLE III. The Delaware tribe of Indians, entertaining the belief that the value of their lands will be enhanced by having a railroad passing through their present reservation, and being of the opinion that the Leavenworth, Pawnee, and Western Railroad Company, incorporated by an act of the legislative assembly of Kansas Territory, will have the advantage of travel and general transportation over every other company proposed to be formed, which will run through their lands, have expressed a desire that the said Leavenworth, Pawnee, and Western Railroad Company shall have the preference of purchasing the remainder of their lands after the tracts in severalty and those for the special objects herein named shall have been selected and set apart, upon the payment into the United States treasury, which payment shall be made within six months after the quantity shall have been ascertained, in gold or silver coin, of such a sum as three commissioners, to be appointed by the Secretary of the Interior, shall appraise to be the value of said land: Provided, in no event shall the value be placed below the sum of one dollar and twenty-five cents per acre, exclusive of the cost of survey of the same. [And that the United States will issue a patent in fee-simple to said company, upon the payment as aforesaid, for all their land remaining in Kansas.] It is, therefore, agreed by the United States that the wishes of the Delawares shall be granted; that they will accept of the trust reposed upon them; and that the money resulting from such disposition of the lands shall be disposed of and applied in the manner provided for by the seventh and eighth articles of the Delaware treaty of sixth May, one thousand eight hundred and fifty-four, after expending a sufficient sum to enable them to commence agricultural pursuits under favorable circumstances. It is also agreed that the said railroad company shall have the perpetual right of way over any portion of the lands allotted to the Delawares in severalty, on the payment of a just compensation therefor, in money, to the respective parties whose lands are crossed by the line of railroad.

ARTICLE IV. Whereas some years ago a good many of the Delawares went down among the Southern Indians, and as there are still about two hundred of them there, and as they have reason to believe they will return
soon, it is hereby agreed that eighty acres each be set apart for them, to
be allotted to them as they return, and certificates to be then issued to
them, in the same manner as to those now within the reservation, and in
every respect to be governed by the same rules and regulations as pre-
scribed for the government of the lands reserved by the preceding articles,
that until they return the allotments set apart for belong to the nation in
common.

ARTICLE V. There shall be reserved three hundred and twenty acres
of ground where the mill, and school-house, and Ketchum's store now
stand; three hundred and twenty acres where the council-house now is;
one hundred and sixty acres where the Baptist mission now is; one hun-
dred and sixty acres where the agency house now is; forty acres where
the Methodist Episcopal Church South now is; forty acres where the
Methodist Episcopal Church North now is; when several tracts, with the
improvements thereupon, shall be disposed of when the objects for which
they have been reserved shall have been accomplished, in such manner
and for such purposes as the Secretary of the Interior shall determine to
be just and equitable, for the benefit of the Delawares.

ARTICLE VI. By article fourteen of the treaty between the Delawares
and the United States, of May six, eighteen hundred and fifty-four, ratified
by the Senate July eleven, eighteen hundred and fifty-four, the United
States bound herself to protect them and their rights; and that whereas,
that depredations of various kinds have been committed upon them and
their lands, it is hereby agreed that the United States shall pay them,
within twelve months from the ratification of these articles of treaty and
convention, thirty thousand dollars as indemnity for timber that has been
cut off their reservation by the whites, and nine thousand five hundred
dollars as indemnity for ponies and cattle that have been stolen from them
by the whites since their last treaty with the United States. It is fur-
ther stipulated that should the Senate of the United States refuse this
article, it shall in no wise affect the validity of the other articles, or preju-
dice the right of the Delawares to appeal to the Congress of the United
States for the indemnities hereby agreed upon.

It is further understood that, at the treaty between the Delawares and
the United States, made September twenty-four, eighteen hundred and
twenty-nine, the boundary of the reservation then set apart for them in-
cluded the Half-breed Kaws lands; but it afterwards proved that the
United States had previously set apart these lands for the Half-breed
Kaws, and by that means they have been kept out of the use and benefit
of said lands; it is, therefore, hereby agreed that a fair valuation shall
be made by the United States upon such lands, under the direction of the
Secretary of the Interior, and that the amount of said valuation shall be
paid the Delawares.

ARTICLE VII. In consideration of the long and faithful services of
the chiefs of the Delaware nation, and of their interpreter, who is also a
member of the nation, it is further agreed that the said chiefs and inter-
preter shall have allotted to each a tract of land, to be selected by them-
soever, and shall receive a patent in fee-simple therefor from the President
of the United States, viz: John Connor, principal chief, six hundred and
forty acres; Sarcox-ie, chief of the Turtle band, three hundred and
twenty acres; Rock-a-to-wha, chief of the Turkey band, three hundred
and twenty acres; Ne-con-he-con, chief of the Wolf band, three hundred
and twenty acres; and Henry Tihbow, interpreter, three hundred and
twenty acres; the lines of each tract to conform to the legal subdivisions
of survey. It is further agreed that, from the money as paid the Dela-
ware tribe of Indians, in accordance with article number ten of this treaty,
the chiefs of said tribe of Indians shall appropriate one thousand five
hundred dollars as the annual salary of the councilmen of the said tribe
of Indians.
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ARTICLE VIII. Any stipulation in former treaties inconsistent with those embraced in the foregoing articles shall be of no force or effect.

