

CLAIMS OF DELAWARE INDIANS.

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LETTER

FROM

THE SECRETARY OF THE INTERIOR

TRANSMITTING

*An abstract of a report of the United States Indian agent upon claims for stock stolen from the Delaware Indians since 1854, provided for in treaty of July 4, 1866, with said tribe.*

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FEBRUARY 3, 1870.—Referred to the Committee on Indian Affairs and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
Washington, D. C., January 31, 1870.

SIR: I have the honor to transmit herewith an abstract of a report of John G. Pratt, United States Indian agent, upon claims for stock stolen from the Delaware Indians since 1854, provided for in treaty of July 4, 1866, with said tribe.

The fourteenth article of said treaty (copy herewith) stipulates as follows, viz: "And inasmuch as the Delawares claim that a large amount of stock has been stolen from them by whites since the treaty of 1854, the United States agree to have a careful examination of such claims made under the direction of the Secretary of the Interior, and when the value of such stolen stock shall have been ascertained, the same shall be reported to Congress, with a recommendation for an appropriation to pay for the same; and all moneys appropriated for such purpose shall be paid to the owners of said stock."

A copy of a communication from the Commissioner of Indian Affairs, dated the 28th instant, and the accompanying report of Agent Pratt, therein referred to, are herein inclosed, from which it appears that the amount required to pay the claims of the Delawares for stock proved to have been stolen from them by whites, is \$26,402.

The favorable consideration of Congress is invited to the subject and an appropriation of \$26,402 for the payment of the claims, as stipulated in the fourteenth article of the treaty aforesaid, is respectfully recommended.

Very respectfully, your obedient servant,

J. D. COX,  
Secretary.

Hon. JAMES G. BLAINE,  
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., January 27, 1870.

SIR: I have the honor to submit herewith duplicate copies of the report made by John Pratt, special agent, under date of January 19, 1869, upon the claims of the Delaware Indians, for stock stolen from them by whites, since the treaty made with that tribe in 1854.

By direction of the Acting Secretary of the Interior, said agent was instructed to make a careful examination of said claims, as required by the fourteenth article of the treaty concluded with the Delawares, July 4, 1866, (United States Statutes at Large, vol. 14, p. 749.)

I also send herewith duplicate copies of an abstract of the said claims made in this office at your request.

The claims reported as equitable and just by Agent Pratt amount in the aggregate to \$26,284. On account of errors and omissions discovered upon an examination made in this office, that amount should be increased to \$26,402.

I think these claims are as satisfactorily established as could well be, under the circumstances, and recommend that the report of Agent Pratt be approved; also that Congress be asked to make an appropriation of this amount of \$26,402 to pay these claims, according to a provision of the treaty referred to, which is to the effect that, when the value of said stock shall have been ascertained, the same shall be reported to Congress, with a recommendation for an appropriation to pay the same.

Very respectfully, your obedient servant,

E. S. PARKER,  
*Commissioner.*

Hon. J. D. Cox,  
*Secretary of the Interior.*

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OFFICE OF THE U. S. AGENCY FOR THE DELAWARE INDIANS,  
January 19, 1869.

SIR: By direction of the Hon. Charles E. Mix, Acting Commissioner of Indian Affairs, under date of September 9, 1867, I was intrusted with the duty of making an examination of the claims of the Delaware Indians, for the value of stock stolen from them by the whites since the treaty of 1854, as required under the fourteenth article of the treaty of July 4, 1866.

In the discharge of this duty, I gave notice to the chiefs, councilors and headmen of the tribe, that I would at the payment of their land and improvement money, in November, 1867, when all were expected to be present, commence and continue to take proofs of their claims, and when and where all parties interested should submit the same. I have extended the time to the present date, but that owing to the difficulty of remembering facts and particulars, and that claims for losses occurring between 1854 and 1860 had been taken by the then agent of the tribe, they were not inclined to come forward and present them.

I herewith present you an abstract and report inclosed on all claims submitted, as well as a revision of the claims presented to Fielding

Johnson, former United States agent, amounting in the aggregate, for stock evidently stolen by whites, as follows :

428 horses, valued at.....	\$22,975 00
10 mules, valued at.....	1,150 00
112 cattle, valued at.....	2,099 00
10 sheep, valued at.....	30 00
6 hogs, valued at.....	30 00
<b>Total.....</b>	<b>26,284 00</b>

And for stock not clearly proved to have been stolen by whites :

199 horses, valued at.....	\$7,487 00
1 mule, valued at.....	60 00
75 cattle, valued at.....	1,067 00
<b>Total.....</b>	<b>8,614 00</b>

The claims of those Delawares who have become citizens under the treaty of July 4, 1866, are properly indicated and indorsed upon the claim.

It must be remembered that since the settlement of Kansas, commencing about 1855, the emigration into and over the State has passed through portions of this reservation, and that during the rebellion a large portion of the military operations along the borders of Kansas and Missouri, as well as in the Cherokee Nation and Arkansas, passed directly over the same, so that the rights to all kinds of property became insecure, especially stock belonging to the Indians.

