

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

1-12-1869

Appropriations for Sac and Fox Indians. Letter from the Secretary of the Interior, submitting estimates of appropriations required to fill treaty stipulations with Sac and Fox Indians

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 38, 40th Cong., 3rd Sess. (1869)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

APPROPRIATIONS FOR SAC AND FOX INDIANS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

SUBMITTING

Estimates of appropriations required to fill treaty stipulations with Sac and Fox Indians.

JANUARY 12, 1869.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 12, 1869.

SIR: I have the honor to transmit herewith a copy of a letter from the Commissioner of Indian Affairs, dated the 11th instant, enclosing an estimate of appropriations required for fulfilling treaty stipulations with the Sac and Fox Indians of the Mississippi, under treaty of February 18, 1867, (copy herewith,) for the fiscal year ending June 30, 1870.

Very respectfully, your obedient servant,

O. H. BROWNING,
Secretary.

Hon. SCHUYLER COLFAX,
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 11, 1869.

SIR: I have the honor to enclose herewith an estimate of appropriations required for fulfilling treaty stipulations with the Sac and Fox Indians of the Mississippi, under treaty of February 18, 1867, (copy herewith,) for the fiscal year ending June 30, 1870.

The first item in the estimate is required to pay said Indians for the lands ceded to the United States by the first and second articles of said treaty. The amount asked for the purpose is ascertained by deducting from the number of acres ceded, 157,000, the quantity set apart for individuals, $9,606\frac{68}{100}$ acres, as provided in the treaty, leaving $147,393\frac{32}{100}$ acres, which, at one dollar per acre, makes the amount of the first item. The

remaining items are fixed by the treaty, and consequently require no explanation.

I respectfully request that this estimate be submitted to Congress for proper action by that body.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE TRIBE OF SAC AND FOX INDIANS OF THE MISSISSIPPI, CONCLUDED FEBRUARY 18, 1867; RATIFICATION ADVISED, WITH AMENDMENTS, JULY 25, 1868; AMENDMENTS ACCEPTED SEPTEMBER 2, 1868; PROCLAIMED OCTOBER 14, 1868.

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 city of Washington, in the District of Columbia, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy, William H. Watson, Thomas Murphy, and Henry W. Martin, commissioners on the part of the United States, and Keokuk, Che-kus-kuk, Uc-quaw-ho-ko, Mut-tut-tah, and Man-ah-to-wah, chiefs of the tribe of Sac and Fox Indians of the Mississippi, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of agreement made and concluded this eighteenth day of February, one thousand eight hundred and sixty-seven, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs; William H. Watson, special commissioner; Thomas Murphy, superintendent of Indian affairs for Kansas; and Henry W. Martin, United States Indian agent, duly authorized, and the tribes of Sacs and Foxes of the Mississippi, represented by Keokuk, Che-kus-kuk, Uc-quaw-ho-ko, Mut-tut-tah, and Man-ah-to-wah, chiefs of said tribes.

ARTICLE I.

The Sacs and Foxes of the Mississippi cede to the government of the United States all the lands, with the improvements thereon, contained in their unsold portion of their diminished reserve defined in the first article of their treaty ratified July 9, 1860, (the said tract containing about 86,400 acres, and being more particularly described by the survey and plats on file in the Department of the Interior,) except as reserved in previous treaties, or in this treaty.

ARTICLE II.

The said Indians also cede to the United States a full and complete title to the lands, with the improvements thereon, now remaining unsold in that portion of their old reservation provided by article 4 of the treaty of July 9, 1860, to be sold by the government for their benefit, the cession herein made being subject to the exceptions defined in this treaty.

ARTICLE III.

The United States agree to pay to the Sac and Fox Indians, parties to this treaty, at the rate of one dollar an acre for the whole of the land ceded in the two preceding sections, being about 157,000 acres of land, less the amount of land set apart for individuals; and further agree to pay the outstanding indebtedness of the said tribe, now represented by scrip issued under the provisions of previous treaties, and amounting, on the 1st of November, 1865, to \$26,574, besides the interest thereon; and the amount herein provided to be paid to said Indians, after deducting such sums as, under the provisions of this treaty, are to be expended for their removal, subsistence, and establishing them in their new country, shall be added to their invested funds, and five per cent. interest paid thereon in the same manner as the interest of their present funds is now paid.

