TREATY

BETWEEN

THE UNITED STATES

AND THE

SWAN CREEK AND BLACK RIVER CHIPPEWAS,

AND THE

MUNSEE OR CHRISTIAN INDIANS.

MADE JULY 16, 1859.

RATIFIED JULY 9, 1860.



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

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

Whereas a treaty was made and concluded at the Sac and Fox Agency on the sixteenth day of July, one thousand eight hundred and fifty-nine, by David Crawford, commissioner on the part of the United States, and certain delegates hereinafter named representing the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians, which treaty is in the following words, to wit:

Articles of agreement and convention made and concluded at the Sac and Fox agency, on this sixteenth day of July, one thousand eight hundred and fiftynine, by David Crawford, commissioner on the part of the United States, and the following named delegates representing the Swan Creek and Black River Chippewas and the Munsee or Christian Indians, they being duly authorized thereto by said Indians, viz: Esh-ton-quit, or Francis McCoonse, Edward McCoonse, William Turner, Antwine Gokey, Henry Donohoe, Ignatius Caleb, and John Williams.

of eight thousand three hundred and cultural pursuits, and, with a view to

Whereas the Swan Creek and Black band of Indians by the 6th article of River band of Chippewas, of Kansas the treaty of November 17, 1807; and Territory, who were parties to the in view of the fact that a part of the treaty of May 9, 1836, claim to be en- aforesaid band, who now reside in the titled to participate in the beneficial Territory of Kansas, have not received provisions of the subsequent treaty of their full proportion of the benefits de-August 2, 1855, under a misapprehen- signed to have been conferred upon sion of the terms and conditions of said them by the provisions of the second instrument, the provisions of which article of the treaty of May 9, 1836, it were only designed to embrace the is understood to be the intention of the Chippewas of Saginaw and that portion United States, in the execution of these of the Chippewas of Swan creek and articles of agreement and convention, Black river who were then residing in to manifest their liberality and disposi-Michigan; and whereas a reservation tion to encourage said Indians in agritwenty acres, or thirteen sections of remove from their minds all erroneous land, was set apart in Kansas Territory impressions respecting the non-fulfilfor the use of the Swan Creek and ment of the stipulations of former Black River band of Chippewas, in con- treaties, a liberal provision will be sideration of the cession and relinquish- made for their benefit as hereinafter exment of certain lands in the State of pressed. It is further understood to be Michigan which were reserved for said the intention of this instrument to unite

Indians," approved June 8, 1858.

that the reservation of eight thousand which may be assigned to the members three hundred and twenty acres, or of said united bands, shall be in as thirteen sections of land, in Franklin regular and compact a body as possible, county, Kansas Territory, set apart for and so as to admit of a distinct and the entire band of Swan Creek and well-defined exterior boundary, em-Black River Chippewas, shall enure to bracing the whole of them, and also any the benefit of that portion of said band intermediate portions or parcels of land States shall cause said reservation to be of the tracts assigned in severalty.

the Munsee or Christian Indians with same, to be determined by the Secretary the aforesaid band of Chippewas, in of the Interior, upon an investigation order to provide them with a suitable of the facts in the case. At a suitable and permanent home, as contemplated point within said reservation there by the act of Congress entitled "An shall be set apart for the establishment act to confirm the sale of the reserva- of a manual labor school and education held by the Christian Indians, and tional and missionary purposes a quarto provide a permanent home for said ter section of land, or one hundred and sixty acres; and the land so ARTICLE I. The United States agree set apart, together with the tracts now residing thereon, and the United or water not included in or made part surveyed into sections, half, quarter, Any such intermediate parcels of land and quarter quarter sections, in har- and water shall be held by said united mony with the public land system. For bands in common; but in case of inthe purpose of securing a permanent crease in the bands of said Indians, or home thereon for the band of Munsee other cause rendering it necessary or or Christian Indians who have express- expedient, the said intermediate pared a desire to unite with said band of cels of land shall be subject to distribu-Chippewas, it is agreed between the tion and assignment in severalty, in contracting parties to this instrument such manner as the Secretary of the that the aforesaid bands of Indians are Interior shall prescribe and direct. The hereby united for their mutual advan- whole of the lands assigned or unastage as herein indicated. And within signed in severalty embraced within said reservation there shall be assigned, said exterior boundary to include in the in severalty, to the members of said aggregate not exceeding seven sections, united bands, not exceeding forty acres or four thousand eight hundred and of land to each head of a family, and eighty acres of land, shall constitute not exceeding forty acres to each child and be known as the Chippewa and or other member of said family; forty Christian Indian reservation, within acres to each orphan child, and eighty and over which all laws passed or which acres to each unmarried person of the may be passed by Congress, regulating age of twenty-one years and upwards, trade and intercourse with the Indian not connected with any family, to in- tribes, shall have full force and effect. clude in each case, so far as practicable, And no white person, except such as a reasonable proportion of timber; and may be in the employ of the United the selections shall be so made as to States, shall be allowed to reside or go respect the present improvements of the upon any portion of said reservation aforesaid Chippewas, so far as the same without the written permission of the can be done consistently with the rights Superintendent of Indian Affairs, or of the Christian Indians; and when it other person who may be intrusted with is found expedient to select lands for the management and control thereof. one Indian, embracing part of the im- The aforesaid division and assignment provements made by another, then, in of lands to the Indians shall be made such case, a reasonable compensation under the direction of the Secretary of shall be made for such improvements the Interior, and when approved by by the Indian to whom they may be as- him shall be final and conclusive. Cersigned by the party entitled to the tificates shall be issued by the Commis-