Although they formerly owned a large number of animals, many of them, from the above causes, were compelled to purchase horses when they removed, in 1867, to their new homes in the Cherokee Nation.

I am, sir, your obedient servant,

JOHN G. PRATT,  
*United States Agent.*

THOMAS MURPHY, Esq.,  
*Supt. Indian Affairs, Atchison, Kansas.*

Abstract of report of John G. Pratt, United States Indian agent, upon claims for stock stolen from the Delaware Indians, by whites, since the treaty of 1854, provided for in the 14th article of treaty of July 4, 1866.

No.	Names.	Claim.	Amount.	Allowed.	Disallowed.	Remarks.
1	William H. Shailer	3 horses	\$150	\$150		
2	Little Jonas	1 filley	40	40		
3	Joseph Thomas	1 horse	40		\$40	Evidence insufficient.
4	James Logan	3 horses	85	85		
5	Pa-pa-ne-ha-mow	4 horses	130	100	20	Fourth animal recovered by claimant.
6	A-noch-na-ist	3 horses	120		120	Evidence insufficient.
7	Ton-ga-nox-il	7 horses	205		205	Strayed; if stolen, it was outside reservation.
8	Big Nigger	3 horses	120	120		
9	Al-le-mon-he-mow	2 horses	60	60		
10	Gua	2 horses	140	140		
11	Tul-he-tox-il	6 horses	185	95	90	Claim just for 4th, 5th, and 6th animals; insufficient for 1st and 2d; claimant recovered 3d.
12	Qua Chut	4 horses	135	135		
13	Me-na-toi-a-gua	7 horses	185	120	65	Claim just for 1st, 2d, 3d, and 4th; insufficient for 5th, 6th, and 7th.
14	Moonshine	4 horses	130	70	60	Claim just for 3d and 4th; insufficient for 1st and 2d.
15	Big Nigger	21 cattle	166		166	Evidence insufficient as to their being stolen by whites.
16	Bill Sarcoxie	1 horse	30	30		
17	Elizabeth Petchokot	7 cattle	126		126	Evidence insufficient.
18	Henry B. Bascomb	2 horses	85	85		
19	Jack Halfmoon	11 horses	180		180	Claimant recovered 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 11th; evidence insufficient for 8th, 9th, and 10th.
20	Charley	6 horses	155	155		
21	Eliiz. Zeigber	1 yoke oxen	60	60		
22	Arthur Armstrong	2 horses	80	80		
23	Sarcoxie, (chief)	4 horses	120	120		
24	Wolf	2 horses	90	90		
25	As-curr-cape-hund	3 horses	60	60		
26	Jack Ned	2 horses	50		50	Evidence insufficient.
27	Jackson Simon	2 horses	75		75	1st animal outside reservation when lost; evidence insufficient as to 2d being stolen by whites.
28	Easy	4 horses	110		110	Evidence insufficient as to being stolen by whites.
29	Su-wan-o-co-gua	2 horses	110	110		
30	Frenchman	7 horses	206			
31	Lucas Paschal	1 pair horses	400	300	100	Claim just as to loss; excessive as to value.
32	John Sarcoxie	1 horse, \$80; 1 mule, \$60	140	80	60	Evidence insufficient as to loss of mule.
33	Bettie	1 pony	20		20	Animal evidently strayed from reservation.
34	Pa-che-pack-ke-la-ah-qua	4 horses	210	210		
35	Sarah Ann Rankin	1 pony	75	50		Value should be reduced to \$50.
36	Pa-he-mah-pah	1 pony	25	25		
37	Yus-ens-qui-col-pe	9 horses	280	280		
38	Christian Snake	1 yoke oxen	60	60		
39	Mah-me-lund	4 horses	125	125		
40	Wah-me-pah-ku-now	8 horses, 5 cattle	278	278		
41	Pa-ta-le-ka	3 horses	65	65		