ARTICLE IX. As these articles are entered into for the sole use and benefit of the Delaware Indians, it is understood that the expenses incidental to carrying them into effect shall be defrayed from the funds of said Indians, held in trust for them by the United States.

ARTICLE X. The interest accruing to the Delawares under the former treaties, and that which may accrue under this, shall be paid on the first of April and October in each year.

In testimony whereof, the said Thomas B. Sykes, commissioner as aforesaid, and the said delegates of the Delaware tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinafter written.

THOMAS B. SYKES, Commissioner, [SEAL.]
JOHN CONNOR, Head Chief, [SEAL.]
SAR-COX-IIE, or The Highest, Assistant Chief, [SEAL.]
NE-CON-HI-HO CON, or Bounding About, Assistant Chief, [SEAL.]
ROCK-A-TO-WHA, or Sun Rise, Assistant Chief, [SEAL.]
JAMES CONNOR, or Ah-la-a-chick, [SEAL.]

Signed in the presence of—

HENRY THIBLOW, United States Interpreter,
JAMES FINDLAY,
WILLIAM G. BRADSHAW,
SAMUEL PRIESTLEY,
THOMAS S. GLADDING.

Ratification, June 27, 1800.

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 of June, one thousand eight hundred and sixty, advise and consent to the ratification of the same, by a resolution and with an amendment in the words and figures following, to wit:

"In Executive Session,

"Senate of the United States, June 27, 1800.

"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 Sarcoxieville the thirtieth day of May, eighteen hundred and sixty, by Thomas B. Sykes, commissioner on the part of the United States, and certain chiefs of the Delaware tribe of Indians, with the following amendment:

At the end of article third, add: It being the intent and meaning of the Delawares, in consenting to the sale of their surplus lands to said company, that they should, in good faith, and within a reasonable time, construct a railroad through their reservation, and to carry out this intent as well as to secure so great a public convenience, it is agreed that no patent shall issue for any of these lands, nor shall the sale be binding upon the Delaware Indians or the United States, until the Secretary of the Interior shall be fully satisfied that a line of twenty-five miles of the road from Leavenworth City shall have been completed and equipped, when a patent shall issue for one-half of the ascertained quantity. The patent for the residue shall issue only when the said Secretary shall be satisfied that the road has been, in like manner, completed and equipped to the western
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boundary of the Delaware reservation. And if the said company shall fail or neglect to construct either the first or second sections of the road, or having constructed the first section and fail to complete the second section within a reasonable time, they shall forfeit to the United States all right to the lands not previously patented, and the certificate of purchase shall be deemed and considered cancelled. And provided further, That in case the said company shall fail to make payment for the lands or fail to construct the road, as hereinbefore stipulated, within a reasonable time, the surplus lands shall be disposed of by the Secretary of the Interior, at public auction, in quantities not exceeding one hundred and sixty acres; but, in no case for a sum less than the appraised value, the net proceeds to be applied in the same manner as hereinbefore specified: And provided further. That the said railroad company shall, finally, and in good faith, sell and dispose of all said lands within seven years after receiving the patent therefor, except what may be necessary for railroad purposes; and in default thereof so much thereof as may remain undisposed of shall revert to the Delaware nation, to be disposed of as is herein provided for other forfeited lands.

“ Attest:"

ASBURY DICKINS, Secretary.

And whereas the foregoing amendment having been fully interpreted and explained to the chiefs and headmen of the Delaware tribe aforesaid, they did thereunto, on the twenty-first day of July, one thousand eight hundred and sixty, give their free and voluntary assent in the words and figures following, to wit:

We the undersigned chiefs, councillors, and headmen of the tribe of Delaware Indians on behalf of said tribe, now in full council assembled, having had fully explained to us the amendment made on the 27th day of June last, by the Senate of the United States, to the treaty made and concluded on the 30th of May last, at Barcoxiwville, on the Delaware reservation, by Thomas B. Sykes, commissioner on the part of the United States, and the following named chiefs of the Delaware tribe of Indians, viz: John Connor, head chief of the whole tribe; Sar-cox-ie, chief of the Turtle band; Rock-a-to-wha, chief of the Turkey band, and assistant to the said head chief, chosen and appointed by the people; and James Connor, chosen by the said chiefs as delegate, which amendment is in the following words, viz:

AMENDMENT.

