TREATY WITH THE SACS, FOXES, IOWAS. MARCH 6, 1861.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

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

WHEREAS a treaty was made and concluded at the Great Nemaha Agency, in the Territory of Nebraska, on the sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, by and between Daniel Vanderslice, United States Indian Agent, on the part of the United States, and Pe-te-ok-a-ma, Ne-sour-quoit, Mo-less, and Se-se-ah-kee, chiefs and delegates of the Indians known as the Sacs and Foxes of Missouri, duly authorized thereto by said Indians, and No-heart, Nag-ga-rash, Mah-pee, To-pee, Tab-ra-kee, Thur-o-mony, and White Horse, chiefs and delegates of the Indians known as the Iowa tribe, duly authorized thereto by said Indians, in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the office of the Great Nemaha Agency, Nebraska Territory, on the sixth day of March, A. D., one thousand eight hundred and sixty-one, by and between Daniel Vanderslice, U. S. Indian agent, on the part of the United States, and the following named delegates of the Sacs and Foxes of Missouri, viz: Pe-te-ok-a-ma, Ne-sour-quoit, Mo-less, and Se-se-ah-kee; and the following named delegates of the Iowa tribe, viz: No-heart, Nag-ga-rash, Mah-pee, To-pee, Tab-ra-kee, Thur-o-mony, and White Horse; they being duly authorized thereto by their respective tribes.

ARTICLE I. The Sacs and Foxes of Missouri hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to lands within their present reservation, described as follows, viz: Beginning at the mouth of the south fork of the Great Nemaha river, and thence up the southwest bank of the Great Nemaha, with its meanders, to the mouth of the west fork; thence up the west fork, with its meanders, to the line of the 40° of parallel on the west bank of creek or fork, where is established the southwest corner of the Sac and Fox reserve, by erecting a stone monument, from which the following references bear, viz: A large cottonwood tree, 3 feet in diameter, bears S. 44° 00' E. 1.05 chains; a rock bears N. 30° 00' W. 50 links; another rock bears N. 50° 00' west 50 links; and another rock bears due north 1 chain; thence east, along the line of the 40° of parallel to the west bank of the south fork of the Great Nemaha river, distance fourteen miles twenty-seven chains and sixty links, where is established the southeast corner of the Sac and Fox reserve, by erecting a stone pile with a black walnut post in the centre of it, from which a white elm, two feet in diameter, bears S. 33° 00' E. 22 links, and marked with the letters S. E. Cor. for the southeast corner, and another elm, 18 inch[e]s in diameter, bears S. 39° 00' E. 1.05 chains, and marked SE C B SE, for the southeast corner, bearing, and distance; and another black walnut, 9 inch[e]s in diameter, bears S. 15° 00' E. 83 links, and thence down the south fork, with its meanders, to the point of beginning, estimated to contain 32,098 acres, 3 rods and 35 perches.

ARTICLE II. The aforesaid lands shall be surveyed in conformity with the system governing the survey of the public lands; and the same shall be sold, under the direction of the Secretary of the Interior, in parcels.
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not exceeding one hundred and sixty acres each, to the highest bidder for cash; the sale to be made upon sealed proposals, to be duly invited by public advertisement, provided no bid shall be favorably considered which may be less than one dollar and twenty-five cents per acre. And should any of the tracts so to be sold have upon them improvements of any kind which were made by or for the Indians, or for Government purposes, the proposals therefor must state the price for both the land and improvements. The proceeds of the sales thereof, after deducting therefrom the expenses of surveying the lands and all other expenses incident to the negotiation of these articles of convention and the proper execution thereof, the balance shall be applied as follows, viz: one half shall be held in trust by the United States for the benefit of the Sac and Foxes of Missouri, and interest thereon, at the rate of five per centum per annum, shall be paid annually, with the other funds to be paid said tribe, in the same manner as stipulated in the treaty of May 18th, 1854; and the other half of said balance shall be applied as hereinafter specified.

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Iowa lands to the United States. ARTICLE III. The Iowa tribe of Indians, parties to this agreement, hereby cede, relinquish and convey to the United States, for the use and benefit of the Sac and Foxes of Missouri, for their permanent home, all that part of their present reservation lying and being west of Neoharts creek, and bounded as follows, viz: Beginning at a point where the southern line of the present Iowa reserve crosses Neoharts creek; thence with said line to the south fork of the Nemaha, (commonly known as Walnut creek;) thence down the middle of said south fork, with the meanders thereof, to its mouth, and to a point in the middle of the Great Nemaha river; thence down the middle of said river to a point opposite the mouth of Neoharts creek; and thence, in a southerly direction with the middle of said Neoharts creek, to the place of beginning. And it is hereby understood and agreed that, in full consideration for said cession, the United States shall hold in trust, for the use and benefit of the Iowas, the one half of the net proceeds of the sales of the lands described in the second article of this agreement, and interest thereon, at the rate of five per centum per annum, shall be paid to the Iowa tribe in the same manner as their annuities are paid under the treaty of May 17th, 1854. The reservation herein described shall be surveyed and set apart for the exclusive use and benefit of the Sac and Foxes of Missouri, and the remainder of the Iowa lands shall be the tribal reserve of said Iowa Indians, for their exclusive use and benefit.