ARTICLE IV.

At any time after the ratification of this treaty, the lands ceded in the first article shall be held and considered at the disposal of the United States, and the legal rights of railroad corporations shall be conceded thereon, the same as on other public lands, except that, until the time for the removal of the Indians is fixed by public notice, under the provisions of this treaty, no interference shall be made with the rights of the Indians as the occupants of the lands, but they shall remain in all respects without molestation, in the same manner as if this treaty had not been made: *And provided further*, That inasmuch as there are valuable improvements upon said reservation, such improvements shall be appraised under the direction of the Secretary of the Interior, and the appraised value of the same shall be paid to the United States, before title is given to any individual or corporation for the lands upon which such improvements are situated.

ARTICLE V.

The lands ceded in the second article of this treaty, being the unsold remainder of the lands provided in the fourth article of the treaty of July 9, 1860, to be sold in trust for said Indians, shall, immediately upon the ratification of this treaty, become the property of the United States, and shall be open to entry and settlement, and the legal rights of railroad corporations shall accrue thereon; and the lands in the second article ceded, as well as those ceded in the first article, shall be subject to all the laws and regulations of the General Land Office the same as other public lands, except as relates to the provisions in the next preceding article relating to the time when they shall be open for settlement, and the requirement of payment for the improvements; and should there be any improvements upon the land ceded in the second article, they shall be appraised, and payment shall be required therefor; and the scrip referred to in the third article of this treaty shall be received in payment for any of the lands herein ceded to the United States, and not granted to any railroad corporation, at any time after the removal of the Indians, as provided in the seventh article hereof.

ARTICLE VI.

The United States agree, in consideration of the improvements upon the said reservation, to give to the Sacs and Foxes for their future

home a tract of land in the Indian country south of Kansas, and south of the Cherokee lands, not exceeding 750 square miles in extent. The selection of such new reservation shall be made under the direction of the Secretary of the Interior, and with his approval, by commissioners appointed by the said Secretary, who shall visit the Indian country, with delegations from all the tribes proposing to remove thereto, as soon as practicable after the ratification of this treaty; and said reservation shall be surveyed as to its exterior lines, at the cost of the United States, under the direction of the Commissioner of Indian Affairs, not to exceed \$3,000: *Provided*, That if it shall be found impracticable to select a suitable home for the tribe except by purchase from the Cherokees, the United States will pay towards the said purchase the same amount that would have been payable to the Creeks if the reservation had been selected upon the former Creek lands; and in that case the balance of the money payable to the Cherokees shall be deducted from the amount due the Sacs and Foxes under this treaty.

ARTICLE VII.

As soon as practicable after the selection of the new reservation herein provided for, there shall be erected thereon, at the cost of the United States, a dwelling-house for the agent of the tribe, a house and shop for a blacksmith, and dwelling-house for a physician, the aggregate cost of which shall not exceed \$10,000; and also at the expense of the tribe, five dwelling-houses for the chiefs, to cost in all not more than \$5,000.

As soon as practicable after such selection of a reservation as it may, in the discretion of the Secretary of the Interior, be deemed advisable for the Indians to remove thereto, regard being had to the proper season of the year for such removal, notice shall be given to their agent, directing such removal; and whenever such time shall be fixed, public notice thereof shall be given in three leading newspapers of Kansas, and thereafter the land ceded to the United States by the first article of this treaty shall be open to entry and settlement, under the provisions of the fourth article.

ARTICLE VIII.

No part of the invested funds of the tribe, or of any moneys which may be due to them under the provisions of previous treaties, nor of any moneys provided to be paid to them by this treaty, shall be used in payment of any claims against the tribe accruing previous to the ratification of this treaty, unless herein expressly provided for.

ARTICLE IX.