42	Betsey Sambo.....	3 horses.....	120	80	40	Evidence insufficient as to loss of 1st animal.
43	Henry Yiblon.....	4 cattle.....	105		105	Evidence insufficient.
44	Ka-kal-ke-na-o-gua.....	1 horse.....	45	45		
45	Matilda Johneycake.....	1 side-saddle.....	20		20	Not covered by treaty or instructions.
46	James Ketchum.....	3 horses.....	200	160	40	Claim just for 2d and 3d; insufficient as to 1st animal.
47	Joseph Armstrong.....	6 horses.....	305	305		
48	George Washington.....	2 horses.....	100		100	Evidence insufficient.
49	James Connor.....	1 horse.....	40	40		
50	John Bullitt.....	3 horses.....	135	135		
51	Carleton Connor.....	3 horses.....	245	245		
52	Young Martin.....	12 horses, \$325; 3 cattle, \$55.....	380	380		
53	Inn Snake.....	6 horses.....	165	165		
54	Henry Armstrong.....	11 horses.....	280	280		
55	She-she.....	2 horses.....	70		70	Evidence insufficient.
56	Big Beaver.....	2 horses.....	60	60		
57	We-to-qua-e.....	7 horses.....	155		155	Claim not proved.
58	Ah-hang-gee-nah-o.....	6 horses.....	145		145	Claim not proved.
59	Ar-sah-kee-now.....	8 horses.....	235	235		
60	Delaware Charley.....	4 horses.....	85		85	Claim not proved.
61	Lemba Lease.....	11 horses.....	300	160	140	Claim just for 2d, 3d, 4th, 5th, 6th, and 7th, and not proved as to 1st, 8th, 9th, 10th, and 11th animals. Claim worthless.
62	Wa-oipah-coo-wha.....	2 horses.....	65		65	
63	Frenchman.....	2 horses.....	75	75		
64	George Williams.....	2 horses.....	35	35		
65	Uecon Hecon, (chief).....	2 cows and calves, \$40; 10 horses, \$716.....	756	551	205	Claim not proved for 1st and 10th horses, and 2 cows and calves.
66	Widow Secondine.....	10 horses.....	460	140	320	Claim just for 4th and 5th horses; not proved as to 1st, 2d, 3d, 6th, 7th, 8th, 9th, and 10th. Evidence insufficient.
67	Ya-ta-ox-qua.....	5 horses.....	160		160	Claim not proved for 2d animal.
68	Qua-we-thou.....	2 horses.....	60	30	40	Claim for 2d animal not proved.
69	Widow Newcomb.....	2 horses.....	80	40	40	Claim for 4th animal not proved.
70	George Luconson.....	4 horses.....	230	190	40	Evidence insufficient as to claim for 1st, 4th, and 5th horses, and 4 cattle.
71	Jane McCullough.....	6 horses, \$300; 4 cattle, \$53.....	353	160	193	
72	Tote-ke-pah-coo-wha.....	5 horses.....	121	121		
73	Jacob Ketchum.....	1 horse.....	75	75		
74	John Connor, (chief).....	1 horse, \$60; 15 cattle, \$175.....	235	235		
75	Little Buffalo.....	2 horses, \$180; 3 cattle, \$60.....	240	240		
76	Elizabeth Connor.....	1 horse.....	50	50		
77	Nancy Ketchum.....	2 horses.....	115	50	65	Claim for 2d animal not proved.
78	To-loc-qua.....	8 horses.....	199	199		
79	Mary Wilson.....	3 horses, \$90; 1 cattle, \$20.....	110	110		
80	Sarah Ann Ketchum.....	1 horse.....	40		40	Evidence insufficient.
81	Katy Ketchum.....	1 colt.....	20		20	No foundation for claim.
82	Captain John Connor.....	1 horse.....	45	45		
83	Dick Brown.....	2 horses, \$50; 1 mule, \$75.....	125	125		
84	Billy Paschal.....	1 horse.....	40	40		
85	Jim White.....	3 horses.....	170	120	50	Claim for 1st animal not proved.
86	Oh-lee-now.....	4 horses.....	150		150	Claim not proved.
87	Wiley Halfmoon.....	4 horses, \$135; 9 cattle, \$71.....	206	206		
88	Teen-noo.....	2 horses.....	50	10	40	Evidence insufficient as to 1st animal.
89	George Ketchum.....	10 horses.....	273	130	143	Claim for 1st, 2d, 3d, 5th, 7th, and 10th animals, valued at \$143, not proved.
90	John W. Ketchum.....	1 horse.....	65	65		

