TREATY WITH THE TONAWANDA SENECAS. Nov. 5, 1857.

Treaty between the United States and the Tonawanda Band of Seneca Indians, Concluded at the meeting-house on the Tonawanda Reservation, November 5, 1857. Supplementary Articles, Concluded at the same time and place. Ratified by the Senate, June 4, 1858. Proclaimed by the President of the United States, March 31, 1859.

JAMES BUCHANAN,

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 meeting-house, on the Tonawanda reservation, in the county of Genesee, and State of New York, on the fifth day of November, one thousand eight hundred and fifty-seven, by Charles E. Mix, as commissioner on behalf of the United States, and the following persons, viz.: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker, duly authorized thereunto by the Tonawanda band of Seneca Indians, which treaty is in the following words, to wit:

Articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee and State of New York, between Charles E. Mix, commissioner on behalf of the United States, and the following persons, duly authorized thereunto by the Tonawanda band of Seneca Indians, viz.: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker.

WHEREAS a certain treaty was heretofore made between the Six Nations of New York Indians and the United States on the 15th day of January, 1838, and another between the Seneca nation of Indians and the United States on the 20th day of May, 1842, by which, among other things, the Seneca nation of Indians granted and conveyed to Thomas Ludlow Ogden and Joseph Fellows the two Certain Indian reservations in the State of New York known as the Buffalo Creek and the Tonawanda reservations, to be surrendered to the said Ogden and Fellows, on the performance of certain conditions precedent defined in said treaties; and

WHEREAS in and by the said treaties there were surrendered and relinquished to the United States 500,000 acres of land in the then Territory of Wisconsin; and

WHEREAS the United States, in and by said treaties, agreed to set apart for said Indians certain lands in the Indian territory immediately west of Missouri, and to grant the same to them, to be held and enjoyed in fee-simple, the quantity of said lands being computed to afford 820 acres to each soul of said Indians, and did agree that any individual, or any number of said Indians, might remove to said territory, and thereupon be entitled to hold and enjoy said lands, and all the benefits of said treaties, according to numbers, respectively; and

WHEREAS the United States did further agree to pay the sum of $400,000 for the removal of the Indians of New York to the said territory, and for their support and assistance during the first year of their residence in said territory; and

WHEREAS the said Ogden and Fellows did agree to pay to the said
TREATY WITH THE TONAWANDA SENECAS. Nov. 5, 1857.

Seneca nation of Indians, as the consideration of the surrender and relinquishment of the said two reservations, known as the Buffalo Creek and Tonawanda reservations, certain sums of money, one part of which was to be paid to the individual Indians residing upon said reservations, for the improvements held and owned by them in severalty, the amount of which “improvement money,” heretofore apportioned to those residing upon the Tonawanda reservation, being $15,018.76, which money has been paid into, and still remains in the treasury of the United States; and

Whereas, for divers reasons and differences, the said treaties remain unexecuted as to the said Tonawanda reservation, and the band of Senecas residing thereon; and

Whereas it is ascertained, at the date of these articles, that the Seneca Indians, composing the Tonawanda band and residing upon the Tonawanda reservation, amount to 650 souls in number; and

Whereas the United States are willing to exercise the liberal policy which has heretofore been exercised in regard to the Senecas, and for the purpose of relieving the Tonawandas of the difficulties and troubles under which they labor,

These articles are entered into:

ARTICLE I. The said persons, authorized as in the caption hereof stated, hereby surrender and relinquish to the United States all claims severally and in common as a band of Indians, and as a part of the Seneca nation, to the lands west of the State of Missouri, and all right and claim to be removed thither, and for support and assistance after such removal, and all other claims against the United States under the aforesaid treaties of 1838 and 1842, except, however, such moneys as they may be entitled to under said treaties, paid or payable by the said Ogden and Fellows.

ARTICLE II. In consideration of which aforesaid surrender and relinquishment, the United States agree to pay and invest, in the manner hereinafter specified, the sum of $256,000 for the said Tonawanda band of Indians.

ARTICLE III. It is hereby agreed that the Tonawanda band may purchase reservation, United States will pay therefor not over $20 an acre.

Post, p. 66.

Deed to run to Secretary of the Interior in trust.

