

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

---

3-21-1870

**Treaty with Shawnees, etc. (To accompany House resolution no. 205.) Letter from the Commissioner of the Land Office relative to the Treaty of February 23, 1867, with the Shawnees, Quapaws, and other 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. Misc. Doc. No. 93, 41st Cong., 2nd Sess. (1870)

This House Miscellaneous 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](mailto:Law-LibraryDigitalCommons@ou.edu).

TREATY WITH SHAWNEES, ETC.

[To accompany House resolution No. 205.]

---

LETTER

FROM THE

COMMISSIONER OF THE LAND OFFICE

RELATIVE TO

*The treaty of February 23, 1867, with the Shawnees, Quapaws, and other Indians*

---

MARCH 21, 1870.—Referred to the Committee on Indian Affairs and ordered to be printed.

---

DEPARTMENT OF THE INTERIOR,  
*General Land Office, March 10, 1870.*

SIR: I have had the honor to receive, by reference from you, the letter, dated 26th ultimo, of Samuel Vanatti, esq., Baxter Springs, Kansas, relative to the strip of Quapaw Indian lands in the southeastern part of Kansas, and to settlement thereon.

In reply, I respectfully call your attention to the fourth article of the treaty of February 23, 1867, (Stat., vol. 15, p. 514,) which, after citing the lands ceded by the Quapaws, stipulates that the United States will pay the Quapaws for the half mile strip lying in Kansas at the rate of \$1 25 per acre, and for the other tracts described in the article \$1 15 per acre, whenever the area shall be ascertained by survey, "said survey to be made at the cost of the tribe to which said tract is herein provided to be sold; and the land in Kansas herein ceded shall be open to entry and settlement, the same as other public lands, within sixty days after the completion of the survey thereof."

By amendment of said article, (page 526,) the following words are struck out: "And the lands in Kansas herein ceded shall be open to entry and settlement the same as other public lands within sixty days after the completion of the surveys thereof;" and the following inserted: "Under the pre-emption laws of the United States; but all such pre-emption shall be paid in the money of the United States at the proper land office within one year from the date of entry and settlement."

With this amendment that part of the article disposing of the lands reads as follows: "Said survey to be made at the cost of the tribe to which said tract is herein provided to be sold under the pre-emption laws of the United States, but all such pre-emption shall be paid in the money of the United States at the proper land office within one year from the date of entry and settlement." Thus the lands in Kansas ceded

by the Quapaws, and paid for at \$1 25 per acre, are left without a provision as to the manner of their disposal by the United States, while those in the Indian country, purchased at \$1 15 per acre, and sold, the twenty-second article, to the Peorias, &c., are required to be taken by said Indians *under the pre-emption laws of the United States*.

The purpose of the amendment was evidently defeated by striking from the original the words "and the lands in Kansas herein ceded shall be open to entry." Had these words been allowed to remain, the amendment would have been complete and intelligible, but as the treaty now stands you will readily perceive its incongruity, and the impossibility for this office to open the lands to settlement, as was evidently intended without further legislation.

Returning Mr. Vanatti's letter, I am, sir, very respectfully, your obedient servant,

JOS. S. WILSON,  
*Commissioner.*

Hon. SIDNEY CLARKE,  
*House of Representatives.*