No.	Names.	Claim.	Amount.	Allowed.	Disallowed.	Remarks.
91	Charles H. Armstrong .....	4 horses, \$380; 1 S. cattle, \$85	\$465	\$465		
92	Wah-he-ney .....	22 horses, \$641; 2 cattle, \$30.	671	287	\$384	Not proved as to the 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st, and 22d animals, valued at \$384.
93	John Noah .....	1 horse .....	30	30		
94	Mary Half .....	2 horses, \$50; 6 cattle, \$88.	138	138		
95	Wa-lun-doh-nah-ah-qua .....	7 horses, \$195; 1 steer, \$8	203	203		
96	Artemus Newcomb .....	1 horse .....	75		75	Claim unfounded; animal not owned by claimant.
97	Jim Harrison .....	6 horses .....	190	65	125	Evidence insufficient except for 1st animal.
98	Qua-chut-chu .....	3 horses .....	55	55		
99	Wa-lun-do-ka-oh-qua .....	4 horses .....	135	135		
100	Curley Head .....	2 horses .....	80	70	10	Claim just but value of animals reduced.
101	Puate-pah-coo-wha .....	2 horses .....	90		90	Stolen outside of reservation.
102	As-sun-cape-hund .....	4 horses .....	165	165		
103	William Adams .....	1 saddle and bridle .....	20		20	Not embraced in treaty or instructions.
104	Charles Journeycake, (chief) .....	1 horse, \$60; 5 cattle, \$90; 6 hogs, \$30.	180	180		
105	Eliza Bullett .....	1 horse, \$30; 5 cattle, \$55.	85	30	55	Claim for 5 cattle not proved.
106	Sally Day .....	1 horse, \$50; 3 cattle, \$90.	140	140		
107	Rachael Tanner .....	2 horses .....	140	140		
108	Jonas Ketchum .....	1 horse, \$60; saddle, &c., \$18; 5 cattle, \$61.	139	61	78	Horse, saddle, and bridle stolen outside reservation.
109	Sally Honeywell .....	1 horse .....	100	100		
110	William R. Ketchum .....	2 horses .....	60	60		
111	Joe Griffey .....	1 horse, \$30; 1 heifer, \$10	40	40		
112	Mary Bullett .....	2 cattle .....	21	21		
113	Chris Snake .....	1 horse .....	50		50	Evidence not sufficient.
114	John Bullett .....	4 horses .....	136	86	50	Evidence not sufficient as to 4th animal.
115	Nancy M. Pratt .....	1 horse .....	100	100		
116	Mary Ketchum .....	2 horses .....	110	110		
117	Charles Ketchum .....	2 horses .....	60	30	30	Evidence insufficient as to 2d animal.
118	Robert Williams .....	5 cattle .....	43	43		
119	John Wesley Rodgers .....	1 horse, \$75; 4 cattle, \$42.	117	75	42	Claim for 4 cattle not proved.
120	Little Buffalo .....	1 horse .....	50	50		
121	Ti-ki-ete-pame-scot. ....	1 horse .....	30		30	Strayed or was stolen outside reservation.
122	William Swan Nock .....	23 horses .....	540		540	Evidence entirely inadequate.
123	Annie Grinter .....	4 cattle .....	170	80	90	Claim proved only for 1 large ox.
124	Rosanna Grinter .....	1 mare, \$150; 1 jack, \$75	225	225		
125	George Conner .....	3 horses .....	155	130	25	Claim just except as to value of animals.
126	Jim Conner .....	2 horses .....	90	90		
127	James Ketchum .....	2 horses, \$90; 2 cattle, \$50.	140		140	Evidence insufficient.
128	Nancy Secondine .....	1 horse .....	70	70		
129	Pa-che-pah-ku-con. ....	2 horses .....	180		180	
130	Fillmore Secondine .....	3 horses .....	270	185	85	Claim not proved for 1st animal.
131	John Connor, (chief) .....	1 horse .....	125	125		
132	Capt. Anderson Sarcoxie, (chief) .....	2 horses .....	140	140		

133	Loc-wan-ne-cum-un	1 horse	75	50	25	Claim just except as to value of animal.
134	Henry Tiblou	3 horses	600	500	100	Claim just except as to value of animals.
135	End-he-pah-kee-nah-o	2 horses	130	130		
136	Ah-sah-cab-pah-na-qua	7 horses, \$230; 1 mule, \$50	280	270	10	Value of mule reduced ten dollars.
137	Nelson J. Tanner	2 horses	225	225		
138	Nancy Secondine	1 horse	60	60		
139	Sarah A. Ketchum	2 horses	80	80		
140	Matilda Bullett	1 horse	40	40		
141	Little Buffalo	1 mule, \$125; 1 horse, \$100	225	200	25	Value of mule reduced to \$100.
142	James Harrison	2 horses	140		140	1st animal stolen outside reservation; claim not proved as to 2d.
143	Nancy Cook	5 horses	180	180		
144	George Washington	7 horses, \$470; 2 cattle, \$50	520	265	255	Claim not proved for 3d, 4th, 5th, and 6th, valued at \$205, and value of 1st animal reduced \$50.
145	Andrew Miller	1 horse	60	60		
146	Wah-ho-ney	1 horse	80	80		
147	Charles Journeycake, (chief)	2 horses, \$300; 2 mules, \$350	650	650		From personal knowledge, worth the value claimed.
148	Katy Ketchum Long	3 horses	325	325		
149	Charles H. Armstrong	3 horses	335	335		
150	William R. Ketchum	2 horses	190	150	40	Claim for 2d animal not proved.
151	Sally Honeywell	9 horses, \$1,340; 1 mule, \$125; 4 cattle, \$265	1,730	1,730		
152	Eliza Bullitt	3 horses, \$235; 6 cattle, \$95	330	215	115	Claim for 2d and 3d horses not proved.
153	Mary E. Rogers	2 horses	250	200	50	Value of 1st horse reduced from \$150 to \$100.
154	John George	1 horse	70	70		
155	Mary Thomas	2 horses, \$180; 1 cattle, \$30	210	100	110	Claim for 1st horse and cow not proved.
156	Que-sho-qua-e	3 horses	240	160	80	Claim for 1st horse not proved.
157	Big Beaver	2 horses	140		140	Evidence insufficient.
158	Little Jonas	2 horses	175	175		
159	Virginia Hill	5 horses	300	265	35	Value of 2 horses reduced.
160	Widow Good Traveller	6 cattle, \$120; 2 horses, \$100	220		220	1st horse stolen outside reservation; balance not proved.
161	Big Nigger	2 horses, \$220; 3 cattle, \$40	260	150	110	Claim for 2d horse and cattle not proved.
162	Rachael Wolf	3 cattle	40	40		
163	Sally Raccoon	6 horses	560	400	160	Value reduced, 3d horse, \$25; 5th, \$25; 6th, \$30; and claim for 2d horse, valued at \$80, not proved.
164	George Ketchum	4 horses, \$270; 3 cattle, \$48	318	40	278	Claim for 1 bull and 4 horses not proved.
165	George Wilson	2 horses	100	35	65	Claim for 2d horse not proved.
166	Qua-cha-che-heese	1 horse	65	65		
167	Widow Everett	1 horse, \$125; 10 sheep, \$30	155	30	125	Claim for horse not proved.
168	Isaac Fish	4 horses	250	250		
169	White Turkey	2 horses	250	250		
170	John Noah	1 horse	40		40	Not proved.
171	Big Shawnee	1 horse	150	125	25	Value reduced.
172	Sally Shawnee	1 horse	100	75	25	Value reduced.
173	Thomas Hill	1 horse	85	85		
174	Ue-latch-che-now	2 horses	110	110		
175	Eliza Locust	2 horses	90	90		
176	Leonard Snake	1 horse	75		75	Evidence insufficient.
177	Martha Jacobs	1 horse	100		100	Evidence insufficient.
178	Jane Anderson	3 horses, \$200; 2 cattle, \$25	225	200	25	Claim for cattle not proved.
179	John Bullitt	2 horses	150	80	70	Claim for 1st horse not proved.
180	Jonas Ketchum	3 horses, \$130; 2 mules, \$205	335	310	25	Value of 1st mule reduced.
181	George Lucasson	3 horses	120	120		