In order to promote the civilization of the tribe, one section of land, convenient to the residence of the agent, shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual labor school; and there shall also be set apart, from the money to be paid to the tribe under this treaty, the sum of \$10,000 for the erection of the necessary school buildings and dwelling for teacher, and the further sum of \$5,000, if the chiefs shall so request; and the annual amount of \$5,000 shall be set apart from the income of their funds, after the erection of such school buildings, for the support of the school; and after the settlement of the tribe upon their new reservation, the sum of \$10,000 of the income of their funds may be annually used,

with the consent of the chiefs, under the direction of the Secretary of the Interior, for agricultural implements and assistance, purchase of stock, and otherwise in encouraging and assisting such of the tribe as will *turn* [turn] their attention to agriculture, and in support of their national government, for which last mentioned purpose the sum of \$500 shall be annually paid to each of the five chiefs, \$200 to each of ten councillors, \$200 to their marshal, and the remaining \$300 be subject to the disposal of the chiefs.

ARTICLE X.

The United States agree to pay annually, for five years after the removal of the tribe, the sum of \$1,500 for the support of a physician and purchase of medicines, and also the sum of \$350 annually for the same time, in order that the tribe may provide itself with tobacco and salt.

ARTICLE XI.

In consideration of certain improvements made by John Goodell upon the lands of the nation within their present reservation, and of his services as their interpreter, he shall be allowed to select therefrom a half section of land; and it is further provided that of said land, Sarah A. Whistler and Pash-e-ca-cah, or Amelia Mitchell, shall each be allowed to select a half section of land, the latter selection to include the house in which she lives; and Julia A. Goodell one quarter section, besides the land, not exceeding eight acres, upon which her house and improvements are situated; and Mary A. Means one quarter section, to includ[e] the improvements occupied by her; and there shall also be allowed to Antoine Gokey and William Avery, each, 160 acres; to Leo Whistler and Gertrude Whistler, each, 320 acres; and to James Thorpe, Virginia Thorpe, and Cassandra Thorpe, Thomas J. Miles, and Hattie Miles, each, 80 acres, to be selected from unimproved lands: *Provided*, That they may select from lands upon which improvements exist, by paying the appraised value of such improvements; but no selection shall include the agency, mission, or mill buildings; and upon the approval by the Secretary of the Interior of such selections, patents in fee simple shall be issued to the respective parties, their heirs or assigns.

ARTICLE XII.

In consideration of the faithful services of Samuel Black in protecting their houses and timber from trespass and depredation, there shall be patented to him in fee simple the tract of land upon which he lives, being the west half of the northwest quarter section four, town[ship] seventeen, range sixteen.

ARTICLE XIII.

Thomas C. Stevens and Company, licensed traders, having erected valuable building at the agency, it is agreed that they may have a patent for the land, not exceeding eight acres, upon which such improvements are built, and not to include any other improvements, on the payment of \$2 50 per acre.

ARTICLE XIV.

The Sacs and Foxes, parties to this treaty, agree that the Sacs and Foxes of Missouri, if they shall so elect, with the approval of the Secretary of the Interior, may unite with them and become a part of their people, upon their contributing to the common fund such a portion of their funds as will place them on an equal footing in regard to annuities.

ARTICLE XV.

The claims of the Sacs and Foxes against the United States for stealing of stock, which have heretofore been adjusted, amounting to \$16,400, shall be paid by the United States, and the amount disbursed and expended for the benefit of the tribe in such objects for their improvement and comfort upon the new reservation as the chiefs, through their agent, shall desire; and whereas the Indians claim that one full payment due under previous treaty has never been made to them, it is agreed that a careful examination of the books of the Commissioner of Indian Affairs shall be made, and if any sum is found to be still due and unpaid, the same shall be paid to them per capita in the same manner as their annuities are paid.

ARTICLE XVI.

