TREATY WITH THE POTTAWATOMIES. NOVEMBER 15, 1861.

A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

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

WHEREAS a treaty was made and concluded at the Pottawatomie agency, on the Kansas River, in the State of Kansas, on the fifteenth day of November, one thousand eight hundred and sixty-one, between William W. Ross, commissioner on the part of the United States, and the chiefs, braves, and headmen of the Pottawatomie nation of Indians, on the part of said nation;

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, by its resolution of the fifteenth day of April, one thousand eight hundred and sixty-two, advise and consent to the ratification of said treaty with certain amendments;

And whereas said nation of Indians did, on the seventeenth day of April, one thousand eight hundred and sixty-two, by a committee composed of Shawne, (chief,) To-penubbe, (chief,) We-veh-seh, (chief,) Mo-ye-che, (chief,) and Shamen, (brave,) appointed to transact all their national business between them and the agent of the United States and the Indian Department, and by Jos. N. Bourassa, George L. Young, B. H. Bertrand, M. B. Beaulieu, L. H. Ogge, John Tipton, and Lewis View, in the presence of Clark W. Thompson, (Superintendent of Indian Affairs for the Northern Superintendency,) Lewis S. Hayden, John B. Gordon, and Elisha Goddard, give their free and voluntary assent to the amendments made by the Senate in the resolution aforesaid; which treaty, as amended by the Senate and assented to by said committee and others, is word for word as follows:

Articles of a treaty made and concluded at the agency on the Kansas River, on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-one, by and between Wm. W. Ross, commissioner on the part of the United States, and the undersigned chiefs, braves, and headmen of the Pottawatomie nation, on behalf of said nation.

ARTICLE I. The Pottawatomie tribe of Indians believing that it will contribute to the civilization of their people to dispose of a portion of their present reservation in Kansas, consisting of five hundred and seventy-six thousand acres, which was acquired by them for the sum of $87,000, by the fourth article of the treaty between the United States and the said Pottawatomies, proclaimed by the President of the United States on the 23rd day of July, 1846, and to allot lands in severalty to those of said tribe who have adopted the customs of the whites and desire to have separate tracts assigned to them, and to assign a portion of said reserve to those of the tribe who prefer to hold their lands in common: it is therefore agreed by the parties hereto that the Commissioner of Indian Affairs shall cause the whole of said reservation to be surveyed in the same manner as the public lands are surveyed, the expense whereof shall be paid out of the sales of lands hereinafter provided for, and the quantity of land hereinafter provided to be set apart to those of the tribe
Reservation to be set apart in severally, and the quantity hereinafter provided to be set apart for the rest of the tribe in common; and the remainder of the land, after the special reservations hereinafter provided for shall have been made, to be sold for the benefit of said tribe.

**Article II.** It shall be the duty of the agent of the United States for said tribe to take an accurate census of all the members of the tribe, and to classify them in separate lists, showing the names, ages, and numbers of those desiring lands in severality, and of those desiring lands in common, designating chiefs and headmen, respectively; each adult choosing for himself or herself, and each head of a family for the minor children of such family, and the agent for orphans and persons of an unsound mind. And thereupon there shall be assigned, under the direction of the Commissioner of Indian Affairs, to each chief at the signing of the treaty, one section; to each headman, one half section; to each other head of a family, one quarter section; and to each other person eighty acres of land, to include, in every case, as far as practicable, to each family, their improvements and a reasonable portion of timber, to be selected according to the legal subdivision of survey. When such assignments shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severality, specifying the names of the individuals to whom they have been assigned, respectively, and that said tracts are set apart for the perpetual and exclusive 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 Pottawatomie tribe and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior shall provide, except as may be hereinafter provided. And on receipt of such certificates, the person to whom they are issued shall have the right to any portion of the lands assigned to others in severality, or to a portion of the tribe in common, and to the proceeds of sale of the same whenever made.

**Article III.** At any time hereafter when the President of the United States shall have become satisfied that any adults, being males and heads of families, who may be allottees under the provisions of the foregoing article, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the requests of such persons, cause the lands severally held by them to be conveyed to them by patent in fee simple, with power of alienation; and may, at the same time, cause to be paid to them, in cash or in the bonds of the United States, their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by the United States, and also, as the same may be received, their proportion of the proceeds of the sale of lands under the provisions of this treaty. And on such patents being issued and such payments ordered to be made by the President, such competent persons shall cease to be members of said tribe, and shall become citizens of the United States; and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens: Provided, That, before making any such application to the President, they shall appear in open court in the district court of the United States for the District of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof to the satisfaction of said court that they are sufficiently intelligent and prudent to control their affairs and interests, that they have adopted the habits of civilized life, and have been able to support, for at least five years, themselves and families.