No.	Names.	Claim.	Amount.	Allowed.	Disallowed.	Remarks.
182	Tau-ta-pa-he-bay-gua.....	4 horses.....	270	-----	270	Evidence insufficient.
183	Cabbage-gua.....	1 horse.....	60	60	-----	
184	Kat-kat-que-nah-o.....	8 cattle.....	155	155	-----	
185	Ar-sar-kee-now.....	5 horses, \$410; 4 cattle, \$60..	470	410	60	Claim for 4 cattle not proved.
186	Eliza Ketchum.....	2 horses.....	100	95	5	Value of 1 colt reduced.
187	Big Buffalo.....	3 horses.....	100	30	70	Claim for 1st and 3d animals not proved.
188	Chuck-ko-que-nah-o.....	1 horse.....	100	100	-----	
189	Chalowesse or Delaware Charley.	5 horses.....	270	150	120	Claim for 3d, 4th, and 5th horses not proved.
190	Wa-lun-dah-kah-oh-gua.....	22 horses.....	935	935	-----	
191	Lemuel P. Ketchum.....	1 horse.....	100	100	-----	
192	John Johneycake.....	1 horse.....	150	75	75	Value reduced.
193	Sally O. Smith.....	1 horse.....	150	150	-----	
194	Eliza Kinney.....	2 horses.....	215	140	75	Claim for 1st animal not proved.
195	Nancy Ketchum, administratrix.	3 horses.....	335	265	60	Claim for 3d horse not established.
196	Isaac Johneycake.....	1 horse, \$100; 1 mule, \$125; 4 cattle, \$69.	294	225	69	Claim for 4 cattle not proved.
197	George Washington.....	4 horses.....	235	175	60	Claim for 4th horse not proved.
198	Captain Anderson Sarcoxe.....	6 horses.....	520	450	70	Claim for 6th horse not established.
199	Charles Journéycake.....	17 cattle.....	357	357	-----	
200	Sally Raccoon.....	2 horses.....	110	-----	110	Claim not established.
201	Nannie M. Bartles.....	4 horses, \$450; 1 mule, \$60..	530	530	-----	



*Treaty between the United States of America and the Delaware tribe of Indians. Concluded July 4, 1866. Ratification advised July 26, 1866. Proclaimed August 10, 1866.*

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

*To all and singular to whom these presents shall come, greeting :*

Whereas a treaty was made and concluded at the Delaware Agency, Kansas, on the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-six, by and between Thomas Murphy, John G. Pratt, and William H. Watson, commissioners on the part of the United States, and Captain John Connor, Captain Sarcoxie, Charles Journeycake, and other chiefs and councilors of the Delaware tribe of Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of agreement between the United States and the chiefs and councilors of the Delaware Indians, on behalf of said tribe, made at the Delaware Agency, Kansas, on the 4th day of July, 1866.