person or persons to whom they may be with said Indians. assigned, so that the same shall be sedisposition thereof as in his judgment animals, and other necessary aid and may be necessary and expedient.

and assignments hereinbefore specified there shall be expended, under the dishall have been made and approved, rection of the Secretary of the Interior, the residue of the land in the tract set (out of the aggregate sum of forty-three apart for the use of the Swan Creek and thousand four hundred dollars deposited Black River Chippewas, under the pro- in the Treasury of the United States by visions of the fourth article of the treaty A. J. Isacks, to the credit of said Secreof May 9, 1836, which may not be em- tary for the use of the Christian Inbraced by the exterior boundary of the dians,) a sum not exceeding twentyreduced reservation shall be appraised three thousand dollars, and the balance at a reasonable value, and the same of the aforesaid aggregate sum shall be shall be sold at public auction to the mingled with the funds of the aforesaid highest bidder, but no bid shall be re- band of Chippewas, and the moneys so ceived for a sum less than the appraised mingled together shall constitute a joint value, and the proceeds of sale, after fund, subject to the direction and condeducting therefrom the expenses inci- trol of the Secretary of the Interior. dent thereto, shall be regarded as be- Two thousand dollars thereof shall be longing to the aforesaid band of Chip- expended for the benefit of said united pewas. The said band of Indians shall bands of Indians, in providing them dollars out of the funds of the Christian and a blacksmith shop, and necessary Indians, as a consideration for the tracts fixtures, and the residue of said joint of land which shall be assigned to the fund, after deducting therefrom all the members of said band of Indians, and expenses incident to the negotiation of any also the sum of six thousand dollars, this treaty, the survey and assignment

sioner of Indian Affairs for the tracts (to be taken from the Treasury of the so assigned, specifying the names of the United States) in full satisfaction of all individuals to whom they have been claims and demands, legal, equitable, assigned respectively, and that they are or otherwise, which the aforesaid band for the exclusive use and benefit of of Chippewas may have against the themselves, their heirs, and descend- United States under the stipulations ants; and said tracts shall not be alien- and provisions of former treaties, and ated in fee, leased, or otherwise dis- these sums of money, together with the posed of, except to the United States, proceeds of the sales of the lands before or to the members of said bands of In- mentioned, shall be invested in the dians, under such rules and regulations manner hereinafter provided. And to as may be prescribed by the Secretary enable the Secretary of the Interior to of the Interior; and said lands shall be liquidate the allowance of the aforesaid exempt from taxation, levy, sale, or sum of \$6,000, he is authorized, at his forfeiture, until otherwise provided for discretion, to dispose of the stock of the by Congress. Prior to the issue of said State of Missouri, purchased from avails certificates, the Secretary of the Interior of land sold under the treaty of 1836, shall make such rules and regulations and such a sum from interest accruing as he may deem necessary and expe-thereon, and of any balance of annuities dient, respecting the disposition of any now in the treasury of the United of said tracts in case of the death of the States, resulting from other treaties