**Article IV.** To those members of said tribe who desire to hold their lands in common there shall be set apart an undivided quantity suf-
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sufficient to allow one section to each chief, one half section to each head-
man, and one hundred and sixty acres to each other head of a family,
and eighty acres of land to each other person, and said land shall be held
by that portion of the tribe for whom it is set apart by the same tenure
as the whole reserve has been held by all of said tribe under the treaty
of one thousand eight hundred and forty-six. And upon such land being
assigned in common, the persons to whom it is assigned shall be held to
have relinquished all title to the lands assigned in severalty and in the
proceeds of sales thereof whenever made.

ARTICLE V. The Potawatomies believing that the construction of
the Leavenworth, Pawnee, and Western railroad from Leavenworth City
to the western boundary of the former reserve of the Delawares is now
rendered reasonably certain, and being desirous to have said railroad ex-
tended through their reserve, in the direction of Fort Riley, so that the
value of the lands retained by them may be enhanced, and the means
afforded them of getting the surplus product of their farms to market, it
is provided that the Leavenworth, Pawnee, and Western Railroad Com-
pany shall have the privilege of buying the remainder of their lands
within six months after the tracts herein otherwise disposed of shall have
been selected and set apart, provided they purchase the whole of such
surplus lands at the rate of one dollar and twenty-five cents per acre.

And if said company make such purchase it shall be subject to the
considerations following, to wit: They shall construct and fully equip a
good and efficient railroad from Leavenworth City to a point half-way
between the western boundary of the said former Delaware reserve and
the western boundary of the said Potawatomi reserve, (being the first
section of said road,) within six years from the date of such purchase,
and shall construct and fully equip such road from said last-named point
to the western boundary of said Potawatomi reserve, (being the second
section of said road,) within three years from the date fixed for the com-
pletion of said first section; and no patent or patents shall issue to said
company or its assigns for any of said lands purchased until the first sec-
tion of said railroad shall have been completed and equipped, and then
for not more than half of said lands, and no patent or patents shall issue
to said company or its assigns for any of the remaining portion of said
lands until said second section of said railroad shall have been completed
and equipped as aforesaid; and before any patents shall issue for any
part of said lands payment shall be made for the lands to be patented at
the rate of one dollar and twenty-five cents per acre; and said company
shall pay the whole amount of the purchase-money for said lands in gold
or silver coin, to the Secretary of the Interior of the United States, in
trust for said Potawatomi Indians, within nine years from the date of
such purchase, and shall also in like manner pay to the Secretary of the
Interior of the United States, in trust as aforesaid, each and every year,
until the whole purchase-money shall have been paid, interest from date
of purchase, at six per cent. per annum, on all the purchase-money re-
remaining unpaid.

And if said company shall fail to complete either section of such rail-
road in a good and efficient manner, or shall fail to pay the whole of the
purchase-money for said land within the times above prescribed, or shall
fail to pay all or any part of the interest upon said purchase-money each
year as aforesaid within thirty days from the date when such payment of
interest shall fall due, then the contract or purchase shall be deemed and
held absolutely null and void, and shall cease to be binding on either of
the parties thereto, and said company and its assigns shall forfeit all pay-
ments of principal and interest made on such purchase, and all right and
title, legal and equitable, of any kind whatsoever, in and to all and every
part of said lands which shall not have been before the date of such for-
feiture earned and patented pursuant to the provisions of this treaty.
And whenever any patent shall issue to said railroad company for any part of said lands, it shall contain the condition that the said company shall sell the land described in such patent, except so much as shall be necessary for the working of the road, within five years from the issuing of such patent.

Right of way.

And said company shall have the perpetual right of way over the lands of the Pottawatomies not sold to it for the construction and operation of said railroad, not exceeding one hundred feet in width, and the right to enter on said lands and take and use such gravel, stone, earth, water, and other material, except timber, as may be necessary for the construction and operation of said road, making compensation for any damages to improvements done in obtaining such material, and for any damages arising from the location or running of said road to improvements made before the road is located. Such damages and compensation, in cases where said company and the persons whose improvements are injured or property taken cannot agree, to be ascertained and adjusted under the direction of the Commissioner of Indian Affairs. And in case said company shall not promptly pay the amount of such damages and compensation, the Secretary of the Interior may withhold patents for any part of the lands purchased by them until payment be made of the amount of such damages, with six per cent. interest thereon from the date when the same shall have been ascertained and demanded.

In case the railroad company shall forfeit any lands, &c.

And in case said company shall not purchase said surplus lands, or, having purchased, shall forfeit the whole or any part thereof, the Secretary of the Interior shall thereupon cause the same to be appraised at not less than one dollar and twenty-five cents per acre, and shall sell the same, in quantities not exceeding one hundred and sixty acres, at auction to the highest bidder for cash, at not less than such appraised value.