ARTICLE IV. And the said Tonawanda band of Indians hereby agree to surrender, relinquish, and give up to the said Ogden and Fellows, the survivor of them, or their assigns—provided the whole reservation shall be paid for—the unimproved lands which they shall not purchase, as aforesaid, within thirty days after this treaty be proclaimed by the President of the United States, and the improved lands which they shall purchase, as aforesaid, on the 1st day of June, 1839.

ARTICLE V. For the purpose of contracting for and making purchase of the lands contemplated herein, a majority of the chiefs and headmen of said Tonawanda band, in council assembled, may appoint one or more attorneys with adequate powers, which appointment must be approved by the Secretary of the Interior before such attorney or attorneys can have power to act in the premises.
ARTICLE VI. Whenever a quantity of said lands, amounting to 6,500 acres, at the least, upon the terms hereinbefore provided, may be purchased, written notice, executed by the chiefs and headmen in council, and acknowledged before a justice of the supreme court of New York, or judge of the superior court of the city of Buffalo, shall be given to the Secretary of the Interior, whereupon the portion of said sum of $256,000, not expended in the purchase of lands, as aforesaid, shall be invested by the said Secretary of the Interior in stocks of the United States, or in stocks of some of the States, at his discretion; and the increase arising from such investment shall be paid to the said Tonawanda Indians, at the time and in the manner that the annuities are paid which said Indians are now entitled to receive from the United States.

ARTICLE VII. It is hereby agreed that the sum of $15,018.33 “Improvement money,” heretofore apportioned to the Indians upon the Tonawanda reservation, shall be again apportioned by an agent, to be appointed by the chiefs and headmen in council assembled, to be approved by the Secretary of the Interior, which agent shall make a report of such apportionment to the said Secretary of the Interior, and if he concur therein, the shares so ascertained shall be paid to the individual Indians entitled thereto, who shall surrender and relinquish to the said Ogden and Fellows, or the survivor of them, or their assigns, their improvements, and any balance remaining shall be paid to the chiefs and headmen of the band, to be disbursed by them in payment of the debts, or for the use of the band. The services of the agent, to be thus appointed, and all other expenses attending the execution of these articles, are to be paid by the United States out of any moneys coming to the Tonawandas.

In testimony whereof the said Charles E. Mix, commissioner, as aforesaid, and the undersigned persons, representing the Tonawanda band of Seneca Indians, have hereunto set their hands and seals the day and year first above written.

CHARLES E. MIX, Commissioner. [L. S.]
ISAAC x SHANKS, [L. S.] JESSE x SPRING, [L. S.]
GEORGE x SKY, [L. S.] ELY S. PARKER. [L. S.]
JABEZ x GROUND, [L. S.]

The foregoing instrument was, on the day of the date thereof, executed in our presence, and we have hereunto at the same time affixed our names as subscribing witnesses.

JOHN H. MARTINDALE,
FREDERICK FOLLETT,
WILLIAM G. BRYAN,
C. B. RICH,
LEANDER MIX,
HENRY BITTINGER,
NICHOLSON H. PARKER, U. S. Interpreter.

Also, the following chiefs and headmen heartily concur in the foregoing articles in behalf of themselves and their people:—

JESSE x SPRING,
WM. x PARKER,
JABEZ x GROUND,
JOHN x WILSON,
JOHN x BIGFIRE,
THOMSON x BLINKEY,
JAMES x MITTEN,
JOHN x JOSHUA,
JAMES x WILLIAMS,

GEORGE x SKY,
SNOW x COOPER,
ISAAC x DOCTOR,
ISAAC x SHANKS,
WILLIAM x MOSES,
DAVID x PRINTUP,
BENJ. x JONAS,
ADDISON x CHARLES,
JOHN x HATCH,
TREATY WITH THE TONAWANDA SENECAS. Nov. 5, 1857.

Headmen.