At the end of article third add: It being the intent and meaning of the Delawares, in consenting to the sale of their surplus lands to said company, that they should, in good faith, and within a reasonable time, construct a railroad through their reservation, and to carry out this intent, as well as to secure so great a public convenience, it is agreed that no patent shall issue for any of these lands, nor shall the sale be binding upon the Delaware Indians nor the United States until the Secretary of the Interior shall be fully satisfied that a line of twenty-five miles of the road from Leavenworth City shall have been completed and equipped, when a patent shall issue for one-half of the ascertained quantity. The patent for the residue to issue only when the said Secretary shall be satisfied that the road has been in like manner completed and equipped to the western boundary of the Delaware reservation. And if the said company shall fail or neglect to construct either the first or second sections of the road, or having constructed the first section and fail to complete the second section within a reasonable time, they shall forfeit to the United States all right to the lands not previously patented, and the certificate of purchase shall be deemed and considered cancelled. And provided further, That in case the said company shall fail to make payment for the lands, or fail to construct the road, as hereinbefore stipulated, within a reasonable time,
the surplus lands shall be disposed of by the Secretary of the Interior at public auction, in quantities not exceeding one hundred and sixty acres; but in no case for a sum less than the appraised value, the net proceeds to be applied in the same manner as hereinbefore specified. And provided further, That the said railroad company shall finally and in good faith sell and dispose of all said lands within seven years after receiving the patent therefor, except what may be necessary for railroad purposes; and in default thereof, so much thereof as may remain undisposed of shall revert to the Delaware nation, to be disposed of as is herein provided for other forfeited lands.

Do hereby accept and consent to the said amendments to the articles of agreements and convention aforesaid, and agree that the same shall be considered as a part thereof.

In testimony whereof, we have hereunto set our hands and affixed our seals, this twenty-first day of July, Anno Domini 1860.

JOHN CONNOR, Head Chief, [SEAL.]
SAR-COX-IE, Chief of Turtle band, [SEAL.]
NE-CON-HE-CON, Chief of Wolf band, [SEAL.]
ROCK-A-TO-WHA, Chief of Turkey band, [SEAL.]
JAMES CONNOR, Delegate, [SEAL.]

Witness:—

HENRY TIBLOW, United States Interpreter,
THEO. S. GLADDIN,
SAMUEL PRIESTLEY,
WM. G. BRADSHAW.

I do hereby certify that the foregoing instrument of writing was fully explained to me to the Delaware tribe of Indians in council assembled in the day and year last above written, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto in my presence.

Given under my hand this twenty-first day of July, one thousand eight hundred and sixty.

THOS. B. SYKES, U. S. Agent for the Delawares.

Ratified and proclaimed, Aug. 22, 1860.

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-seventh of June, eighteen hundred and sixty, accept, ratify and confirm said treaty with the amendment aforesaid.

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

Done at the city of Washington, this twenty-second day of August, in the year of our Lord one thousand eight hundred [L. 8.] and sixty, and of the Independence of the United States the eighty-fifth.

JAMES BUCHANAN.

By the President:
WM. HENRY TRESCH, Acting Secretary of State.
CONVENTION WITH COSTA RICA. JULY 2, 1860.

Convention between the United States of America and the Republic of Costa Rica, for the adjustment of claims. Signed at San José, July 2, 1860. Ratified by the President of the United States, November 9, 1861. Exchange of ratifications, November 9, 1861. Proclaimed by the President of the United States, November 11, 1861.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

WHEREAS a convention for the adjustment of claims of citizens of the United States against the Republic of Costa Rica was concluded between the United States of America and that Republic, and was signed by their respective Plenipotentiaries at San José on the second day of July, one thousand eight hundred and sixty, which convention, being in the English and Spanish languages, is, word for word, as follows:

Convenio para el arreglo de reclamaciones de ciudadanos de los Estados Unidos de América, contra el Gobierno de la República de Costa Rica.

The United States of America and the Republic of Costa Rica, desiring to adjust the claims of citizens of said States, against Costa Rica, in such a manner as to cement the good understanding and friendly relations now happily subsisting between the two Republics, have resolved to settle such claims by means of a convention; and, for that purpose, appointed and conferred full powers, respectively, to wit:

The President of the United States, on Alexander Dimitry, Minister Resident of said United States, in the Republic of Costa Rica, and his Excellency the Constitutional President of said Republic of Costa Rica on Manuel José Carazo and Francisco María Iglesias, who, upon an exchange of their plenary powers, which were found in good and proper form, have agreed to the following articles:

ARTÍCULO 1°.

It is agreed that all claims of citizens of the United States, upon the Government of Costa Rica, arising

ARTICULO 2°.

Se ha convenido en que todos los reclamos de ciudadanos de los Estados Unidos contra el Gobierno de Costa Rica.

Contracting parties.