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Joseph Tesson to select a quarter-section of land. ARTICLE IV. The Sac and Foxes of Missouri being anxious to make full satisfaction for a just claim which Joseph Tesson holds against said tribe, it is hereby agreed by the parties to this convention that said claimant shall select a quarter-section or one hundred and sixty acres of land, to include his present residence and improvements, to be located in one body, in conformity with the legal subdivisions of the public surveys, which tract of land shall be received by him in full payment of said claim, estimated at about eight hundred dollars, and all other claims or rights of every character whatsoever against said tribe; and when a relinquishment shall have been executed by said claimant in favor of said tribe for all claims that he may have against them, a patent shall be issued to him for said tract of land in fee simple.

Certain chiefs may select each a quarter-section of land. The following chiefs shall be entitled to select each a quarter-section or one hundred and sixty acres of land in one body, in conformity with the public surveys, to include their present residences and improvements, viz: Pete-ock-a-ma, Nesour-quotit, and Moless; and George Gomess, a member of the Sac and Fox tribe, shall select in like manner one eighth of a section or eighty acres of land in one body, to include his improvements, and patents shall be issued therefor in favor of said persons in fee simple.

Grants for pur- ARTICLE V. In order to encourage education among the aforesaid
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Tribes of Indians, it is hereby agreed that the United States shall expend the sum of one thousand dollars for the erection of a suitable school-house, and dwelling-house for the school teacher, for the benefit of the Sacs and Foxes, and also the additional sum of two hundred dollars per annum for school purposes, so long as the President of the United States may deem advisable. And for the benefit of the Iowa tribe of Indians there shall be expended, in like manner, at the discretion of the President, the sum of three hundred dollars per annum, for school purposes, which two last mentioned sums shall be paid out of the funds to be appropriated for the civilization of Indians.

ARTICLE VI. There shall be set apart in one body, under the direction of the Commissioner of Indian Affairs, one section, or six hundred and forty acres of land, in harmony with the public surveys, so as to include the agency dwelling, agency office, council house, school-house, teacher's dwelling, blacksmith's dwelling and shops, and such farming land as may be necessary for the use of the school, agency, and employees thereon.

ARTICLE VII. No person not a member of either of the tribes, parties to this convention, shall go upon the reservations or sojourn among the Indians without a license or written permit from the agent or superintendent of Indian affairs, except Government employees or persons connected with the public service. And no mixed blood Indians, except those employed at some mission, or such as may be sent there to be educated, or other members of the aforesaid tribes, shall participate in the beneficial provisions of this agreement or former treaties, unless they return to and unite permanently with said tribes, and reside upon the respective reservations within six months from the date of this convention.

ARTICLE VIII. It is hereby understood and agreed by the contracting parties hereto that the stipulations of the treaty with the Sacs and Foxes of Missouri of May 18th, 1854, and the treaty with the Iowa Indians of the 17th of May, 1854, which may not be inconsistent with these articles of convention, shall have full force and effect upon the contracting parties hereto.

ARTICLE IX. This instrument shall be obligatory upon the respective parties hereto, whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said commissioner as aforesaid, and the said chiefs and delegates of the Sacs and Foxes of Missouri, and of the Iowa tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

D. VANDERSLICE, U. S. Indian Agent. [L. 5.]
PE-TE-OKE-A-MA, his x mark. [L. 5.]
NE-SOUR-QUOT, his x mark. [L. 5.]
MO-LESS, his x mark. [L. 5.]
SE-SE-AH-KEE, his x mark. [L. 5.]
Sacs and Foxes of Mo.

NO-HEART, his x mark. [L. 5.]
NAG-GA-RASH, his x mark. [L. 5.]
MAH-HEE, his x mark. [L. 5.]
TO-HEE, his x mark. [L. 5.]
TAH-RA-KEE, his x mark. [L. 5.]
THUR-OMONY, his x mark. [L. 5.]
WHITE-HORSE, his x mark. [L. 5.]
Iowa Indians.

Signed in the presence of—
GEORGE GOMESS, his x mark, U. S. Interpreter for Sacs and Foxes of Mo.

HARVEY W. FORMAN, witness to signing by George Gomess.
KIRWAN MURRAY, U. S. Interpreter for Iowa Indians.
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HARVEY W. FORMAN.
JOHN W. FORMAN.
JOSEPHUS UTT.

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 sixth day of February, one thousand eight hundred and sixty-three, 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 THE SENATE OF THE UNITED STATES,
February 6th, 1863.