JOHN SMITH, WM. ALICK,
SMALL x PETER, WM. STEWART,
JOHN x BEAVER, ANDREW x BLACKCHIEF,
JOHN x FARMER, JOHN x INFANT,
TOMMY x WHITE, WM. TAYLOR,
JOHN x GRIFFIN, JAMES x BILLY,
GEO. x MOSES, DANL. x PETER,
HENRY x MOSES, JOHN x HILL,
SAML. x BLUE SKY, JOHN x JONES,
JAMES x SCROGG, JOHN x SHANKS,
MONROE x JONAS, LEVI x PARKER,
WM. x JOHNSON, JOHN x JEMISON,
JACKSON x GROUND, CHAUNCEY x ABRAM,
HARRISON x SCROGG,

Signed in open council, in presence of,—
FREDERICK FOLLETT,
NICHOLSON H. PARKER, U. S. Interpreter.

Supplemental articles, Nov. 5, 1857.

And whereas certain supplemental articles of agreement and convention were also concluded at the meeting-house, on the Tonawanda reservation, in the county of Genesee and State of New York, on the fifth day of November, one thousand eight hundred and fifty-seven, between Charles E. Mix, commissioner on behalf of the United States, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz.: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker—which supplemental articles are in the words and figures following, to wit:

Supplemental articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee, State of New York, between Charles E. Mix, commissioner on behalf of the United States, of the first part, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz.: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker, of the second part.

Whereas, at the date hereof and concurrent with the execution of this instrument, articles of agreement and convention have been entered into between the parties aforesaid, in and by which articles it is provided that the said Tonawanda band of Seneca Indians may purchase portions of the Tonawanda reservation, "upon the express condition that the rate of purchase shall not exceed $20 per acre on an average."

And whereas the President of the United States may deem it discreet and expedient that certain portions of said reservation, held in severalty by the assignors of said Ogden and Fellows, should be purchased by said Indians if it shall be necessary so to do, at a rate exceeding $20 per acre on an average.

Portions of reservation may be bought for more than $20 per acre, if &c.

Now, therefore, the said parties of the second part agree, that portions of said reservation may be purchased by the authorized agents of said Indians for them, and paid for out of said sum of $256,000, at a rate exceeding $20 per acre on an average, provided the contract or contracts therefor shall be first submitted to and approved by the President, or some public officer to be designated by him.

And the said parties of the second part solicit the President to accept and adopt this supplement as a part of the said articles of agreement and convention entered into concurrent with the execution of this agreement.
TREATY WITH THE TONAWANDA SENECAS. Nov. 5, 1857.

In testimony whereof the said Charles E. Mix, commissioner as aforesaid, and the undersigned persons representing the Tonawanda band of Seneca Indians, have hereunto set their hands and seals the day and year first above written.

CHARLES E. MIX, Commissioner. [L. S.]
ISAAC x SHANKS, [L. S.] JESSE x SPRING, [L. S.]
GEORGE x SKY, [L. S.] ELY S. PARKER. [L. S.]
JABEZ x GROUND, [L. S.]

The foregoing instrument was, on the day of the date thereof, executed in our presence, and we have hereunto, at the same time, affixed our names as subscribing witnesses.

JOHN H. MARTINDALE,
FREDERICK FOLLETT,
WILLIAM G. BRYAN,
C. B. RICH,
LEANDER MIX,
HENRY BITTINGER,
NICHOLSON H. PARKER, U. S. Interpreter.

Also, the following chiefs and headmen heartily concur in the foregoing supplemental articles in behalf of themselves and their people:

LEWIS x POODRY, THOMSON x BLINKEY,
JESSE x SPRING, JAMES x MITTEN,
WM. x PARKER, JOHN x JOSHUA,
JABEZ x GROUND, JAMES x WILLIAMS,
JOHN x WILSON, SAMUEL x PARKER,
ISAAC x SHANKS, GEORGE x SKY,
SNOW x COOPER, DAVID x PRINTUP,
ISAAC x DOCTOR, BENJ. x JONAS,
JOHN x BIGFIRE, ADDISON x CHARLES,
WILLIAM x MOSES, JOHN x HATCH.

Headmen.

JOHN x SMITH, WM. x ALICK,
SMALL x PETER, WM. x STEWART,
JOHN x BEAVER, ANDREW x BLACKCHIEF,
JOHN x FARMER, JOHN x INFANT,
TOMMY x WHITE, WM. x TAYLOR,
JOHN x GRIFFIN, JAMES x BILLY,
GEORGE x MOSES, DANL. x PETER,
HENRY x MOSES, SAML. x BLUE SKY,
JOHN x HILL, JAMES x SCROGG,
JOHN x JONES, JOHN x SHANKS,
MONROE x JONAS, LEVI x PARKER,
WM. x JOHNSON, JOHN x JEMISON,
JACKSON x GROUND, CHAUNCEY x ABRAM.