Whereas Congress has by law made it the duty of the President of the United States to provide by treaty for the removal of the Indian tribes from the State of Kansas; and whereas the Delaware Indians have expressed a wish to remove from their present reservation in said State to the Indian country, located between the States of Kansas and Texas; and whereas the United States have, by treaties negotiated with the Choctaws and Chickasaws, with the Creeks, and with the Seminoles, Indian tribes residing in said Indian country, acquired the right to locate other Indian tribes within the limits of the same; and whereas the Missouri River Railroad Company, a corporation existing in the State of Kansas by the laws thereof—and which company has built a railroad connecting with the Pacific Railroad, from near the mouth of the Kaw River, to Leavenworth, in aid of which road the Delawares, by treaty in 1864, agreed to dispose of their lands—has expressed a desire to purchase the present Delaware Indian reservation in the said State, in a body, at a fair price:

It is hereby agreed between Thomas Murphy, superintendent of Indian affairs, John G. Pratt, agent for the Delawares, and William H. Watson, special commissioner, who are duly appointed to act for the United States; and Captain John Conner, Captain Sarcoxie, and Charles Journeycake, chiefs, and James Ketchum, James Conner, Andrew Miller, and John Sarcoxie, councilors, duly appointed and authorized by said Delaware Indians to act for them and in their behalf, to wit:

#### ARTICLE 1.

That the United States shall secure and cause to be paid to said Indians the full value of all that part of their reservation, with the improvements then existing on the same, heretofore sold to the Leavenworth, Pawnee, and Western Railroad Company, according to the terms of a treaty ratified August 22, 1860, and supplemental treaties, and in accordance with the conditions, restrictions, and limitations thereof.

#### ARTICLE 2.

That the Secretary of the Interior shall be, and he is, authorized to sell to said Missouri River Railroad Company, or to other responsible party or parties, in a body, all the remaining part of said reservation, being the lands conveyed to said Delaware Indians in pursuance of the provisions of the supplemental treaty of September 24, 1829, and all other lands owned by the said tribe in the State of Kansas not previously disposed of, except as hereinafter provided, for a price not less than two dollars and fifty cents per acre, exclusive of improvements.

#### ARTICLE 3.

It shall be the duty of the Secretary of the Interior to give each of all the adult Delaware Indians, who have received their proportion of land in severalty, an opportunity, free from all restraint, to elect whether they will dissolve their relations with their tribe and become citizens of the United States; and the lands of all such Indians as may elect so to become citizens, together with those of their minor children, held by them in severalty, shall be reserved from the sale hereinbefore provided for. And the Secretary of the Interior shall cause any and all improvements made on any of the said lands, the sale of which is provided for, whether held in common or in severalty, to be

appraised, and the value thereof added to the price of said lands, to be paid for when payment is made for the lands upon which said improvements exist; and the money received for the improvements, on the land of each Indian held in severalty, shall be paid to him at any time after its payment to the Secretary of the Interior, when the department shall be notified that said Indian is ready to remove to the Indian country, to provide for his removal to, and to enable him to make improvements on his new home therein: *Provided*, That whenever it shall be ascertained, under the registry above provided for, what lands will be vacated, there shall be set apart, from the lands held in common, for each child of Delaware blood, born since the allotment of land to said tribe in severalty was made under previous treaties, a quantity of land equal to the amount to which they would have been entitled had they been born before said allotment, provided that selections for children belonging to families whose head may elect to remain may be made from lands which are to be vacated by those who elect to remove: *And provided further*, That in case there shall be improvements upon any heretofore allotted lands, so selected for children of the Delawares, payment shall be made for such improvements, at their appraised value, by the parents or guardians of said children, at the same time as if the said lands had been sold to the railroad company or other parties.

#### ARTICLE 4.

The United States agree to sell to the said Delaware Indians a tract of land ceded to the government by the Choctaws and Chickasaws, the Creeks, or the Seminoles, or which may be ceded by the Cherokees in the Indian country, to be selected by the Delawares in one body, in as compact a form as practicable, so as to contain timber, water, and agricultural lands, to contain in the aggregate, if the said Delaware Indians shall so desire, a quantity equal to one hundred and sixty (160) acres for each man, woman, and child who shall remove to said country, at the price per acre paid by the United States for the said lands, to be paid for by the Delawares out of the proceeds of sales of lands in Kansas heretofore provided for. The said tract of country shall be set off with clearly and permanently marked boundaries by the United States; and also surveyed as public lands are surveyed, when the Delaware council shall so request, when the same may, in whole or in part, be allotted by said council to each member of said tribe residing in said country, said allotment being subject to the approval of the Secretary of the Interior.

#### ARTICLE 5.

The United States guarantee to the said Delawares peaceable possession of their new home herein provided to be selected for them in the Indian country, and protection from hostile Indians and internal strife and civil war, and a full and just participation in any general council or territorial government that may be established for the nations and tribes residing in said Indian country.

