

TREATY WITH THE WYANDOT INDIANS.

April 1, 1850.

Articles of a Convention concluded in the city of Washington, this first day of April, one thousand eight hundred and fifty, by and between Ardavan S. Loughery, Commissioner especially appointed by the President of the United States, and the undersigned, Head Chief and Deputies of the Wyandot Tribe of Indians, duly authorized and empowered to act for their tribe.

Consent of Senate Sept. 24, 1850.
Proclamation made Sept 30, 1850.

[WHEREAS, the people composing the Wyandot tribe or nation of Indians have manifested an anxious desire to extinguish their *tribal* or *national* character and become citizens of the United States — believing their condition will, thereby, not only be ameliorated, but their welfare and prosperity greatly promoted. They have arrived at this conviction in view of the fact that a new territory will, at no distant period, be organized by the government of the United States, which will embrace within its limits their present lands and possessions, and thus they will again be surrounded by citizens of the United States. After a full consultation with their people, and upon mature reflection, the undersigned, representatives of the Wyandot nation, entertain the belief, that the evil effects always to be apprehended from such a state of things will be avoided by their becoming citizens of the United States, and having the lands and other property accruing under treaty stipulations, now held in *common* by their people, fairly and equally divided among the individual owners, and secured to them in *severalty* :

Preamble.

And, whereas, by the first article of the treaty concluded between the United States and the Wyandot nation or tribe of Indians, on the 17th day of March, one thousand eight hundred and forty-two, the said nation ceded and relinquished to the United States all the lands and possessions owned or claimed by them, within the limits of the States of Ohio and Michigan — in consideration of which cession, the United States, by the second article of the treaty aforesaid, stipulate and agree to “grant to the Wyandot nation a tract of land west of the Mississippi River, to contain one hundred and forty-eight thousand acres, and to be located upon any lands owned by the United States, now set apart, or may in future set apart, for Indian use, and not already assigned to any other tribe or nation.” And in further consideration of the aforesaid cession by the Wyandot nation, the United States, by the third and succeeding articles of said treaty, agree “to pay the Wyandot nation a perpetual annuity of seventeen thousand five hundred dollars (\$17,500) in specie,” beside making other provision for the benefit of said nation, as follows: Blacksmith and assistant, \$750 — iron and steel for shop, \$270 — and for education purposes, \$500 — all of which to be furnished and paid annually. It being expressly stipulated in the 3d article of the treaty before mentioned, that the annuity of seventeen thousand five hundred dollars should include “*all former annuities.*”

And, whereas, the Wyandot tribe of Indians were not put in possession of the one hundred and forty-eight thousand acres of land, as stipulated in the second article of the treaty aforesaid; and they aver that, in consequence of the United States having failed to comply with that stipulation, by not designating and conveying to them a country fit for farming purposes and suited to their wants, they were compelled to purchase a home, of which they were then destitute, from another tribe of Indians. Accordingly, on the fourteenth day of December, one

thousand eight hundred and forty-three, they entered into a contract with the Delaware nation of Indians, by which they purchased of the last-mentioned nation a tract of land containing thirty-six sections, (or twenty-three thousand and forty acres,) and had granted to them, as a donation, three sections, (or nineteen hundred and twenty acres,) in addition, as set forth in the 1st and 2d articles of said contract or treaty, wherein these two tracts or sections of land are described as follows: "Three sections of land, containing six hundred and forty acres each, lying and being situated at the point of the junction of the Missouri and Kansas Rivers"—and the "thirty-six sections of land, each containing 640 acres, situated between the aforesaid Missouri and Kansas Rivers, and adjoining on the west the aforesaid three donated sections, making in all thirty-nine sections of land, bounded as follows, viz.: Commencing at the point at the junction of the aforesaid Missouri and Kansas Rivers, running west along the Kansas River sufficiently far to include the aforesaid thirty-nine sections; thence running north to the Missouri River; thence down the said river with its meanders to the place of beginning; to be surveyed in as near a square form as the rivers and territory ceded will admit of."

1848. res. 19. And, whereas, this said contract or treaty was ratified and confirmed by the United States, by a joint resolution of Congress, approved July 25, 1848; and which contains only the following *proviso*: "That the Wyandot Indian nation shall take no better right or interest in and to said lands than is now vested in the Delaware nation of Indians."