Signed in open council, in presence of—
FREDERICK FOLLETT,
NICHOLSON H. PARKER, U. S. Interpreter.

Consent of Senate, June 4, 1858.

And whereas, the said treaty and the supplementary articles thereto appended, having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fourth day of June, one thousand eight hundred and fifty-eight, advise and consent to the ratification thereon;
TREATY WITH THE TONAWANDA SENECAS. Nov. 5, 1857.

...fication of the same by a resolution, in the words and figures following, to wit:—

"In Executive Session,

"Senate of the United States, June 4, 1858.

"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 Tonawanda band of Seneca Indians, of New York, made the 5th day of November, 1857.

"Attest:

"Asbury Dickins, Secretary."

Proclamation, March 31, 1859.

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 June the fourth, one thousand eight hundred and fifty-eight, accept, ratify, and confirm said treaty and articles.

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

Done at the city of Washington, this thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and of the Independence of the United States the eighty-third.

James Buchanan.

By the President:

 Lewis Cass.
TREATY WITH THE PONCAS. MARCH 12, 1858.

Treaty between the United States and the Ponca Tribe of Indians. Concluded at Washington, March 12, 1858. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 11, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: March 12, 1858.

WHEREAS a treaty was made and concluded, at the city of Washington, on the twelfth day of March, one thousand eight hundred and fifty-eight, by Charles E. Mix, Commissioner on the part of the United States, and Wago-sah-sah-pi, or Whip; Gish-tah-wah-gu, or Strong Walker; Mitchell P. Cera, or Wash-kom-mon; A-shoo-ni-kah-gah-bi, or Lone Chief; Shu-kah-bi, or Heavy Clouds; Tab-tungah-nushi, or Standing Buffalo, on the part of the Ponca tribe of Indians, they being duly authorized and empowered thereto by said tribe; which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded, at the city of Washington, on the twelfth day of March, one thousand eight hundred and fifty-eight, by Charles E. Mix, Commissioner on the part of the United States, and Wago-sah-sah-pi, or Whip; Gish-tah-wah-gu, or Strong Walker; Mitchell P. Cera, or Wash-kom-mon; A-shoo-ni-kah-gah-bi, or Lone Chief; Shu-kah-bi, or Heavy Clouds; Tab-tungah-nushi, or Standing Buffalo, on the part of the Ponca tribe of Indians; they being thereto duly authorized and empowered by said tribe.

ARTICLE I. The Ponca tribe of Indians hereby cede and relinquish to the United States all the lands now owned or claimed by them, wherever situate, except the tract bounded as follows, viz.: Beginning at a point on the Nebrara River and running due north, so as to intersect the Ponca River twenty-five miles from its mouth; thence from said point of intersection, up and along the Ponca River, twenty miles; thence due south to the Nebrara River; and thence down and along said river to the place of beginning; which tract is hereby reserved for the future homes of said Indians; and to which they agree and bind themselves to remove within one year from the date of the ratification of this agreement by the Senate and President of the United States.

ARTICLE II. In consideration of the foregoing cession and relinquishment, the United States agree and stipulate as follows, viz.: —

First. To protect the Poncas in the possession of the tract of land reserved for their future homes, and their persons and property thereon, during good behavior on their part.

Second. To pay to them, or expend for their benefit, the sum of twelve thousand dollars ($12,000) per annum for five years; commencing with the year in which they shall remove to and settle upon the tract reserved for their future homes; ten thousand dollars ($10,000) per annum for ten years, from and after the expiration of the said five years; and thereafter eight thousand dollars ($8,000) per annum, for fifteen years; of which sums the President of the United States shall from time to time determine what proportion shall be paid to the Poncas in cash, and what proportion shall be expended for their benefit; and also in what manner or for what objects such expenditure shall be made. He shall likewise exercise the power to make such provision out of the same, as he may

Contracting Parties.

Cession of all lands to the United States.