Conveyance of land to John F. Diel, John Summaker, and M. Gerilliau in trust for school and church purposes for Catholic Mission.

ARTICLE VI. There shall be selected by the Commissioner of Indian Affairs three hundred and twenty acres of land, including churches, school-houses, and fields of the St. Mary's Catholic Mission, not including the buildings and enclosures occupied and used by persons other than those connected with the mission, without the consent of such persons, which shall be conveyed by the Secretary of the Interior to John F. Diel, John Summaker, and M. Gerilliau, as trustees for the use of the society under whose patronage and control the church and school have been conducted within the last fourteen years; on condition, however, that, so long as the Pottawatomie nation shall continue to occupy its present reservation, or any portion thereof, the said land shall be used and its products devoted exclusively to the maintenance of a school and church for their benefit. And there shall be reserved and conveyed in like manner, and upon like conditions, three hundred and twenty acres of land, including the Baptist Mission buildings and enclosures, such conveyances to be made to such persons as may be designated by the Baptist Board of Missions.

Reservation for Baptist Mission.

ARTICLE VII. By article eight of the treaty of June 5th, 1846, between the United States and the Pottawotamie Indians, it is stipulated "that the annual interest of their improvement fund shall be paid out promptly and fully for their benefit at their new homes. If, however, at any time thereafter, the President of the United States shall be of opinion that it would be advantageous to the Pottawotamie nation, and they should request the same to be done, to pay them the interest of said money in lieu of the employment of persons, or the purchase of implements or machines, he is hereby authorized to pay the same, or any part thereof, in money, as their annuities are paid, at the time of the general payment of annuities."

Annual interest of improvement fund, how hereafter to be paid.

It is hereby agreed that the interest arising from said improvement fund shall, in all cases hereafter, be paid in such machines and implements as will be useful to the people in their agricultural pursuits, as
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long as the nation shall desire it to be done, except that the shops and mechanics and physicians, now sustained by the funds of the nation, shall continue to be maintained, as at this time, for one year after this treaty shall have been ratified.

ARTICLE VIII. If at any time hereafter any band or bands of the Pottawatomie nation shall desire to remove from the homes provided for them in this treaty, it shall be the duty of the Secretary of the Interior to have their proportionate part of the lands which may be assigned to the tribe appraised and sold, and invest such portion of the proceeds thereof as may be necessary in the purchase of a new home for such band or bands, leaving the remainder, should any remain after paying the expense of their removal, to be invested in six per cent. bonds of the United States, for the benefit of such band or bands. Such band or bands so removed shall continue to receive their proportion of the annuities of the tribe.

ARTICLE IX. No provision of this treaty shall be so construed as to invalidate any claim heretofore preferred by the Pottawatomies against the United States arising out of previous treaties.

ARTICLE X. It is hereby agreed that the Commissioner of Indian Affairs shall set apart, for the benefit of said allottees, their equal pro rata share of the improvement fund of the tribe, which sum so set apart may be expended in whole or in part by the said Commissioner, and under his direction, for agricultural purposes, as he shall from time to time deem expedient and for the welfare of the said Indians.

ARTICLE XI. 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.

WM. W. ROSS,
Commissioner on behalf of United States.

SHAW-GUEE, (chief,) his x mark.
WE-WE-SAY, (chief,) his x mark.
JOS. LA-FROMBOISE, (chief,) his x mark.
MU-ZHE, (chief,) his x mark.
MKOME-DA, (chief,) his x mark.
MYEAN-KO, (speaker,) his x mark.
A. B. BURNETT.
N-WA-KTO, (brave,) his x mark.
WAH-BEA-SHKUK, his x mark.
SHO-NIM, (brave,) his x mark.
PAUCE-JE-YAH, (chief,) his x mark.
KA-PSHKUH-WID, (brave,) his x mark.
MUIS-NO-OIGH-MAH, his x mark.
KA-ME-GAS, his x mark.
MO-ZO-BA-NET, his x mark.
WAH-SAH-TO, (chief,) his x mark.
SHAW-WE, (chief,) his x mark.
BOURIE,
NAH-NEAM-NUK-SHKUK, his x mark.
PA-MAH-M6, his x mark.
KAH-DOT, his x mark.
MINK, his x mark.
PETER THE GREAT, his x mark.
M-TOM-MA, (brave,) his x mark.
ZA-KTO, his x mark.
AIN-NA-BY-AH, his x mark.

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WAH-SHA, his x mark.
WHITE, his x mark.
WAH-NUK-KE his x mark.
BAH-BE-JMAH, his x mark.
ONAK-SA, (second,) his x mark.
NOM-MAH-KSHUK, his x mark.
THOMAS EVANS.