The representatives of the Wyandot nation, therefore, present a claim against the United States for the price of one hundred and forty-eight thousand acres of land granted by the 2d article of the aforesaid treaty of March 17, 1842,—fixing that price at one dollar and twenty-five cents per acre,—and which claim, they conceive, is strengthened, if not rendered valid, by the recognition of their purchase from the Delaware Indians on the part of the United States, as shown by the resolution confirmatory thereof, above cited. And they now ask that the sum of one hundred and eighty-five thousand dollars be allowed and paid to the Wyandot people in commutation of said claim.

And, whereas, the commissioner on behalf of the United States, having carefully and attentively examined the application presented to him on behalf of the Wyandot nation, both in regard to their desire to become citizens of the United States, and of their claim for payment, in money, for the lands granted to them by the treaty of 1842; and having, also, examined the public documents and other proofs having reference to the subject, he is induced to believe, *first*, that the Wyandot people have so far advanced in civilization as to be capable, generally, of managing their own affairs, and are qualified and calculated to become useful citizens, a large portion whereof being already engaged in agricultural pursuits; and, secondly, that they have an equitable claim on the United States for the value of the lands granted to them by the treaty of 1842, aforesaid, but of which lands they were not possessed, in compliance with the stipulations of said treaty. In arriving at this conclusion, however, it is expressly understood, that it is not to be considered as an admission by the United States of either the policy or expediency of commuting lands granted to Indian tribes under treaty stipulations, for money, or in fixing the value of such lands so as to serve as a precedent hereafter. But, under the peculiar circumstances of this case, and especially in view of the Wyandot tribe of Indians agreeing to extinguish their national existence, and become citizens of the United States, thereby relinquishing all claims now held, in their *national* or *collective* capacity, against the United States, the commissioner aforesaid has agreed with the Wyandot chief and deputies, parties hereto, to conclude the following articles, to *wit*:

ARTICLE I.

For and in consideration of the stipulations set forth in the following articles, the Wyandot tribe or nation of Indians hereby cede, relinquish, and forever quit claim to the United States all the right, title, and interest in the lands they now possess and occupy, or have ever possessed and held in common, either as original occupants of the soil, or acquired by virtue of treaty stipulations.

The Wyandots cede and relinquish to the U. S. all the right and title in the lands they now possess or have possessed.

ARTICLE II.

The Wyandot nation aforesaid, in further consideration of the stipulations contained in the following articles, hereby stipulate and agree that their existence, as a nation or tribe, shall terminate and become extinct upon the ratification of this treaty by the President and Senate of the United States, and by the Chiefs and National Council of their nation. And in like manner do they relinquish all claims held by the Wyandot people, in their national or collective capacity, against the United States, either on account of annuities arising out of treaty stipulations, or of any other character or description whatsoever; and that, after the ratification of this treaty in the manner before mentioned, they will have no claim to be recognized by the government of the United States in their *tribal* or *national* capacity, except so far as it may be necessary to carry into effect the several stipulations of this treaty.

They surrender their national existence, and relinquish all claims against the U. S., except such as are necessary to carry this treaty into effect.

ARTICLE III.

In consideration of the foregoing grants and conditions, and for the purpose of gratifying the laudable desire expressed by the Wyandot people to become citizens of the United States, it is hereby stipulated and agreed, that the United States will pay them (the Wyandot people) for the one hundred and forty-eight thousand acres of land, promised to them by the treaty of March 17, 1842, at the rate of one dollar and twenty-five cents per acre, amounting to the sum of one hundred and eighty-five thousand dollars, in the manner following, *to wit*: One hundred thousand dollars shall be invested in United States stock, to bear interest from the ratification of this treaty, at the rate of five per cent. per annum, redeemable at the pleasure of the government of the United States — certificates of which stock shall be issued to the individuals now composing the Wyandot nation, in the manner and form hereinafter prescribed. And for the purpose of enabling the Wyandot Indians (preparatory to their becoming citizens of the United States) to pay and extinguish all their just debts and liabilities, contracted in their *national* or *collective* capacity, either on account of the purchase of their lands from the Delaware nation or otherwise, the balance of eighty-five thousand dollars shall, upon the ratification of this treaty by the Senate, be advanced by the United States, in specie, to the chief and deputies, signers hereto, or upon the draft or drafts drawn by them, or any two of them. And as the said chief and deputies are hereby made accountable for the faithful application of this fund, each and every draft or order they may draw upon it, will explicitly state the nature and character of the claim, and show that the debt or debts were fairly contracted by the properly constituted authorities of the Wyandot nation, and on account of the business of said nation; and after discharging all the national debts and liabilities of their tribe, they will distribute the balance, if any among their people, *per capita*.