Reservation.

Boundaries.

Stipulations on the part of the United States.

to protect the Poncas.

to pay them annuities for thirty years.

how to be paid.
TREATY WITH THE PONCAS. MARCH 12, 1858.

deem to be necessary and proper, for the support and comfort of the aged and infirm members of the tribe.

In case of any material decrease of the Poncas in number, the said amounts shall be reduced and diminished in proportion thereto, or they may, at the discretion of the President, be discontinued altogether should said Indians fail to make satisfactory efforts to advance and improve their condition; in which case such other provision shall be made for them as the President and Congress may judge to be suitable and proper.

Third. To expend the sum of twenty thousand dollars ($20,000) in maintaining and subsisting the Poncas during the first year after their removal to their new homes, purchasing stock and agricultural implements, breaking up and fencing land, building houses, and in making such other improvements as may be necessary for their comfort and welfare.

Fourth. To establish, and to maintain for ten years, at an annual expense not to exceed five thousand dollars, ($5,000,) one or more manual labor schools for the education and training of the Ponca youth in letters, agriculture, the mechanic arts, and housewifery; which school or schools shall be managed and conducted in such manner as the President of the United States shall direct; the Poncas hereby stipulating to constantly keep thereat, during at least nine months in every year, all their children between the ages of seven and eighteen years; and that, if this be not done, there shall be deducted from the shares of the annuities due to the parents, guardians, or other persons having control of the children, such amounts as may be proportioned to the deficiency in their time of attendance, compared with the said nine months, and the cost of maintaining and educating the children during that period. It is further agreed that such other measures may be adopted, to compel the attendance of the children at the school or schools as the President may think proper and direct; and whenever he shall be satisfied of a failure to fulfill the aforesaid stipulation on the part of the Poncas, he may, at his discretion, diminish or wholly discontinue the allowance and expenditure of the sum herein set apart for the support and maintenance of said school or schools.

Fifth. To provide the Poncas with a mill suitable for grinding grain and sawing timber, one or more mechanic shops, with the necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for the mill, if one be necessary, farmer, and the mechanics that may be employed for their benefit, the whole not to exceed in cost the sum of ten thousand five hundred dollars, ($10,500;) and also to expend annually, for ten years, or during the pleasure of the President, an amount not exceeding seven thousand five hundred dollars, ($7,500,) for the purpose of furnishing said Indians with such aid and assistance in agricultural and mechanical pursuits, including the working of said mill, as the Secretary of the Interior may consider advantageous and necessary for them; the Poncas hereby stipulating to furnish from their tribe the number of young men that may be required as apprentices and assistants in the mill and mechanic shops, and at least three persons to work constantly with each laborer employed for them in agricultural pursuits, it being understood that such laborers are to be employed more for the instruction of the Indians than merely to work for their benefit. The persons so to be furnished by the tribe shall be allowed a fair and just compensation for their services, to be fixed by the Secretary of the Interior.

The Poncas further stipulate and bind themselves to prevent any of the members of their tribe from destroying or injuring the said houses, shops, mill, machinery, stock, farming utensils, or any other thing furnished them by the government; and in case of any such destruction or injury, or of any of the things so furnished being carried off by any member or members of their tribe, the value of the same shall be deducted from the tribal annuities. And whenever the President shall be satisfied that the Poncas have become sufficiently confirmed in habits of industry, and advanced in
acquiring a practical knowledge of agriculture and the mechanic arts, he
may, at his discretion, cause to be turned over to the tribe all of the said
houses and other property furnished them by the United States, and dis-
pense with the services of any or all of the persons hereinbefore stipulated
to be employed for their benefit and assistance.

Sixth. To provide and set apart the sum of twenty thousand dollars,
($20,000), to enable the Poncas to adjust and settle their existing obliga-
tions and engagements, including deprivations committed by them on
property of citizens of the United States prior to the date of the ratification
of this agreement, so far as the same may be found and decided by their
agent to be valid and just, subject to the approval of the Secretary of the
Interior; and in consideration of the long continued friendship and kind-
ess of Joseph Hollman and William G. Crawford towards the Poncas,
of their furnishing them, when in distress, with large quantities of goods
and provisions, and of their good counsel and advice, in consequence of
which peace has often been preserved between the Poncas and other
Indians and the whites, it is agreed that out of the above-mentioned
amount they shall be paid the sum of three thousand five hundred dollars,
($5,500); and the sum of one thousand dollars ($1,000) shall in like
manner be paid to Jesse Williams, of Iowa, in full for his claim, as such
has been admitted by the Poncas for deprivations committed by them on
his property.