The United States will advance to the said tribe of Indians the sum of \$20,000, or so much thereof as may be necessary, to pay the expenses of their subsistence for the first year after their arrival at their new home in the Indian country, and to pay the necessary expenses of removal, and furnish necessary rations for the journey during such removal; said removal to be made under direction of the superintendent or agent, or other person specially designated by the Secretary of the Interior; the moneys thus expended to be deducted from the whole amount provided to be paid for their lands herein ceded.

ARTICLE XVII.

It is hereby provided that the half-breeds and full-bloods of the tribe, who were entitled to selections of land under the Sac and Fox treaty, ratified July 9, 1860, and which selections have been approved by the Secretary of the Interior, shall be entitled to patents in fee-simple for the lands heretofore selected, according to the schedule annexed to this treaty: *Provided*, That where such selections have been made and the allottees have sold their lands for a valuable consideration and have since died, the Secretary of the Interior shall, upon full proof being made, cause patents to issue to the purchasers or their assigns.

ARTICLE XVIII.

All sales hereafter made by or on behalf of persons to whom lands are assigned in this treaty shall receive the approval of the Secretary of the Interior before taking effect in conveying title to lands so sold.

ARTICLE XIX.

The United States agree to pay the expenses of negotiating this treaty, not to exceed the sum of fifteen hundred dollars.

ARTICLE XX.

The stipulations of all former treaties now in force, and not inconsistent with the provisions of this treaty, shall remain in full force; and all treaties or parts of treaties heretofore made which conflict with the provisions of this treaty are hereby abrogated.

In testimony whereof, the parties hereinbefore named have hereunto set their hands and seals the day and year first above mentioned.

LEWIS V. BOGY, [SEAL.]
Commissioner of Indian Affairs.
 W. H. WATSON, [SEAL.]
Special Commissioner.
 THOS. MURPHY, [SEAL.]
Superintendent of Indian Affairs.
 HENRY W. MARTIN, [SEAL.]
United States Indian Agent.
 KEOKUK, his x mark. [SEAL.]
 CHEKUSKUK, his x mark. [SEAL.]
 UC-QUAW-HO-KO, his x mark. [SEAL.]
 MUT-TUT-TAH, his x mark. [SEAL.]
 MAN-AH-TO-WAH, his x mark. [SEAL.]

In presence of—

ANTOINE GOKEY, his x mark,
United States Interpreter.
 CHARLES E. MIX.
 THOS. E. MCGRAW.
 WM. WHISTHER.
 C. H. NORRIS.
 VITAL JARROT.
 G. P. BEAUVAIS.
 H. W. FARNSWORTH.

List of Sac and Fox lands selected for individuals referred to in Article XVII of the above treaty, selected by Perry Fuller, agent.

Names of persons.	Description of land.	Sec[.tion.]	Town[ship.]	Range.
Alvira Connolly	S. $\frac{1}{2}$ NW. $\frac{1}{4}$	5	17	18
Do	SW. $\frac{1}{4}$	5	17	18
Do	N. $\frac{1}{2}$ NW. $\frac{1}{4}$	8	17	18
Alexander Connolly	E. $\frac{1}{2}$	4	17	18
Cordelia Connolly	E. $\frac{1}{2}$	35	16	17
Isaac Goodell	W. $\frac{1}{2}$	3	17	18
Kish-Kah-Iwah	S. $\frac{1}{2}$	16	17	18
Mary I. Thorp	E. $\frac{1}{2}$	12	17	17
Hiram P. Thorp	E. $\frac{1}{2}$	1	17	17
Francis A. Thorp	W. $\frac{1}{2}$	6	17	18
Amelia McPherson	W. $\frac{1}{2}$	1	17	17
Sarah A. Whistler	SW. $\frac{1}{4}$	34	17	18
Do	SW. $\frac{1}{4}$ SW. $\frac{1}{4}$	35	17	18
Do	W. $\frac{1}{2}$ NW. $\frac{1}{4}$	2	17	18
Do	NW. $\frac{1}{4}$ SW. $\frac{1}{4}$	2	17	18
Julia A. Goodell	N. $\frac{1}{2}$	21	17	18
Susan J. Goodell	E. $\frac{1}{2}$	3	17	18
John Goodell, jr.	E. $\frac{1}{2}$	17	17	18
Jane Goodell	NE. $\frac{1}{4}$	10	17	18
Do	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Do	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	10	17	18
Do	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	11	17	18

List of Sac and Fox lands selected for individuals, &c.—Continued.