The U. States stipulate to pay the Wyandots \$185,000 for the lands promised them, \$100,000 of which is to be vested in government stock, and the balance paid to their chief and deputies in cash.

Disposition to be made of the cash paid to them.

ARTICLE IV.

The U. S. to commute all annuities and claims under the treaty of March 17, 1842, for the sum of \$379,800; which is to be funded with the \$100,000 mentioned in art. 3.

The United States further agree to a commutation of the annuity and other claims of the Wyandot Indians arising out of former treaty stipulations, and which are to be considered as being all embraced in the treaty of March 17, 1842. These annuities and other claims, producing an annual payment to the Wyandot nation of eighteen thousand nine hundred and ninety dollars, are hereby commuted for the sum of three hundred and seventy-nine thousand eight hundred dollars, (\$379,800.) And this sum of three hundred and seventy-nine thousand eight hundred dollars shall be added to the sum of one hundred thousand dollars stipulated to be funded, by the third article of this treaty; and the aggregate amount of four hundred and seventy-nine thousand eight hundred dollars shall constitute a general fund, to be equally divided among the Wyandot people, and certificates of stock to be issued therefor, as mentioned in the preceding article, so that each and every Wyandot citizen shall have an equal share of the common property thus to be divided.

ARTICLE V.

Retrocession of the lands in fee simple to the Wyandots, which they acquired from the Delawares, and the title of which they surrendered to the U. S.

The Wyandot tribe or nation having, by the first article of this treaty, extinguished their *Indian* or *occupant* title to all lands claimed or occupied by them, the United States, for the consideration hereinbefore set forth, do hereby retrocede, convey, and guaranty in *fee simple* to the Wyandot people, all the lands conveyed or intended to be conveyed to them by the Delaware nation, in the treaty or contract entered into on the 14th of December, 1842, and ratified by the President and Congress of the United States, July 25, 1848, as fully shown in the preamble to this treaty; said tract or tracts of land containing thirty-nine sections, or twenty-four thousand nine hundred and sixty acres. And the United States agree to cause an accurate survey of the boundary of these lands to be made as soon after the ratification of this treaty as possible, in accordance with the stipulations contained in the said contract between the Delaware and Wyandot tribes.

ARTICLE VI.

A board of commissioners constituted for the apportionment of the Wyandot lands, and for the taking of a census of the nation.

In order that a fair and equitable partition and apportionment of the Wyandot lands mentioned in the foregoing article may be made, so that they may hereafter be held individually and severally, it is hereby mutually agreed between the contracting parties, that a commissioner on the part of the United States, and three commissioners on the part of the Wyandot people, shall be appointed for that purpose—the latter to be appointed by the chiefs and national council of the Wyandot nation. The duty of the board of commissioners, thus constituted, shall be to take a census of all the individuals belonging to the Wyandot nation, and entitled to personal benefits accruing under this treaty—to make an accurate register of their names, ages, occupations, and general condition. And after these facts are ascertained to the satisfaction of said board of commissioners, then they shall proceed to make a just partition and apportionment of the lands aforesaid among the individuals of the Wyandot nation who, at the ratification of this treaty, reside upon the lands as citizens of said nation, and who are ascertained to be entitled to a share therein, according to the laws, usages, or agreements of said nation.

ARTICLE VII.

It is expressly agreed and understood between the parties to this treaty, that the commissioners aforesaid, in making the partition and division provided for in the preceding article, shall not interfere with the buildings and improvements of individual Wyandots; and in all cases of this kind, such buildings and other improvements shall be embraced within the portion of the land allotted to the person who is properly in possession, and owner of the same, unless, by doing so, palpable injustice will be done to other Wyandot citizens; and in all cases, the quality and location of the land must be taken into consideration in making allotment of quantity to individuals: *Provided, however,* That nothing herein shall be so construed as to authorize the value of the buildings or improvements (being individual property) in estimating the value of the lands.

In the division of lands, buildings and improvements are not to be interfered with.

Proviso.

ARTICLE VIII.