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 Great Nemaha Agency, Nebraska Territory, the 6th March, 1861, between Daniel Vanderslice, United States Indian Agent, and delegates of the Sacs and Foxes of Missouri, with the following amendments, viz:

Insert the following as additional articles:

ARTICLE X. The Secretary of the Interior may expend a sum not exceeding three thousand five hundred dollars, ($3,500) out of the proceeds of the sales of said lands, at any time he may deem it advisable for the purpose of erecting a toll bridge across the Great Nemaha River, at or near Roy’s Ferry, for the use of the Iowa Indians; and a like sum of three thousand five hundred dollars, ($3,500) out of the proceeds of the sales of said lands, for the purpose of erecting a toll bridge across the Great Nemaha River, at or near Wolf Village, for the use of the Sacs and Foxes of Missouri.

Toll shall be charged and collected for the use of said bridges at such rates and under such rules and regulations as may be established by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior; the proceeds of such tolls to be expended as follows: 1st, in making necessary repairs on said bridges; 2d, for the use of said tribes respectively.

ARTICLE XI. It is further stipulated that, whenever Congress shall by law so provide, all annuities due and to become due and payable to the said tribes of Indians under this treaty, and under all other previous treaties, may be paid in specific articles, clothing, agricultural implements, and such other articles as Congress shall direct.

Attest:

J. W. FORNEY, Secretary.

And whereas the foregoing amendment having been fully interpreted and explained to the hereinafter-named chiefs and delegates of the Sac and Fox and the Iowa tribes of Indians, they did, on the fourth day of March, one thousand eight hundred and sixty-three, give their free and voluntary assent to the same, in the words and figures following, to wit:

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned Chiefs and Delegates of the Sac and Fox and the Iowa tribes of Indians, we do hereby agree to and ratify the same.

Done at the Great Nemaha Agency, Nebraska Territory, on this fourth day of March A.D. 1863.

PE-TE-OK-E-MA, his x mark.
NE-SOUR-QUOIT, his x mark.
MO-LESS, his x mark.
Sac[s] and Foxes of Mo.
NAG-GA-RASH, his x mark.
MA-HEE, his x mark.
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TO-HEE, his x mark.
THUR-O-MONY, his x mark.
TAH-RA-KEE, his x mark.

Iowa Indians.

In the presence of—
GEORGE GOMESS, his x mark, U. S. Interpreter for Sac[,] and Foxes of Mo.
H. M. ROBINSON.
D. W. ALLISON.
ELISHA DORION, his x mark, Interpreter for Iowa Indians.
J. W. WASHBURN.
M. GRIFFIN.

Now, therefore, be it known that I, ABRAHAM LINCOLN, 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 sixth day of February, one thousand eight hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendment 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 twenty-sixth day of March, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, Secretary of State.
TREATY WITH THE DELAWARES. JULY 2, 1861.


ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

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

Whereas a treaty or agreement was made and concluded at Leavenworth City, Kansas, on the second day of July, one thousand eight hundred and sixty-one, between the United States of America and the Delaware tribe of Indians, relative to certain lands of that tribe conveyed to the Leavenworth, Pawnee, and Western Railroad Company, and to bonds executed to the United States by the said company for the payment of the said Indians, which treaty or agreement, with the preliminary and incidental papers necessary to the full understanding of the same, is in the following words, to wit:

Whereas, by the treaty of May 30, 1860, between the United States and the Delaware tribe of Indians, it is provided that the surplus lands of said Delaware, not included in their "home reserve," should be surveyed and appraised under direction of the Secretary of the Interior; and that in order to aid in the construction of a railroad near and through their said "home reserve," the Leavenworth, Pawnee, and Western Railroad Company of Kansas, duly organized and incorporated under the laws of said territory, should have the right to purchase such surplus lands at such appraised value — on condition, however, that after paying for said lands, said company should only receive title to one half of them on completing and equipping, within a reasonable time, twenty-five (25) miles of said railroad from Leavenworth City westward; and should only receive title to the remaining half of said lands on completing and equipping said road, within a reasonable time, to the western boundary of the "Delaware Reserve," and that in case said company should fail to pay for said lands, or having paid, should forfeit the same, or any part thereof, before receiving title, by failing to construct either the first or the second section of said road within such reasonable time, then the lands so forfeited, or not paid for, should be sold in quantities not exceeding one hundred and sixty (160) acres, at not less than such appraised value; the proceeds of such sale, subject to a certain contingent deduction, to be invested by the President of the United States in "safe and profitable stocks," for the benefit of said Delaware Indians:

And whereas said surplus lands, to the amount of 223,966 7/8 acres, have been duly surveyed and appraised at an aggregate valuation of two hundred and eighty-six thousand seven hundred and forty-two and 1/87 ($286,742 1/87) dollars:

And whereas the said Leavenworth, Pawnee, and Western Railroad Company has executed, under their corporate seal, and by the hand of Thomas Ewing, Jr., their agent, their twenty-nine (29) several bonds, all of even date herewith, and numbered from one to twenty-nine, inclusive, for sums amounting in the aggregate to $286,742 1/87, being the amount of the valuation of said surplus lands as above stated, twenty-eight (28) of which said bonds are for the sum of ten thousand ($10,000) dollars