Name of persons.	Description of land.	Section.]	Town[ship.]	Range.
Mary A. Byington	E. $\frac{1}{2}$ NE. $\frac{1}{2}$	9	17	18
Do.....	E. $\frac{1}{2}$ SE. $\frac{1}{2}$	9	17	18
Do.....	W. $\frac{1}{2}$ SW. $\frac{1}{2}$	10	17	18
Do.....	SW. $\frac{1}{2}$ NW. $\frac{1}{2}$	10	17	18
Do.....	NE. $\frac{1}{2}$ NE. $\frac{1}{2}$	16	17	18
Margaret Miles	W. $\frac{1}{2}$	4	17	18
Thomas J. Connolly	SW. $\frac{1}{2}$ SE. $\frac{1}{2}$	9	17	18
Do.....	SE. $\frac{1}{2}$ NE. $\frac{1}{2}$	16	17	18
Do.....	W. $\frac{1}{2}$ NE. $\frac{1}{2}$	16	17	18
Do.....	NW. $\frac{1}{2}$	16	17	18
Charles T. Connolly	E. $\frac{1}{2}$ NW. $\frac{1}{2}$	9	17	18
Do.....	W. $\frac{1}{2}$ NE. $\frac{1}{2}$	9	17	18
Do.....	NW. $\frac{1}{2}$ SE. $\frac{1}{2}$	9	17	18
Do.....	SE. $\frac{1}{2}$ SW. $\frac{1}{2}$	9	17	18
Do.....	S. $\frac{1}{2}$ SW. $\frac{1}{2}$	9	17	18

The following were selected by C. C. Hutchinson:

Names of persons.	Description.	Section.]	Town[ship.]	Range.
Kaw-Ko!-we-nah	E. $\frac{1}{2}$	2	17	18
George Powers	NE. $\frac{1}{2}$	8	17	18
Do.....	S. $\frac{1}{2}$ NW. $\frac{1}{2}$	8	17	18
Do.....	N. $\frac{1}{2}$ SW. $\frac{1}{2}$	8	17	18
Joseph Gokey.....	W. $\frac{1}{2}$ SE. $\frac{1}{2}$	21	17	18
Do.....	N. $\frac{1}{2}$ NW. $\frac{1}{2}$	28	17	18
Do.....	SW. $\frac{1}{2}$ NW. $\frac{1}{2}$	28	17	18
Do.....	NW. $\frac{1}{2}$ NE. $\frac{1}{2}$	28	17	18
Do.....	W. $\frac{1}{2}$ SE. $\frac{1}{2}$	29	17	18
Met-tach-ah-pack-o-tah.....	E. $\frac{1}{2}$	7	17	18
Mack o-tah-o-quit.....	W. $\frac{1}{2}$	7	17	18

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-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 25, 1868.

Resolved (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of articles of agreement made and concluded the 18th day of February, 1867, between the United States and the Sac and Fox tribes of Indians, with the following amendments:

Article 3. After the words "the interest thereon" insert: out of the proceeds of the sale of lands ceded in this treaty.

Article 4. Strike out the following words: "And the legal rights of railroad corporations shall be conceded thereon, the same as on other public lands."

Article 5. Strike out the words: "and the legal rights of railroad corporations shall accrue thereon."

Same article. Strike out the words: "and the scrip referred to in the third article of this treaty shall be received in payment for any of the lands herein ceded to the United States, and not granted to any railroad corporation, at any time after the removal of the Indians, as provided in the seventh article hereof;" and insert in lieu thereof the following words: *Provided*, That such lands shall be subject to sale, in tracts of not exceeding 160 acres to any one person, and at a price not less than \$1 50 per acre.