Article III. The Poncas being desirous of making provision for
their half-breed relatives, it is agreed that those who prefer and elect to
reside among them shall be permitted to do so, and be entitled to and
enjoy all the rights and privileges of members of the tribe; but to those
who have chosen and left the tribe to reside among the whites and follow
the pursuits of civilized life, viz.: Charles Leclaire, Fort Pierre, N. T.;
Cilhaste Leclaire, Potawatomie, K. T.; Ciprian Leclaire, St. Louis,
Missouri; Julia Harvey, Omaha, N. T.; Jenny Rusk, Sioux City, Iowa;
David Leclaire, Amelia Deloge, and Laura Deloge, at the Omaha mission,
there shall be issued scrip for one hundred and sixty acres of land each,
which shall be receivable at the United States land-offices in the same
manner, and be subject to the same rules and regulations, as military
bounty land-warrants. And in consideration of the faithful services ren-
dered to the Poncas by Francis Roy, their interpreter, it is agreed that
scrip shall, in the like manner and amount, be issued to his wife and to
each of his six children now living, without their being required to leave
the nation. Provided, That application for the said scrip shall be made
to the Commissioner of Indian Affairs within five years from and after
the date of the ratification of this agreement.

Article IV. The United States shall have the right to establish and
maintain such military posts, roads, and Indian agencies as may be deemed
necessary within the tract of country hereby reserved for the Poncas, but
no greater quantity of land or timber shall be used for said purposes than
shall be actually requisite; and if, in the establishment or maintenance
of such posts, roads, and agencies, the property of any Ponca shall be
taken, injured, or destroyed, just and adequate compensation shall be
made therefor by the United States. And all roads or highways authorized
by competent authority, other than the United States, the lines of which
shall lie through said tract, shall have the right of way through the same;
the fair and just value of such right being paid to the Poncas therefor by
the party or parties authorizing the same or interested therein; to be
assessed and determined in such manner as the President of the United
States shall direct.

Article V. No white person, unless in the employment of the United
States, or duly licensed to trade with the Poncas, or members of the
family of such persons, shall be permitted to reside, or to make any settle-
ment, upon any part of the tract herein reserved for said Indians, nor
United States
to pay $20,000 to
settle existing
obligations of the
Poncas.

Payments to
Joseph Hollman
and to Wm. G
Crawford.

Scrip for 100
acres of land to
issue to each.

Scrip to be ap-
plied for in five
years.

United States
may maintain
military posts,
roads, &c.

Whites not to
reside on re-
servation, unless,
&c.
TREATY WITH THE PONCAS. MARCH 12, 1858.

Poncas not to alienate their lands, except to the United States, but may divide them among themselves.

Lawful residents on lands hereby ceded may enter 100 acres, at $1.25 per acre. Poncas to maintain friendly relations.

Shall the latter alienate, sell, or in manner dispose of any portion thereof, except to the United States; but, whenever they may think proper, they may divide said tract among themselves, giving to each head of a family or single person a farm, with such rights of possession, transfer to any other member of the tribe, or of descent to their heirs and representatives, as may be in accordance with the laws, customs, and regulations of the tribe.

Article VI. Such persons as are now lawfully residing on the lands herein ceded by the Poncas shall each have the privilege of entering one hundred and sixty acres thereof, to include any improvements they may have, at one dollar and twenty-five cents per acre.

Article VII. The Poncas acknowledge their dependence upon the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of members of any other tribe; but, in case of any such injury or depredation, full compensation shall, as far as practicable, be made thereof for their tribal annuities; the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with any other tribe, unless in self-defence, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree, whenever called upon by the proper officer, to deliver up all offenders against the treaties, laws, or regulations of the United States, who may be within the limits of their reservation, and to assist in discovering, pursuing, and capturing all such offenders, whenever required to do so by such officer.