#### ARTICLE 6.

It is agreed that the proceeds of the sale of the Delaware lands, herein provided for, shall be paid to said Indians in the manner following, to wit: Whenever the Department of the Interior shall be notified by the council, through the agent, that any of the Delawares, who hold land in severalty, are ready to remove, at the same time describing their allotments, there shall be paid to each such person the value of his allotment and that of his family, to enable him to remove to and improve his new home, provided the money for the said allotment shall have been paid to the Secretary of the Interior; and while said money, or any part thereof, shall remain in the treasury of the United States, the Delawares shall be entitled to receive interest on the amount so retained at the rate of five (5) per cent. per annum. And the residue of the proceeds of the sale of the Delaware lands, being those which have not been allotted, or which have once been allotted, but have been abandoned by the allottees, shall be added to the general fund of the Delawares, interest thereon to be paid to the Indians in the same manner as is now provided in regard to that fund.

#### ARTICLE 7.

Within thirty days after the ratification of this treaty it shall be the duty of the Secretary of the Interior to give the said Missouri River Railroad Company notice that he is authorized to contract with them or other responsible party or parties for the sale of said lands on the terms specified in this treaty, indicating the approximate quantity thereof; and within twenty days after receiving said notice, at their usual place of doing business in the State of Kansas, it shall be competent for said company to elect to make the purchase by filing with the said Secretary their bond, with approved security, in double the amount proposed to be paid by them for the whole of said lands,

guaranteeing that they will purchase all of the lands to be sold under the provisions of this treaty, and that they will pay for them in accordance with the terms thereof. And upon the filing of a satisfactory bond, as above provided, by said company, the contract for such purchase shall be concluded by the said Secretary with said Missouri River Railroad Company, at not less than two dollars and fifty cents per acre for the whole of the lands herein provided to be sold: *Provided, however,* That if said railroad company shall not, within the twenty days above limited, file its bond for the purchase as herein prescribed, the Secretary of the Interior may, at the expiration of that time, accept any offer for the whole of said lands in one body, at not less than two dollars and fifty cents per acre, from any other responsible parties; but no offer shall be considered from other parties than said Missouri River Railroad Company, unless accompanied by a certificate of deposit in the First National Bank of the city of Washington, D. C., to the credit of the said Secretary, for an amount equal to ten per cent. of the aggregate value of the land at the price proposed, to be forfeited for the use of the Delawares, if the sale should be awarded to said person or corporation so proposing to purchase the lands, and said party should fail to make payment as hereinafter provided.

## ARTICLE 8.

That within sixty days after the sale of said land shall have been effected, the purchaser shall pay to the said Secretary, in trust for the Delawares, the stipulated price of said unallotted lands, with the appraised value of improvements thereon, excepting therefrom the mill reservation and the quarter sections upon which the council-house and blacksmith shops are built, the use of which shall be retained until the final removal of the Delawares, and for which payment shall not be required from the purchaser until possession is delivered; and from time to time thereafter, as often as the Secretary of the Interior shall notify the said purchaser that ten thousand acres or more of said lands have been vacated by said Indians, within three months thereafter, said purchaser shall pay to the Secretary of the Interior, in trust for the said Indians, the stipulated price for said lands, with the appraised value of the improvements; and so on until all are paid for, according to the true intent and meaning hereof; and as said lands shall be paid for, patents therefor, conveying the same in fee simple, shall be from time to time issued to said purchaser, or to his or its assigns, by the President of the United States.

## ARTICLE 9.

It is also stipulated that the Secretary of the Interior shall cause a registry to be made of the names of all of said Delawares, who have elected to dissolve their tribal relations and to become citizens of the United States, as provided in this treaty, with the names, ages, and sex of the members of the family of each of said Delawares, and present a certified copy of the same to the judge of the district court of the United States for the district of Kansas, and cause a copy to be filed in the office of the Commissioner of Indian Affairs, after which any of said Delawares, being adults, may appear before the said judge in open court, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and also make proof to the satisfaction of said court that he is sufficiently intelligent and prudent to control his own affairs and interests, that he has adopted the habits of civilized life, and has been able to support, for at least five years, himself and family; when he shall receive a certificate of the same under the seal of the said court; and on the filing of the said certificate in the office of the Commissioner of Indian Affairs, the said Delaware Indian shall be constituted a citizen of the United States, and be entitled to receive a patent in fee simple, with power of alienation, for the land heretofore allotted to him, and his just proportion, in cash or in bonds, of the cash value of the credits of said tribe, principal and interest, then held in trust by the United States; and also, as the same may be received, his proportion of the proceeds of the sale of lands under the provisions of this treaty, when he shall cease to be a member of said tribe. Whereupon all of the minor children of those who have become citizens shall be construed to have elected to sever their connexion with said tribe for the time being, and be entitled to their just proportion of the annuities of the tribe, to be paid to the head of the family to be expended for their support and education until they shall attain the age of twenty-one years, after which each shall elect to remove to his tribe or to become a citizen of the United States, as hereinbefore provided, and if thus admitted to citizenship, shall be entitled to all the privileges and interests herein provided for the head of the family. Should any minor, as aforesaid, arriving at the age of twenty-one years, and electing to become a citizen of the United States, or any adult Indian having so elected, fail to be admitted, he shall not be compelled to remove, but the Secretary of the Interior shall provide proper guardianship for the protection of his rights and interests and those of his family. There shall be granted to each of the Delawares, who have thus become citizens, a patent in fee simple for the lands heretofore allotted

to them, and, if they do not remove with the nation, their pro rata share of all annuities and trust property held by the United States for them, the division to be made under the direction of the President of the United States, after which such persons shall cease to be members of the Delaware tribe, and shall not further participate in their councils, nor share in their property or annuities.