Strike out all of article 9, and insert in lieu thereof as follows:

In order to promote the civilization of the tribe, one section of land convenient to the residence of the agent shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual labor school; and there shall also be set apart, from the money to be paid to the tribe under this treaty, the sum of \$10,000 for the erection of the necessary school buildings and dwelling for teacher, and the annual amount of \$5,000 shall be set apart from the income of their funds after the erection of such school buildings, for the support of the school; and after settlement of the tribe upon their new reservation, the sum of \$5,000 of the income of their funds may be annually used, under the direction of the chiefs, in the support of their national government, out of which last mentioned amount the sum of \$500 shall be annually paid to each of the chiefs.

Article 11. After the words "Thomas J. Miles," strike out the word "and."

Same article. After the words "Hattie Miles," insert the words: Ema-Ke-o-kuck, Hannie Ke-o-kuck, Mo-Co-P-quah.

Same article. After the words "each 80 acres," insert the words: Man-a-tah, Pah-me-che-kaw-paw, Henry Jones, Wilson McKinney, and Carrie C. Capper, each 160 acres.

Same article. After the words "unimproved lands," insert the following words:

Provided, That the parties herein named shall pay to the Secretary of the Interior, within three months after the ratification of this treaty, the sum of \$1 per acre for said lands, the avails of which shall be used for the benefit of the Sacs and Foxes in the same manner as the other funds arising from the sales of their lands: *Provided also*, That George Powers, the present government interpreter, for valuable services rendered and uniform kindness towards the nation, shall have patented to him, in fee simple, 320 acres of land, to be located by the agent: *Provided also*.

Same article. After the word "selections," insert the following words: And on payment therefor as hereinbefore provided.

Article 13. Strike out the words "Thomas C. Stevens and company," and insert in lieu thereof the words: John K. Rankin.

Same article. After the words "agreed that," strike out the word "they."

Article 16. Strike out the words "or other persons specially," and insert in lieu thereof the words, to be.

Article 17. Strike out the words "and have since died," and insert in lieu thereof the words: not less than \$1 25 per acre.

At the end of article 19, add the following words: not to exceed the sum of \$1,500.

Strike out all of article 20, and insert in lieu thereof the following words:

The chiefs and headmen of the Sacs and Foxes having permitted their employés to cultivate farms, which, together with the farms of Ke-o-kuck and other chiefs, are embraced within an area two miles by four, and the said Sacs and Foxes believing that the lands comprising the said area having been made valuable by reason of said occupancy, and in order that they may receive a fair compensation for said area of land, bounded and described as follows, except as heretofore specially excepted, and the mill and mission building, to wit: commencing at the northwest corner of section 23, township 16, range 17, thence east two and a quarter miles to the reservation line; thence south along said line four miles; thence west two and a fourth miles to the southwest corner of section 16, township 17, range 17; thence north along the section line to the place of beginning, are hereby withdrawn from sale, as is provided for the sale of their lands in this treaty, and the said area of land, as above described, shall be sold by the chiefs and agent for the tribe at the best price obtainable; and they are hereby empowered to make warrantee deeds for the same, subject to the approval of the Secretary of the Interior, at not less than \$2 per acre in addition to the appraised value of the improvements. The avails of said lands shall be expended by the agent, under the direction of the chiefs, for the benefit of the nation.

Insert the following as an additional article, to wit:

Article 21. The Sacs and Foxes of the Mississippi, parties to this agreement, being anxious that all the members of their tribe shall participate in the advantages to be derived from the investment of their national funds, sales of lands, &c., it is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have such members of the tribe as may be absent notified of this agreement and its advantages, and to induce them to come in and permanently unite with their brethren; and that no part of the funds arising from or due the nation under this or previous treaty stipulations shall be paid to any bands or parts of bands who do not permanently reside on the reservation set apart to them by the government in the Indian Territory, as provided in this treaty, except those residing in the State of Iowa; and it is further agreed that all money accruing from this or former tribes, [treaties,] now due or to become due said nation, shall be paid them on their reservation in Kansas; and after their removal, as provided in this treaty, payments shall be made at their agency, on their lands as then located.