The commissioners agreed upon in the foregoing articles shall be appointed within six months after the ratification of this treaty; notice of which appointment on behalf of the United States shall be previously given to the Wyandot chiefs and council. And after the said commissioners shall have performed the duties hereinbefore assigned to them, they shall make up a full report of their proceedings, setting forth the name of each person to whom they may have apportioned and allotted any part of said lands, with the name and condition of such person; showing who, upon proper proofs, are considered incompetent to take charge of their property, either as orphans, minors, insane persons, or for other causes; and also exhibit the quantity of land assigned to each person, with the metes and bounds of such allotments. And said commissioners shall make an accurate map of the whole survey and proceeding, to accompany their report, showing the partition and division aforesaid. This report and map, when completed, shall be submitted to a convention of the Wyandot people, to be assembled for the purpose, after due notice given by the chiefs and national council; and after having all matters embraced in said report and map fully explained to them, their decision for or against the same shall be taken, in accordance with the usages of the tribe in such cases. If a full majority of those qualified to judge for themselves should declare themselves dissatisfied, it will be the duty of the commissioners to remove the cause of dissatisfaction, if it can be properly done, in order that there shall be no just grounds of complaint. And whenever a majority of the persons interested, whose vote shall be taken as aforesaid, declare in favor of the partition and division made by the commissioners, and said report and proceedings are approved by the chiefs and national councils of the nation, they shall be considered as adopted by the Wyandot people—one copy whereof, with the accompanying map, shall be given to the chiefs and national council, to be hereafter deposited by them in the office of the Secretary of the State or Territory wherein their lands may be situated; and another copy to be transmitted to the Secretary of the Interior at Washington; and whenever the report and proceedings aforesaid are approved by the President of the United States, a patent shall be granted to each individual for his or her portion of said land, in the same manner that patents are issued to other citizens of the United States; and upon the same report, and in like manner, shall certificates of stock, as stipulated for in the 3d and 4th articles, be issued to the individuals thus shown to be entitled thereto, with the reservation and restriction, only, contained in the following article:

Duties and report of commissioners.

Map and report to be submitted to a convention of the Wyandots.

ARTICLE IX.

The right to alienate either lands or stock, for five years after the ratification of this treaty, mutually forbidden.

For the purpose of protecting the Wyandots, made citizens by this treaty, in the lands and other property which they are hereafter to hold in severalty, it is hereby mutually agreed between the commissioner on behalf of the United States, and the chief and deputies of the Wyandot nation, that they shall not possess the right, until after the expiration of five years from the ratification of this treaty, to alienate, by sale or otherwise, either their land or stock herein provided for. And any sale or transfer made of such land or stock, or any portion thereof, before the expiration of five years as aforesaid, shall be considered null and void: *Provided, however,* That if any individual or individuals of the Wyandot people produce satisfactory proof that such sale or transfer can be made, beneficially to themselves, then it may be done under the approval and sanction of the President of the United States.

Proviso.

ARTICLE X.

Persons incompetent to take care of their property to become wards of the U. States.

All persons adjudged to be incompetent to take care of their property, for the reasons and in the manner set forth in the 8th article of this treaty, shall become the wards of the United States; and all property acquired by them under the provisions of this treaty shall be held in trust accordingly, until trustees and guardians can be legally appointed by a court of law possessing competent jurisdiction over the same; and, in the mean time, trustees and guardians shall be designated by the board of commissioners hereinbefore mentioned, who shall in this respect take into consideration and act upon the recommendation of the chiefs and council of the Wyandot nation, and the selections thus made shall be approved by said chiefs and council. Each and every trustee and guardian thus to be designated and appointed over the persons and property of the orphans or others not qualified to manage their own affairs, as before mentioned, shall be required to give bonds with sufficient security to the President of the United States, conditioned for the faithful performance of the trust confided in them, and said bonds be approved by the President before any moneys or other property accruing under this treaty shall be placed in their hands for the education and maintenance of these wards of the United States, or for any other purpose whatsoever on their account.

Trustees and guardians to be appointed for them, who are to give security for the discharge of their duties.

ARTICLE XI.

All former treaties abrogated.

All former treaties between the United States and the Wyandot nation of Indians are abrogated and declared null and void by this treaty — except such provisions as may have been made for the benefit of private individuals of said nation, by grants of reservations of lands, or otherwise, which are considered as *vested* rights, and not to be affected by any thing contained in this treaty.