ARTICLE III. For the purpose of comcured to the families of such deceased fortably establishing the Christian Inpersons; and should any of the Indians dians upon the lands which shall be asto whom tracts shall be assigned aban- signed to them in severalty, by builddon them, the said Secretary may take ing them houses, and furnishing them such action in relation to the proper with agricultural implements, stock facilities for commencing agricultural ARTICLE II. After all the selections pursuits under favorable circumstances, be allowed the sum of three thousand with a school house, church building.

tion of the Secretary of the Interior, ter whatsoever. from time to time, for educational purof Indians in the arts of civilized life.

provisions contained in the several ar- road companies, when the lines of their ticles of this treaty, the aforesaid band roads necessarily pass through the of Swan Creek and Black River Chippe- lands of said Indians, shall have right demands which they may have against sation therefor in money. the United States, under the stipulaany and all claims to participate in the United States. provisions of the subsequent treaty of

of the lands, the concentration of the August 2, 1855, and they receive the Indians thereon, and all other necessary stipulations and provisions contained expenses, shall be invested in safe and in these articles of agreement and conprofitable stocks, yielding an interest of vention, in full satisfaction of the terms not less than five per centum per an- and conditions of all former treaties, num; and said interest, as it becomes and release the United States from the due, shall be applied, under the direc- payment of all claims of every charac-

ARTICLE V. It is agreed that all roads poses, for the support of a blacksmith and highways, laid out by authority of shop, and such other beneficial objects law, shall have right of way through as he may adjudge to be necessary and the lands within the reservation hereinexpedient for the general prosperity before specified, on the same terms as and advancement of the aforesaid bands are provided by law, when roads and highways are made through lands of ARTICLE IV. In consideration of the citizens of the United States; and railwas hereby relinquish all claims and of way on the payment of just compen-

ARTICLE VI. This instrument shall be tions of the treaty of November 17, obligatory on the contracting parties 1807, and the treaty of May 9, 1836; whenever the same shall be ratified by and they hereby abandon and renounce the President and the Senate of the

In testimony whereof, the said David Crawford, commissioner as aforesaid, and the undersigned delegates of the united bands of Swan Creek and Black River Chippewas, and the Munsee or Christian Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

DAVID CRAWFORD, United States Co	mmissioner.	[L. S.]
ESH-TON-QUIT, Or)	[L. S.]
FRANCIS McCOONSE, EDWARD McCOONSE,	his x mark.	[L. S.]
WILLIAM TURNER, ANTWINE GOKEY, HENRY DONOHOE,	his x mark.	L. S. L. S.
IGNATIUS CALEB, JOHN WILLIAMS,	his x mark.	L. S.

Signed and sealed in the presence of-HUGH S. WALKER, Secretary of Kansas Territory. Perry Fuller, U. S. Agent. CYRUS F. CURRIER. Thos. J. Connolly, U. S. Interpreter. 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 nineteenth day of April, one thousand eight hundred and sixty, 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,

April 19, 1860.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the Sac and Fox agency, on the 16th day of July, 1859, by David Crawford, commissioner on the part of the United States, and certain delegates representing the Swan Creek and Black River Chippewas, and the Munsee or Christian 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 its resolution of the nineteenth day of April, eighteen hundred and sixty, accept, ratify and confirm said treaty.

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

Done at the city of Washington, this ninth day of July, in the year of our Lord one thousand eight hundred and sixty, and [L. s.] of the independence of the United States of America the eighty-fifth.

JAMES BUCHANAN.

By the President:

WM. HENRY TRESCOT, Acting Secretary of State.

By the President

of the

United States.

A Proclamation ().

You all and singular to whom these

Presents shall come, Greeting)

Whereas a Treaty was made and concluded, at the Sac and Hoy 4 agency, on the sixteenth day of July, one thousand eight hundred and fifty nine, by David Craw ford, commissioner on the part of the United States, and certain deligates hereinafter named, representing the Swan breek and Black River Chippewas, and the Munsie or Christian Indians, which Freaty is in the following words, to wit.