Article VIII. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Poncas shall drink, or procure for others, intoxicating liquor, their portion of the tribal annuities shall be withheld from them for at least one year; and for a violation of any of the stipulations of this agreement on the part of the Poncas, they shall be liable to have their annuities withheld, in whole or in part, and for such length of time as the President of the United States shall direct.

Article IX. No part of the annuities of the Poncas shall be taken to pay any claims or demands against them, except such as may arise under this agreement, or under the trade and intercourse-laws of the United States; and the said Indians do hereby fully relinquish and release the United States from all demands against them on the part of the tribe or any individuals thereof, except such as are herein stipulated and provided for.

Article X. The expenses connected with the negotiation of this agreement shall be paid by the United States.

In testimony whereof, the said Charles E. Mix, commissioner, as aforesaid, and the undersigned delegates and representatives of the Ponca tribes of Indians, have hereunto set their names and seals, at the place and on the day hereinafter written.

CHARLES E. MIX, Commissioner.

[Signature]

WAH-GAH-SAHI, or Whip, his x mark.
GISH-TAH-WAH-GU, or Strong Walker, his x mark.
MITCHELL P. CERA, or Wash-kom-me-ni, his x mark.
A-SHNO-NI-KAH-GAH-HI, or Lone Chief, his x mark.
SHU-KAH-BL, or Heavy Clouds, his x mark.
TAH-TUNGAH-NUSHI, or Standing Buffalo, his x mark.

Executed in the presence of —

EDWARD HANFICK,
E. B. GRATSON,
TREATY WITH THE PONCAS. MARCH 12, 1858.

JAMES R. ROCHE,
MOSES KELLY,
JOSEPH HOLLMAN,
JNO. WM. WELLS,
J. B. ROBERTSON, U. S. Indian Agent,
HENRY FONTENELLE, U. S. Interpreter,
FRANCIS ROY, his x mark.

And whereas, the said treaty having been submitted to the Senate for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles, by a resolution, in the words and figures following, to wit:—

"In Executive Session,
Senate of the United States, March 8, 1859.

"Resolved, (two thirds of the senators present concurred,) That the Senate advise and consent to the ratification of treaty made and concluded at the city of Washington, the 12th day of March, 1858, between the United States and the Ponca tribe of Indians.

"Attest:
ASBURY DICKINS, Secretary."

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 eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

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

Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:
LEWIS CASS, Secretary of State.
TREATY WITH BOLIVIA. May 13, 1858.

TREATIES.


BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: May 13, 1858.

A PROCLAMATION.

Whereas a Treaty of Peace, Friendship, Commerce, and Navigation between the United States and the Republic of Bolivia, was concluded and signed by their respective Plenipotentiaries, at La Paz, on the thirteenth day of May, one thousand eight hundred and fifty-eight, which Treaty, after having been amended and ratified by the contracting parties, is word for word as follows:


The United States of America and the Republic of Bolivia, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John W. Dana, a citizen of the said States, and their Minister Resident to the said Republic; and the President of the Republic of Bolivia on the citizen Lucas Mendoza de la Tapia, Secretary of State in the Department of Exterior Relations and Public Instruction, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

Preamble.

Tratado de Paz, Amistad, Navegación i Comercio entre la República de Bolivia y los Estados Unidos de América.

La República de Bolivia i los Estados Unidos de América, deseando hacer estables i permanentes las relaciones de amistad i buena inteligencia, que felizmente existen entre ambas naciones, han resuelto fijar de una manera clara, distinta i positiva, las reglas que en lo sucesivo, deben observarse religiosamente entre ambas naciones, por medio de un tratado de amistad, comercio i navegación.

Contan interesante objeto, el Presidente de la República de Bolivia ha conferido plenos poderes al Ciudadano Lucas Mendoza de la Tapia, Secretario de Estado en el Departamento de Relaciones Exteriores é Instrucción Pública, i el Presidente de los Estados Unidos al Ciudadano Juan Winchester Dana, Ministro Residente de dichos Estados Unidos cerca del Gobierno de Bolivia, quienes después de haberse comunicado sus mencionados plenos poderes i habiéndoles hallado en debida forma, han convenido en los artículos siguientes:

VOL. XII. TREAT.—129