Attest:

GEO. C. GORHAM, *Secretary,*
By W. J. McDONALD, *Chief Clerk.*

And whereas, the foregoing amendments having been fully explained and interpreted to the chiefs of the said tribe of Sac and Fox Indians of the Mississippi, whose names are subscribed to the writing hereto following, they did, on the second day of September, one thousand eight hundred and sixty-eight, give their free and voluntary assent to the said amendments in the words and figures following, to wit:

Whereas the Senate of the United States did, on the twenty-fifth day of July, eighteen hundred and sixty-eight, advise and consent to the ratification of articles of agreement made and concluded the eighteenth

day of February, 1867, between the United States and the Sac and Fox tribes of Indians, with the following

AMENDMENTS.

Article 3. After the words "the interest thereon" insert: out of the proceeds of the sale of lands ceded in this treaty.

Article 4. Strike out the following words: "and the legal rights of railroad corporations shall be conceded thereon, the same as on other public lands."

Article 5. Strike out the words, "and the legal rights of railroad corporations shall accrue thereon."

Same article. Strike out the words: "and the scrip referred to in the third article of this treaty shall be received in payment for any of the lands herein ceded to the United States and not granted to any railroad corporation, at any time after the removal of the Indians, as provided in the seventh article hereof;" and insert in lieu thereof the following words:

Provided, That such lands shall be subject to sale in tracts of not exceeding 160 acres to any one person, and at a price not less than \$1 50 per acre.

Strike out all of article 9, and insert in lieu thereof as follows:

In order to promote the civilization of the tribe, one section of land, convenient to the residence of the agent, shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual-labor school, and there shall also be set apart from the money to be paid to the tribe under this treaty the sum of \$10,000 for the erection of the necessary school buildings and dwelling for teacher, and the annual amount of \$5,000 shall be set apart from the income of their funds, after the erection of such school buildings, for the support of the school; and after settlement of the tribe upon their new reservation the sum of \$5,000 of the income of their funds may be annually used, under the direction of the chiefs, in the support of their national government, out of which last mentioned amount the sum of \$500 shall be annually paid to each of the chiefs.

Article 11. After the words "Thomas J. Miles" strike out the word "and."

Same article. After the words "Hattie Miles" insert the words: Emma Ke-o-kuk, Hannie Ke-o-kuk, Mo-Co-P-quah.

Same article. After the words "each eighty acres" insert the words: Man-a-tah, Pah-me-che-kaw-paw, Henry Jones, Wilson McKinney, and Carrie C. Capper, each one hundred and sixty acres.

Same article. After the words "unimproved lands" insert the following words:

Provided, That the parties herein named shall pay to the Secretary of the Interior within three months after the ratification of this treaty the sum of one dollar per acre for said lands, the avails of which shall be used for the benefit of the Sacs and Foxes in the same manner as the other funds arising from the sales of their lands: *Provided also*, That George Powers, the present government interpreter, for valuable services rendered and uniform kindness towards the nation, shall have patented to him, in fee simple, three hundred and twenty acres of land, to be located by the agent: *Provided also*.

Same article. After the word "selections" insert the following words: and on payment therefor as hereinbefore provided.

Article 13. Strike out the words "Thomas C. Stephens and Company," and insert in lieu thereof the words: John K. Rankin.

Same article. After the words "agree that" strike out the word "they."

Article 16. Strike out the words "or other persons specially," and insert in lieu thereof the words: to be.

Article 17. Strike out the words "and have since died;" and insert in lieu thereof the words: not less than \$1 25 per acre.

At the end of article 19 add the following words: not to exceed the sum of fifteen hundred dollars.