Inticles of agreement and commotion made.

and concluded at the Surt Poy Agency — on this

Virteenth — day of Inty onew by Land Crawford

bommissioner on the part of the United States and

the following named deligates representing the

Swan breek and Block Rever Schiffeen as and

the Alunce or Christian Indians, they being

a day authorized therete by said Indiano. in;

Chiten-guit, or Transitate Course, Colorand—

Of Course, William Tennes, Antonia Tehry,

Henry Donehoe, Synatias Calet, and John

band of Chippewas of Kansas Territory, who were fractice to the healty of May 9th 183h, claim to be entitled to participate in the beneficial provisions of the subsequent treaty of Angust 2: 1855, under a smisapprehension of the terms and conditions of said instrument, the provisions of which were only designed to embrace the Chippewas of Sagman, and that portion of the Chippewas of Sugman, and that portion of the Chippewas of Sugman, and that protion of the Chippewas of Sugman, and the Black River, who were then wording in Michigan; and whereas a reservation of eight thousand three hundred and twenty acres, or thirteen sections of land,

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was det apart in houses Territory for the use of the Swan breek and Black River band of blippewas, en consideration of the cepron and relinguishment of certain lands in the State of Muchegan, which were reserved for said band of Indiano, by the 6th article of the treaty of November 17th 1807, and in view of the fact that a part of the aforesaid band, who now reside in the Terretory of Kansas , have not received their full proportion of the benefits disigned to have been conferred whom them by the provisions of the 2. article of the treaty of may 9th 1836, it is understood to be the intention of the United States en the execution of these articles of agreement and convention to manifest their liberality and dishosition he incomage said Indians, in agricultural pursueto, and with a view to remove from their minds all erroneous impreprous respecting the nonfulfilment of the stifulations of former treaties a liberal provision will be made for their benefit as hounafter expressed. It is further understood to be the intention of this entument to unite the Munse or Christian Indians with the aforesaid band of Chippewas, in order to provide them with a sentable and permanent home, as contemplated by the act of bongues entitled an act to confum the gale of the Reservation held by

the Christian Indians, and to provide a fermanent.

Ortedo 1. The United States agree that the reservation of eight thousand three hundred and twenty acres or thisteen sections of land in Frankline County, housas Territory, ter apart for the entire band I Swan breek and Black Rever Chippewas, shall enure to the benefit of that portion of sand band now . residing thereon, and the United States shall cause said user ation to be durveyed inte Sections, half, quarter and quarter quarter dections, in harmony with the public land system. For the furtions of securing a permanent home thereon for the band of Alunsee or Christian Indians, who have of preped a descre to undo with said band of Chippewas, it is agreed between the contracting frantico to this instrument, that the aforesaid bands of Indians are hereby sincted for their mutual advantage as herein indicated. And within said reservation thew shall be apigned, in severally, to the members of daid united bands, not exceeding forty acres of land to each head of a family, and not exceeding forly acres to each child or other member of said family, forty acres to each ofthow child, and eighty acres to each unmarried person of the use of twenty one years

and upwards, not connected with any family, to include. in each case to far as practicable, a reasonable proportion of timber, and the selections shall be so made as to respect the present improvements of the aforesaid Chippewas, so for no the same can be done consistently with the rights of the Christian Indiano, and when it is found A fredrent to delect lands for one Indian embracing part of the improvements made by unother, then in duch · case a reasonable comprensation shall be made for such improvements by the Indian to whom they may be apigned, to the party entitled to the same, to be determined by the Secretary of the Interior , whom an investigation of the facts in the case. At a dustable point within faid reservation, there shall be det upart for the establishment of a mornial labor school, and educational and missionary purposes, a quarter section of land or one hundred and sully acres, and the land so set apart legether with the bacts which may be apropred to the members of Said united bands, that be in as regular and compact. a body as possible and so as to admit of a distinct and will defined Estenor boundary embracing the whole of them and also any intermediate postions o parcels of land or water not included in or made part of the trads apagned in severally. Any Luch

such intermediate parcels of land and water shall be. held by soud united lands in common, but in case of increase in the bands of said Indians, or other causes rendering it necessary or Expedient, the Said intermediates parcels of land shall be subject to distribution and abignment in Severally in such manner as the bendary of the Interior that prescribe and duch . The whole of the lands assigned or unapegned in Severally embraced · within said Exterior boundary, to include in the aggregate not exceeding seven sections, or four thousands eight hundred and eighty acres of land, Shall constitute and be known as the Chippewa and Christian Indian reservation, within and over which all laws praped or which may be based by bougres, regulating trade and intercourse with the Indian tribes shall have full force and effect. And no white furson except such as may be in the employ of the United States, shall be allowed to reside or go whom any protion of said reservation without the wretten permission of the Superintendent of Indian affairs or agent or other person who may be intrusted with the management and control thereof. The aforesaid devision and abeginnent of lands to the indiano, shale be made under the direction of the secretary of the Interior and when approved by him shall