ARTICLE [XII.] — 2.

Expenses of negotiating this treaty to be paid by the U. States.

All the reasonable expenses attending the negotiation of this treaty, including a reasonable allowance for the expenses of the delegation, signers hereto, in coming to Washington, whilst here on the business connected herewith, and in returning to their nation, shall be defrayed by the United States.

ARTICLE XIII.

To be binding when ratified by

This treaty shall take effect and be binding and obligatory upon the contracting parties as soon as it shall be ratified by the President, by

and with the advice and consent of the Senate of the United States, and by the chiefs and national council of the Wyandot nation.

In testimony whereof, the said commissioner on the part of the United States, and the said head chief and deputies, delegates on the part of the Wyandot tribe or nation of Indians, have hereunto set their hands, at the city of Washington, D. C., this first day of April, in the year of our Lord eighteen hundred and fifty.

ARDAVAN S. LOUGHERY, [L. S.]
United States Commissioner.

F. A. HICK, [L. S.]

GEO. J. CLARK, [L. S.]

JOEL WALKER, [L. S.]

WILLIAM B. WAUGH, *Secretary.*

In presence of—

R. W. Johnson,
James X. MacLanahan,
Geo. F. Wood,
James Myer,
A. M. Mitchell,
Jno. G. Camp,
Richard Fields,
S. C. Stambaugh,
Sam. J. Potts.

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-fourth day of September, one thousand eight hundred and fifty, resolve as follows, viz. :

“*Resolved*, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of a convention concluded in the city of Washington, the 1st day of April, 1850, by and between Ardavan S. Loughery, commissioner especially appointed by the President of the United States, and the undersigned, head chief and deputies of the Wyandot tribe of Indians, duly authorized and empowered to act for their tribe, with the following

the President
and by the chiefs
of the Wyandot
nation.

Signed April
1, 1850.

Amended by
the Senate, Sep-
tember 24, 1850.

AMENDMENT.

Strike out the preamble, and all the other articles of the treaty, except the twelfth, and insert as follows :

Whereas, By the treaty of March 17, 1842, between the United States and the Wyandot nation of Indians, then chiefly residing within the limits of the State of Ohio, the said nation of Indians agreed to sell and transfer, and did thereby sell and transfer, to the United States their reservations of land, one hundred and nine thousand acres of which was in the State of Ohio, and six thousand acres was in the State of Michigan, and to remove to the west of the Mississippi River : *And whereas*, among other stipulations it was agreed that the United States should convey to said Indians a tract of country for their permanent settlement in the Indian territory west of the Mississippi River, to contain one hundred an [and] forty-eight thousand acres of land : *And whereas*, The said Indians never did receive the said one hundred and forty-eight thousand acres of land from the United States, but were forced to purchase lands from the Delaware nation of Indians, which purchase was agreed to and ratified by the United States : Now, in order to settle the claim of the Wyandot tribe of Indians to said land, the United States having appointed A. S. Loughery a commissioner on their part, who, with the undersigned delegates from the Wyandot nation, have agreed to the following treaty :

Preamble.

ARTICLE I.

In consideration that the Wyandots relinquish all claim to certain lands, the U. S. agree to pay to them \$100,000, to be invested in government stocks at five per cent. per annum, and \$85,000 shall be paid to them or on their drafts

The United States, in consideration that the Wyandot nation of Indians shall and do hereby release, relinquish, and give up all claim to the said one hundred and forty-eight thousand acres of land agreed to be assigned and given to them by the treaty of March 17, 1842, hereby stipulate and agree to pay to the said Wyandot tribe of Indians the sum of one hundred and eighty-five thousand dollars, being at and after the rate of one dollar and twenty-five cents per acre, in the manner and form following, to wit: One hundred thousand dollars to be invested in United States stocks, bearing five per cent. interest per annum, which interest shall be paid to them at the time and in the manner in which their present annuities are paid — and for the purpose of enabling the Wyandot Indians to pay and extinguish all their just debts, as well what is now due to the Delawares for the purchase of their lands as to others, the balance of said sum, being the sum of eighty-five thousand dollars, shall be paid to the Wyandot nation, or on their drafts, specifically describing for what the drafts are given.

Article II.

Change article twelve to article two.
Attest —

ASBURY DICKINS, *Secretary.*”