Strike out all of article 20, and insert in lieu thereof the following words:

The chiefs and headmen of the Sacs and Foxes having permitted their employés to cultivate farms, which, together with the farms of Ke-o-kuck and other chiefs, are embraced within an area two miles by four; and the said Sacs and Foxes believing that the lands comprising the said area having been made valuable by reason of said occupancy, and in order that they may receive a fair compensation for said area of land, bounded and described as follows, except as heretofore specially excepted, and the mill and mission building—to wit: commencing at the northwest corner of section 33, township 16, range 17; thence east two and a quarter ($2\frac{1}{4}$) miles to the reservation line; thence south along said line four miles; thence west two and a fourth ($2\frac{1}{4}$) miles to the southwest corner of section 16, township 17, range 17; thence north along the section line to the place of beginning—are hereby withdrawn from sale, as is provided for the sale of their lands in this treaty, and that the said area of land, as above described, shall be sold by the chiefs and agent for the tribe at the best price obtainable; and they are hereby empowered to make warrantee deeds for the same, subject to the approval of the Secretary of the Interior, at not less than \$2 per acre in addition to the appraised value of the improvements. The avails of said lands shall be expended by the agent under the direction of the chiefs for the benefit of the nation.

Insert the following as an additional article, to wit:

Article 21. The Sacs and Foxes of the Mississippi, parties to this agreement, being anxious that all the members of their tribe shall participate in the advantages to be derived from the investment of their national funds, sales of lands, and so forth, it is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted, to have such members of the tribe as may be absent notified of this agreement and its advantages, and to induce them to come in and permanently unite with their brethren, and that no part of the funds arising from or due the nation under this or previous treaty stipulations shall be paid to any bands or parts of bands who do not permanently reside on the reservation set apart to them by the government in the Indian territory, as provided in this treaty, except those residing in the State of Iowa; and it is further agreed, that all money accruing from this or former tribes, [treaties,] now due or to become due said nation, shall be paid them on their reservation in Kansas; and after their removal, as provided in this treaty, payments shall be made at their agency on their lands as then located.

Now, therefore, we the undersigned, chiefs of the said tribe of Sac and Fox Indians of the Mississippi, having had the said amendments read, interpreted, and explained to us, and the same having been fully understood by us, do hereby assent and agree to the same.

Witness our hands and seals this 2d day of September, A. D. 1868.

KEOKUK,	his × mark.	[SEAL.]
CHE-KO-SKUK,	his × mark.	[SEAL.]
UC-QUAW-HO-KO,	his × mark.	[SEAL.]
PAH-TECK-QUAW,	his × mark.	[SEAL.]
MUT-TUT-TAH,	his × mark.	[SEAL.]
MAN-AH-TO-WAH,	his × mark.	[SEAL.]
WAW-COM-MO,	his × mark.	[SEAL.]

For the Sacs and Foxes of the Mississippi.

Signed in presence of—

ALBERT WILEY, *U. S. Indian Agent.*

GEORGE POWERS, *U. S. Interpreter.*

JAMES H. EMBRY, *Special Agent.*

WARNER CRAIG.

JOHN K. RANKIN.

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-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty, with the amendments, as aforesaid.

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

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

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD, *Secretary of State.*

Estimate of appropriation required for fulfilling treaty stipulations with the Sac and Fox Indians of the Mississippi, under treaty of February 18, 1867, for the fiscal year ending June 30, 1870.

For amount necessary to pay to the Sac and Fox Indians, parties to this treaty, at the rate of \$1 per acre for 147,393 32-100 acres of land, (being the residue of 157,000 acres ceded to the United States, after deducting the amount of land set apart for individuals,) per 3d article treaty February 18, 1867.....	\$147,393 32
For erection of a dwelling-house for the agent of said tribe, a house and shop for a blacksmith, and dwelling-house for a physician, per 7th article treaty February 18, 1867.....	10,000 00
For first of five instalments for the support of a physician and purchase of medicines, per 10th article treaty February 18, 1867.....	1,500 00
For first of five instalments for supplying said tribe with tobacco and salt, per 10th article treaty February 18, 1867.....	350 00
To pay the claim of the Sacs and Foxes against the United States for stealing of stock, per 15th article treaty February 18, 1867.....	16,400 00
For amount necessary to pay the expenses of negotiating this treaty, per 19th article treaty February 18, 1867....	1,500 00
	177,143 00