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shall be final and conclusive. Cartificates that be isued by the Commissioner of Indian affairs, for the tracts so apigned Specifying the names of the individuals to whom they have been apigned respectively, and that they are for the ischusive use and benefit of themselves, then heurs and descendents; and said hads shall not be aliented in fee, leased or otherwise disposed of; ixcept to the United states or to the members of said · bands of Indiano, under such rules and regulations as may be prescribed by the Secretary of the Interior; and said lands shall be exempt from taxation, leve, sale or forfecture, until otherwise provided for by bongreso. Pour to the open of said certificates the Lecretary of the Interior shall make such rules and acquilations as he may deem necessary and expedient respecting the disposition of any of said tracks in cases of the death of the person or persons to whom they may be a gened, Is that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts that be apigned abandon them, the said Secretary may take such action in relation to the proper disposition Thereof, as in his judgment may be necessary and affections. article 2. after all the delections and apign ments hereinbefore specified, shall have been

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made and approved, the residue of the land in the back . set apart for the use I the Swan breek and Black River Chippewas under the provisions of the 1. article of the tearly of may 9th 1886, which may not be embaced by the Exterior boundary of the reduced reservation, shall be appraised at a reasonable value, and the same thate be sold at public auction to the highest bridger, but no bud shall be received for a sum, lefs than the appraised · value, and the proceeds of sale after deducting therefrom the Expenses incedent thereto, shall be regarded as belonging to the aforesaid band of Chippewas. The said band of Indians shall be allowed the sum of three thousand dollars out of the funds of the Christian Indians, as a consideration for the tracks of land which shall be apagned to the members of said bands of Indians, and also the dum of dix thousand dollars to be laken from the Treasury of the United States) in full fates faction of all danns and demands, legal, equitable, or otherwise, which the aforesaid band of Chiffewas may have against the United States under the difudations and provision of former healies, and these dums of money together with the proceeds of the sales of the lands before mentioned shall be invested in the manner herein after provided, and to inable the Sicretary of the Interior is biquidate the allowance of the aforesaid

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dum of 6 6000, he is authorized, at his discretion, to. dispose of the Stock of the State of Mysouri, funchased from avails of land sold under the heaty of 1836, and Such a sum from interest accounty thereon , and of any balance of annuities now in the Treasury of the United States resulting from other treaties with said Indians. Article 3. For the purhose of comfortably establishing the Christian Indiano whom the lands which shall be assigned to them in severally, by building them houses, and furnishing them with agricultural implements, stock animals, and other necessary and and facilities for commencing agricultural funder favorable circumstances, there dhall be Apended under the direction of the Secretary of the Interior out of the aggregate sum of forty three Thousand four hundred dollars deposited in the Treasury of the United States by a d. Lacko, to the oredit of said Secretary for the use of the Christian ndians) a sum not exceeding liverty three thousands dollars, and the balance of the aforesaid aggregate sum shall be mingled with the funds of the aforesaid band of Chiphewas, and the moneys to mingled together shall constitute a joint fund, Subject to the direction and control of the Secretary of the Interior. Two thousand dollars thereof shall be exprended for the benefit of. Said

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said united bands of Indians, in providing them with a school house, Church building, and Blacksmitto shop and necepary fixtures, and the residue of said joint fund, after deducting therefrom all the expenses incident to the negotiation of this heaty, the survey and apignment of the lands, the concentration of the Indians thereon, and all other necessary Expenses, shall be invested in safe and profitable stocks yielding an interest of not lef than five per centum per annum, and said interest as it becomes due shall be applied, under the duction the Secretary of the Interior, from time to time, for educational purposes, for the support of a Blacksmith shop, and such other beneficial objects as he may adjudge to be necessary and Expedient for the general prosperty and advancement of the aforesaid bands of Indiano in the arts of avilized life.

article is an consideration of the provisions contained in the several articles of this heaty, the aforesaid band of Swan breek and Black River Chippewas, hereby relinquish all claims and demands which they may have against the United States under the Stipulations of the teaty of Movember 17th.

1807 and the treaty of May 9th 1836, and they hereby about and renounce any and all chains a facticipate in the provisions of the

Subsequent heaty of August 2: 1855, and they receive the diffulations and provisions contained in these articles of agreement and convention, in full datisfaction of the terms and conditions of all former treaties, and release the United States from the payment of all chains of every character whatsours

highways, laid out by authority of law shall have highways, laid out by authority of law shall have within the twowation hereinbelow specifieds, on the same terms us are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their reads necessarily base through the lands of said Indiano, shall have right of way, on the foryment of a just compensation therefor in money.

on the contracting parties whenever the same that be ratified by the Randont and the Senate of the

In testimony whereof, the said Gained Commissioned as aforesaid and the undersynd delegates of the united bands of Swan breek and Black River Chiffewas, and the Munice or Charterin Indians, have hereunts set their

hands and seals, at the place and in the day and year hereinbefore written. Vignethealed in The putance of 3 David Counford Hugh S. Walch U. S. Commissione.

Secretary of Estaton quilX or Francische Come

Renry Lenter his

M & Agent Codward X Me Combe Cymo F. Currier, William Jumer the omoly the Saturne X To hay Henry Douchoc I greaters X Calet

John Williams

Und whereas, the said Treaty having been such mitted to the Senate of the Mnifed States for its con-- Stitutional action thereon, the Senate did, on the nineteenth day of capril, one thousand eight hundred and sivly, ad - vise and consent to the ratificication of the same, by a reso-- lution, in the words and figures following, to wit:

Rei 20 ap. Mi Rose.

In Geculive Sepion. Senate of the limited Flater. April 19th. 1860.

Resolved how thirds of the Senates form
sent concerning that the Senate advise and
comment to the each friction of the thelich, of Aque
ment and Convention made and concluded at the
Sac and For Agency, on the 16th. day of July, 1889, by
David Crawford, Commispiner on the part of the
United Hates and certain deligates representing the
Twon Creek and Black River Chippewas, and
the Municipality and Christian Indians.

Allert:

Athung Pakins,

Now, therefore, be it known that J. Pames Buchanan & Tresident of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolu tion of the nineteenth day of Upril, Eighteen hundred and sixty, accept ratify and confirm Said In Testimony whereof, Thave caused the Teal of the United States to be hereto afficied, and have signed the same with my hand. Sond at the City of Washington this ninth day of July, in the year of our Lord, one thousand, eight hun. dred and sixty, and of the Independence of the United States, the eighty-James Sucharan

By the President. Amsterny Truscot. Acting Secretary of State.

[K.]

ARTICLES OF AGREEMENT AND CONVENTION MADE AND CONCLUDED AT THE SAC AND FOX AGENCY, ON THE SIXTEENTH DAY OF JULY, EIGHTEEN HUNDRED AND FIFTY-NINE, BY DAVID CRAWFORD, COMMISSIONER ON THE PART OF THE UNITED STATES AND CERTAIN DELEGATES REPRESENTING THE SWAN CREEK AND BLACK RIVER CHIPPEWAS, AND THE MUNSEE AND CHRISTIAN INDIANS.

JANUARY 24, 1860.—Read the first time, and, on motion by Mr. Sebastian, referred, together with the message of the President and the accompanying documents, to the Committee on Indian Affairs, and ordered to be printed in confidence for the use of the Senate.

Articles of agreement and convention made and concluded at the Sac and Fox agency, on this sixteenth day of July, one thousand eight hundred and fifty-nine, by David Crawford, commissioner on the part of the United States, and the following named delegates representing the Swan Creek and Black River Chippewas and the Munsee or Christian Indians, they being duly authorized thereto by said Indians, viz: Esh-ton-quit, or Francis McCoonse, Edward McCoonse, William Turner, Antwine Gokey, Henry Donohoe, Ignatius Caleb, and John Williams.

Whereas the Swan Creek and Black River band of Chippewas, of Kansas Territory, who were parties to the treaty of May 9, 1836, claim to be entitled to participate in the beneficial provisions of the subsequent treaty of August 2, 1855, under a misapprehension of the terms and conditions of said instrument, the provisions of which were only designed to embrace the Chippewas of Saginaw and that portion of the Chippewas of Swan creek and Black river who were then residing in Michigan; and whereas a reservation of eight thousand three hundred and twenty acres, or thirteen sections of land, was set apart in Kansas Territory for the use of the Swan Creek and Black River band of Chippewas, in consideration of the cession and relinquishment of certain lands in the State of Michigan which were reserved for said band of Indians by the 6th article of the treaty of November 17, 1807; and in view of the fact that a part of the aforesaid band, who now reside in the Territory of Kansas, have not received their full proportion of the benefits designed to have been conferred upon them by the provisions of the 2d article of the treaty of May 9, 1836, it is understood to be the intention of the United States, in the execution of these articles of agreement and convention, to manifest their liberality and disposition to encourage said Indians in agricultural pursuits, and, with a view to remove from their minds all erroneous impressions respecting the non-fulfillment of the stipulations of former treaties, a liberal provision will be made for their benefit as hereinafter expressed. It is further understood to be the intention of this instrument to unite the Munsee or Christian Indians with the aforesaid band of Chippewas, in order to provide them with a suitable and permanent home, as contemplated by the act of Congress entitled "An act to confirm the sale of the reservation held by the Christian Indians, and to provide a permanent home for said Indians," approved June 8, 1858.

ARTICLE I.

The United States agree that the reservation of eight thousand three hundred and twenty acres, or thirteen sections of land, in Franklin county, Kansas Territory, set apart for the entire band of Swan Creek and Black River Chippewas, shall enure to the benefit of that portion of said band now residing thereon, and the United States shall cause said reservation to be surveyed into sections, half, quarter and quarter quarter sections, in harmony with the public land system. For the purpose of securing a permanent home thereon for the band of Munsee or Christian Indians who have expressed a desire to unite with said band of Chippewas, it is agreed between the contracting parties to this instrument that the aforesaid bands of Indians are hereby united for their mutual advantage as herein indicated. And within said reservation there shall be assigned, in severalty, to the members of said united bands, not exceeding forty acres of land to each head of a family, and not exceeding forty acres to each child or other member of said family; forty acres to each orphan child, and eighty acres to each unmarried person of the age of twenty-one years and upwards, not connected with any family, to include in each case, so far as practicable, a reasonable proportion of timber: and the selections shall be so made as to respect the present improvements of the aforesaid Chippewas, so far as the same can be done consistently with the rights of the Christian Indians; and when it is found expedient to select lands for one Indian. embracing part of the improvements made by another, then, in such case, a reasonable compensation shall be made for such improvements by the Indian to whom they may be assigned by the party entitled to the same, to be determined by the Secretary of the Interior, upon an investigation of the facts in the case. At a suitable point within said reservation there shall be set apart for the establishment of a manual labor school and educational and missionary purposes a quarter section of land, or one hundred and sixty acres; and the land so set apart, together with the tracts which may be assigned to the members of said united bands, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and also any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. Any such intermediate parcels of land and water shall be held by said united bands in common; but in case of increase in the bands of said Indians, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in severalty, in such manner as the Secretary of the Interior shall prescribe and direct. The whole of the lands assigned or unassigned in severalty embraced within said

exterior boundary to include in the aggregate not exceeding seven sections, or four thousand eight hundred and eighty acres of land, shall constitute and be known as the Chippewa and Christian Indian reservation, within and over which all laws passed or which may be passed by Congress, regulating trade and intercourse with the Indian tribes, shall have full force and effect. And no white person, except such as may be in the employ of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the Superintendent of Indian Affairs, or agent, or other person who may be intrusted with the management and control thereof. The aforesaid division and assignment of lands to the Indians, shall be made under the direction of the Secretary of the Interior, and when approved by him shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned respectively, and that they are for the exclusive use and benefit of themselves, their heirs, and descendants; and said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to the members of said bands of Indians, under such rules and regulations as may be prescribed by the Secretary of the Interior; and said lands shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided for by Congress. Prior to the issue of said certificates, the Secretary of the Interior shall make such rules and regulations as he may deem necessary and expedient, respecting the disposition of any of said tracts in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tract: shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as in his judgment may be necessary and expedient.

ARTICLE II.

After all the selections and assignments hereinbefore specified shall have been made and approved, the residue of the land in the tract set apart for the use of the Swan Creek and Black River Chippewas, under the provisions of the fourth article of the treaty of May 9, 1836, which may not be embraced by the exterior boundary of the reduced reservation shall be appraised at a reasonable value, and the same shall be sold at public auction to the highest bidder, but no bid shall be received for a sum less than the appraised value, and the proceeds of sale, after deducting therefrom the expenses incident thereto, shall be regarded as belonging to the aforesaid band of Chippewas. The said band of Indians shall be allowed the sum of three thousand dollars out of the funds of the Christian Indians, as a consideration for the tracts of land which shall be assigned to the members of said band of Indians, and also the sum of six thousand dollars (to be taken from the treasury of the United States) in full satisfaction of all claims and demands, legal, equitable, or otherwise, which the aforesaid band of Chippewas may have against the United States under the stipulations and provisions of former treaties, and these sums of money, together with the proceeds of the sales of the lands before mentioned shall be invested in the manner hereinafter provided. And to enable the Secretary of the Interior to liquidate the allowance of the aforesaid sum of \$6,000, he is authorized, at his discretion, to dispose of the stock of the State of Missouri, purchased from avails of land sold under the treaty of 1836, and such a sum from interest accruing thereon, and of any balance of annuities now in the treasury of the United States, resulting from other treaties with said Indians.

ARTICLE III.

For the purpose of comfortably establishing the Christian Indians upon the lands which shall be assigned to them in severalty, by building them houses, and furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, there shall be expended, under the direction of the Secretary of the Interior, (out of the aggregate sum of forty-three thousand four hundred dollars deposited in the treasury of the United States by A. J. Isacks, to the credit of said Secretary for the use of the Christian Indians,) a sum not exceeding twenty-three thousand dollars, and the balance of the aforesaid aggregate sum shall be mingled with the funds of the aforesaid band of Chippewas, and the moneys so mingled together shall constitute a joint fund, subject to the direction and control of the Secretary of the Interior. Two thousand dollars thereof shall be expended for the benefit of said united bands of Indians, in providing them with a school-house, church building, and blacksmith shop, and necessary fixtures, and the residue of said joint fund, after deducting therefrom all the expenses incident to the negotiation of this treaty, the survey and assignment of the lands, the concentration of the Indians thereon, and all other necessary expenses, shall be invested in safe and profitable stocks, yielding an interest of not less than five per centum per annum: and said interest, as it becomes due, shall be applied, under the direction of the Secretary of the Interior, from time to time, for educational purposes, for the support of a blacksmith shop, and such other beneficial objects as he may adjudge to be necessary and expedient for the general prosperity and advancement of the aforesaid bands of Indians in the arts of civilized life.

ARTICLE IV.

In consideration of the provisions contained in the several articles of this treaty, the aforesaid band of Swan Creek and Black River Chippewas hereby relinquish all claims and demands which they may have against the United States, under the stipulations of the treaty of November 17, 1807, and the treaty of May 9, 1836; and they hereby abandon and renounce any and all claims to participate in the provisions of the subsequent treaty of August 2, 1855, and they receive the stipulations and provisions contained in these articles of agreement and convention, in full satisfaction of the terms and conditions of all former treaties, and release the United States from the payment of all claims of every character whatsoever.

ARTICLE V.

It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law, when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of said Indians, shall have right of way on the payment of just compensation therefor in money.

ARTICLE VI.

This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said David Crawford, commissioner as aforesaid, and the undersigned delegates of the united bands of Swan Creek and Black River Chippewas, and the Munsee or Christian Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

derembetore written.	[L. S.]
DAVID CRAWFORD,	
United States Commissioner.	
ESH-TON-QUIT, his x mark.	
Or FRANCIS McCOONSE.	[L. S.]
Or FRANCIS McCOONSE. EDWARD McCOONSE, his x mark.	[L. S.]
WILLIAM TURNER.	L. S.
ANTWINE GOKEY, his x mark.	L. S. L. S.
HENRY DONOHOE.	
IGNATIUS CALEB, his x mark.	[L. S.]
JOHN WILLIAMS.	[L. S.]

Signed and sealed in the presence of—
HUGH S. WALSH,
Secretary of Kansas Territory.
PERRY FULLER,
United States Agent.
CYRUS F. CURRIER.
THOS. J. CONNOLLY,
United States Interpreter.