#### ARTICLE 10.

It is further agreed that the funds of the Delawares shall never be applied by the government to the payment of the debt or debts of any individual member or members of the nation; nor shall any person be licensed to trade with the Delawares without the consent of the chiefs and council; and the salaries of the chiefs shall henceforward be four hundred dollars per annum.

#### ARTICLE 11.

The Delawares acknowledge their dependence upon the United States, and again renew their pledges of devotion to the government thereof, and ask its protection; and the United States agree to protect, preserve, and defend them in all their just rights.

#### ARTICLE 12.

It is also agreed that if the said Secretary should not be able to sell the said lands as hereinbefore provided, he may cause the same to be appraised, in separate tracts, at their fair cash value, no tract to be valued at less than two dollars and fifty cents per acre, and the same when appraised may be sold at not less than the appraised value, and for as much more as the same will bring, and the money arising from the sale to be applied and distributed as hereinbefore provided.

#### ARTICLE 13.

It is agreed by the Delawares that railroad companies engaged in building roads, whose routes shall lie through their new reservation in the Indian country, shall have a right of way through and over said lands, not exceeding 200 feet in width for any such road, and also the right to enter on all lands, and take and use such gravel, stone, and other material, except timber, as may be necessary for the construction of such roads, compensation to be made for any damages done in obtaining such material, and for any damages arising from the location or running of such roads to improvements which shall have been made before such road shall have been located, such damages to be ascertained under regulations to be prescribed by the Secretary of the Interior.

#### ARTICLE 14.

The United States further agree that, in accordance with the general provisions of the sixth article of the Delaware treaty of May 30, 1860, which have not yet been fulfilled, there shall be credited to the Delawares, in the purchase of their new reservation in the Indian country, the sum of thirty thousand dollars, which credit by the United States shall be received by the Delawares as a full settlement of all claims against the government for depredations upon timber to the date of the signing of this treaty; and the Delawares shall receive, without cost, from the United States, land included within their new reservation to the amount of twenty-three sections, in place of the twenty-three sections of half-breed Kaw lands referred to in said sixth section of the treaty of 1860; and inasmuch as the Delawares claim that a large amount of stock has been stolen from them by whites since the treaty of 1854, the United States agree to have a careful examination of such claims made under the direction of the Secretary of the Interior, and when the value of such stolen stock shall have been ascertained, the same shall be reported to Congress with a recommendation for an appropriation to pay for the same; and all moneys appropriated for such purpose shall be paid to the owners of said stock.

#### ARTICLE 15.

It is also agreed by the contracting parties that nothing contained in this treaty shall be so construed as to require the Delawares to remove from their present homes, until after they shall have selected and received title to lands for new homes elsewhere.

In testimony whereof, the said superintendent, agent, and special commissioner, on behalf of the United States, and the said chiefs and councilors, on behalf of the Dela-

wares, have hereunto set their hands and seals this fourth day of July, one thousand eight hundred and sixty-six.

THOS. MURPHY, *Superintendent.* [SEAL.]  
 JOHN G. PRATT, *Agent.* [SEAL.]  
 W. H. WATSON, [SEAL.]  
*Special Commissioner.*  
 JOHN CONNER, his + mark, [SEAL.]  
*Head Chief.*  
 CAPTAIN SARCOXIE, his + mark, [SEAL.]  
*Assistant Chief.*  
 CHARLES JOURNEYCAKE, [SEAL.]  
*Assistant Chief.*  
 JAMES KETCH[U]M, [SEAL.]  
 JAMES CONNOR, his + mark, [SEAL.]  
 ANDREW MILLER, his + mark, [SEAL.]  
 JOHN SARCOXIE, his + mark, [SEAL.]  
*Councilors.*

ISAAC JOHNYCAKE,  
*U. S. Interpreter.*

In presence of—  
 HENRY S. BULKLEY.  
 EDWARD S. MENAGER.  
 LOUIS A. MENAGER.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-sixth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit:

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

*Resolved (two-thirds of the senators present concurring,)* That the Senate advise and consent to the ratification of the articles of agreement between the United States and Delaware Indians, made at the Delaware agency, Kansas, on the 4th day of July, 1866.

Attest:

J. W. FORNEY, *Secretary.*

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

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

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

ANDREW JOHNSON.

By the President:  
 HENRY STANBERY,  
*Acting Secretary of State.*