PETER MOOSE, his x mark.
JAS. LEVIA, his x mark.
TQUAH-KET, his x mark.
WAHS-MEG-GUEA, his x mark.
TAME-BO-GO, his x mark.
A-YEA-NAH-BE, his x mark.
NAH-DUEA, his x mark.
NAX-WAH-GA, his x mark.
PAHS-KAH-WE, his x mark.
WAHB-NA-MID, his x mark.
MOZ-WA-NWAH, his x mark.
THOS. L. MCKENNEY.
ZA-GAH-KNUK, his x mark.
CHE-GUEAH-MKUH-GO, (brave,) his x mark.
AIN-WAISH-KE, his x mark.
MSQUAH-MKE, his x mark.
MKO-NUIH, his x mark.
OKETCH-GUM-ME, his x mark.
WE-ZOS, his x mark.
A-SAHL-SAHNG-GAH, his x mark.
BUCK, his x mark.
M. B. BEAUBIEN.
L. H. Ogee.
LEWIS VIEW, his x mark.
B. H. BERTRAND.
SHOP-KUK, (speaker,) his x mark.
GEORGE FORTIER, his x mark.
ODAH-WAHS, his x mark.
LITTLE AMERICAN, his x mark.
PUK-KE, his x mark.
NAH-GE-ZHICK, his x mark.
OKETCH-GUM-ME, his x mark.
JE-GUEAH-KYAH, his x mark.
BAPT. LeCLERE, his x mark.
LEON BERTRAND, his x mark.
BZUG-NAH, his x mark.
BEAU-MO, his x mark.
KE-YO-KUM, his x mark.
MUK-KOSE, his x mark.
WA-ME-GO, his x mark.
KA-BEAEME-SA, his x mark.
ONAK-SA, his x mark.
FRANK BOURBONNIE, his x mark.
BESUCBE BOURBONNIE, his x mark.
ELI G. NADEAU, his x mark.
CHARLES VIEAN.

TO-TO-QUA, her x mark.
MESSAH, her x mark.
OTTER-WOMAN, her x mark.
MARY JUTIONS, her x mark.
PHAH-ZUEA, her x mark.
TREATY WITH THE POTTAWATOMIES. November 15, 1861.

LOUIS BLACKBIRD, his x mark.
JOS. N. BOURASSA, U. S. Int'r.

Signed in presence of—
L. R. PALMER.
S. M. FERGUSON.
C. N. GRAY.
JOHN D. LUSBY.

Ratification.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, having seen the aforesaid amendments of the Senate, and the assent thereto of the said committee and others of the Pottawatomi nation of Indians, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, one thousand eight hundred and sixty-two, accept, ratify, and confirm said treaty with the amendments 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 nineteenth day of April, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, Secretary of State.
TREATY WITH MEXICO. DECEMBER 11, 1861.

Treaty between the United States of America and the Republic of Mexico for the Extradition of Criminals. Concluded at Mexico, December 11, 1861. Ratifications exchanged at Mexico, May 20, 1862. Proclaimed by the President of the United States, June 20, 1862.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Whereas a treaty between the United States of America and the Republic of Mexico, for the extradition of criminals, was concluded and signed at the city of Mexico on the eleventh day of December, one thousand eight hundred and sixty-one, which treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is, word for word, as follows:

Treaty between the United States of America and the United Mexican States for the Extradition of Criminals.

The United States of America and the United Mexican States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for this purpose, and have named as their respective plenipotentiaries, that is to say:

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and the President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States, and a Deputy of the Congress of the Union, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Tratado entre los Estados Unidos Mexicanos y los Estados Unidos de América para la extradición de criminales.

Los Estados Unidos Mexicanos y los Estados Unidos de América habiendo juzgado conveniente para la mejor administración de justicia y para evitar crímenes dentro de sus respectivos territorios y jurisdicciones, que las personas acusadas de los crímenes que se enumeran a continuación, siendo fugitivas de la justicia, sean bajo ciertas circunstancias reciprocamente entregadas, han determinado celebrar un Tratado con tal objeto, y han nombrado como sus respectivos Plenipotenciarios, á saber:

El Presidente de los Estados Unidos Mexicanos, á Sebastian Lerdo de Tejada, ciudadano de los mismos Estados y Diputado al Congreso de la Unión; y El Presidente de los Estados Unidos de América á Tomas Corwin, ciudadano de los Estados Unidos y su Enviado Extraordinario y Ministro Plenipotenciario cerca del Gobierno Mexicano. Quienes, después de haberse comunicado reciprocamente sus respectivos plenos poderes, hallándolos en buena y debida forma, han convenido en los artículos siguientes: