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*The OSAGE TREATY*  
 *of 1865* 

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FROM

*J. Hopkins*

Publisher,

ST. PAUL, KANSAS.



HON. T. F. MORRISON

*The Osage Treaty of 1865*

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*AN ADDRESS*

*By*

HON. T. F. MORRISON

*Of*

*Chanute, Kansas*



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## INTRODUCTION.

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The address given in the following pages was made by the Hon. T. F. Morrison, of Chanute, Kansas, at the dedication of a monument to mark the spot of the signing of the "Osage Treaty of 1865," at Shaw, Kansas, on Sunday, October 4, 1925.

The monument was donated by G. W. Hill & Sons, of Pittsburg, and by Mrs. C. T. Beatty, of Chanute, Kansas, who was Chairman of the Committee of History, Chanute City Federation of Women's Clubs, and is inscribed: "Canville Trading Post, established in 1844. Near this place the treaty was made by the government with the Great and Little Osage Indians, September 29, 1865."

This address is replete with valuable historical information that was obtained by Mr. Morrison by patient search among musty records at the state house at the Capitol at Topeka, Kansas.

Hon. T. F. Morrison is ex-county attorney of Neosho County, Kansas, and has represented his district in the State Legislature.

A. J. HOPKINS, Publisher.

St. Paul, Kansas, December, 1925.

# The Osage Treaty of 1865

This meeting is to dedicate the monument commemorating the treaty made by the United States with the Great and Little Osage Indians, Sept. 29th, 1865, at Canville Trading Post, now Shaw, Neosho County, Kansas.

Canville Trading Post was established in 1844 by A. B. Canville, a French-Canadian, independent Indian trader. He came here from Canada and conducted his trading post at what is now, Shaw, Neosho County, Kansas, from 1844 until the Osages removed to their present home in 1867. He continued to reside in Shaw until 1870, at which time, he and his family removed to Pawhuska, Osage Nation. He married Mary Cipriana, a three-quarter Osage Indian woman.

The Trading Post carried a general stock of supplies and provisions sufficient to supply the needs of the Indians, and goods were sold, traded and exchanged with the Indians for furs and such other commodities the Indians had to trade.

Canville Trading Post was a one story, hewed log house, covered with clap-boards, three rooms each with one door and two windows in each of the rooms which were in size 20 ft. by 20 ft. square. Mrs. A. B. Canville was given her Indian Head-right for the 160 acres of land on which the trading post was located and subsequently sold it to Mr. Hoffman whose children now own said land, Mrs. Edward Johns and Mrs. J. E. Stubblefield.

Mrs. C. T. Beatty, of Chanute, and President of the Historical Committee of the Federated Women's Clubs, is responsible for this meeting. She and G. W. Hill & Sons of Pittsburg, furnished the monument.

Canville Trading Post is the first permanent settlement made by a white man in Neosho County.

Other early trading posts, which were not permanent, as early as 1837, by Edward Choteau, Gerald Paplin and John Mathews.

Rev. Benson Pixley under the auspices of the Presbyterian Missionary Board opened a mission near what is now Shaw, Neosho County, Kansas, in 1824, and another mission was opened by Rev. Nathaniel B. Dodge on the east bank of the Neosho river, near its junction with Four Mile creek,

these missions continued their work among the Indians until 1836, at which time, they were abandoned. The Presbyterians, however, never had schools at their missions while they remained among the Indians, in Neosho County.

These were the first missions ever established in what is now the state of Kansas. Indeed, Neosho County is rich in pioneer history.

Before giving the contents of the treaty, it is well to give briefly the history of the Osage Indians and the part they have played in the advancement of our commonwealth and nation. I shall endeavor to give a few incidents of events that happened in Neosho County and of interest to the present generation, later on in this address.

The first mention of the Osage Indians by white men was made by Father Marquette, the great French missionary and explorer in his story of his trip down the Mississippi river in 1673 as the "Ouchage." The word Osage in the Indian language means, "bone men," showing the regard other tribes had for them.

A more elaborate mention is made of the Osages by Henri Joutel, a native of Rouen, France, and a fellow townsman of La Salle, the French explorer, Joutel accompanied La Salle in 1684 on his second expedition to Louisiana. This time La Salle sailed directly to the Gulf of Mexico from France, whether he had gone in 1683, soon after the close of his first Louisiana expedition, to secure permission and means to establish a French colony on the lower Mississippi. La Salle missed the mouth of the river but located a colony called St. Louis on the coast of Texas. Shortly after, he was cruelly murdered by one of his own men. Joutel, one of the half dozen survivors of the ill fated expedition, after La Salle's death, made his way up the Mississippi river to Old Fort St. Louis, on the Illinois river, and thence to Quebec and France.

The following is a reference to the Missouri river and the Osages made by Joutel in his journal, he says:

"We continued on the 30th day of August, 1687, and on the 1st day of September passed by the mouth of a river called Missouri, whose water is

always thick, and to which our Indians did not fail to make sacrifice."

Among the priests in La Salle's party who accompanied Joutel was Father Douay, a most devout missionary, from whom Father Le Clerq quotes regarding the Missouri river, which he passed in 1687 on his way to Illinois after La Salle's death:

"About six leagues below the mouth of the Illinois river, there is on the northwest the famous river of the 'Missourites' or Ozages, at least as large as the main river in which it empties; it is formed by a number of other known rivers everywhere navigable, and inhabited by many populous tribes. They include also the Ozages, who have seventeen villages on a river of their name, which empties into that of the Massourites, to which the maps also have extended the name Ozages. The Arkansa were formerly situated on the upper part of one of these rivers, but the Irquois drove them out by cruel wars some years ago, so that they, with some Ozage villages, have been obliged to descend and settle on the river which bears their name, and of which I have spoken."

Another early reference made about the Osage Indians was by Daniel Coxe, an Englishman, and the owner of a grant of land extending from the coast of South Carolina to the Mississippi river or from "sea to sea," issued by Charles First of England. He owned the first ship to enter the mouth of the Mississippi, 1699, and made a futile effort to establish a colony on the river. In describing the Missouri river and the people living along its borders, he says:

"The great Yellow river, so named because it is yellowish, and so muddy that tho the Meschacebe is very clear where they meet, and so many great rivers of crystalline water below mix with the Meschacebe, yet it discolors them all even unto the sea. When you are up the river sixty or seventy miles you meet with two branches. The lesser, tho large, proceeds from the south. This is called the river of the Ozages, from a numerous people who have 16 or 18 towns seated thereupon, especially, near its mixing with the 'Yellow River.'"

It was in this vicinity at the time the Frenchmen first visited the Osage Indians that they saw hedge apples growing on the hedge trees and they called them "Osage Oranges," hence we refer to our hedge as Osage Orange.

W. W. Graves, of St. Paul, Kansas, in his history of the "Osage Mission" makes the following statement about the Osage Indians:

"At the beginning of the 19th century the Osage Indians claimed all the country lying south of the Missouri and Kansas rivers, as far west as the headwaters of the latter stream, and in their hunting excursions they roamed all over the vast territory between the Mississippi river and the Rocky Mountains. Because of tribal differences part of the Osages under Chief Clearmont (Big Track), came west in 1796 and settled on the Verdigris river. About this time there were Osage settlements made in Vernon and Bates Counties, Missouri. The first settlement on the Neosho river was made some time prior to 1820. In that year the Big Osages had one settlement of 400 and the Little Osages three settlements or villages of about 1000, on the Neosho river."

"The Osages, altho a powerful nation, were more peaceable than many other tribes, altho they had wars with other Indian tribes, they caused the government no trouble. On the other hand, the government has dealt generously with the Osages which is one of the reasons the Osages are so wealthy at the present time."

"A story is told that when the Osages were coming west after their treaty of 1825, they arrived where the town of Walnut, Kansas, now stands, where there was not much timber or water to be found. There they stopped while they sent out a scouting party to select a location for their settlement. The scouts went southwestward and soon came to a long stretch of timber, and a clear, beautiful stream. The Chief was pleased with the report of the scouts and the entire band set out for the river. Those who arrived first rode into the water to let their horses drink. When the Chief arrived a few minutes later he found the river the opposite of "beautiful clear," and he reprimanded the scouts for their misrepresentation, and from this incident the river was given the name of "Neosho," which means "water made muddy."

Warrington Iving in his "Tour of The Prairies," describes the Osages as "stately fellows, stern and simple in garb and aspect. They wore no ornaments; their dress consisted of blankets, leggins and moccasins; their heads were bare; their hair was cropped close except a bristling ridge on the top like the crest of a helmet, with a long scalp lock hanging behind. They had fine Roman countenances and broad, deep chests. The Osages are the finest looking Indians I have seen in the west."

In 1718, Etienne Venyard de Bourgmont with a commission from the French government for the exploration of the Missouri river and the establishment of French forts along the river, was accompanied on this journey by a party of Osage Indians.

In 1718, a party of Frenchmen visited the Osage Villages on the Osage river and found most of the Osages had gone to visit a neighboring tribe to sing the Calumet songs, which in our day would be compared to the Lindsburg Chorus journeying to Kansas City and rendering the "Messiah."

At the time Pike came thru Missouri and Kansas in 1804, he found the Osage Indians settled along the Osage river and as far west as Bourbon County, Kansas, thus they had slowly moved down from the mouth of the Osage river to its head waters. These Indians were following the herds of buffalo westward; for the food quest has ever governed the movement of primitive tribes and nations.

It may be truthfully said, that the Osage Indians have made more history and have done more for the material advancement of the west than any other tribe of Indians. They were a strong, powerful war tribe and equally strong in peace. Before roads could be laid out thru Kansas reaching the Spanish settlements in the southwest permission of the Osages had to be secured.

So in 1825, the United States Commissioners met the Osage Indians under the great oak trees, at what is now Council Grove, Kansas, and made a treaty with them which granted the United States the right to lay out and open up the Santa Fe trail across what is now the State of Kansas, which opened up the route for the first time for the United States to carry on commerce with the Spanish settlement of the southwest. This treaty was drafted by Gen. William Clark, who led the

Lewis and Clark expedition sent out by President Jefferson in 1804-6 to explore the country embraced in the Louisiana Purchase. Gen. Clark was governor of the Territory of Missouri from 1813 to 1820 and always had the respect and confidence of the Indians. In the treaty the Osages relinquished their rights in their lands to the United States, except a tract of land commencing at the southwest corner of Missouri, thence running north 60 miles, thence west to the Arkansas river, thence south to the north line of Oklahoma, thence east to the place of beginning. This land they lived upon until they relinquished their rights by treaty Sept. 29, 1865. This treaty was not ratified by the United States Senate until Jan. 16, 1867, at which time most of the Osages removed to Osage Reservation in Oklahoma, except a part of the Indians removed to the Osage Diminished Reserve in Labette County, Kansas.

Thus, it will be seen that the Osages by this treaty relinquished their right to southern Kansas and made it possible to establish our state; they made it possible to open up roads for commerce between the United States and the Spanish possession of the southwest, which was the entering wedge for commerce with Mexico, out of which grew the Mexican war and the acquisition of Arizona, California, Colorado, Nevada, New Mexico, part of Oklahoma and Wyoming. Little did the United States Commissioners dream in 1825 when the Osages by treaty granted the United States the right to lay out and open the Santa Fe Trail, that it would be the means for a war of conquest whereby the United States acquired about one fourth of our present territory?

While the work and treaties of the Osages have had their great and lasting effect on our state and nation, let us now come to Neosho County and examine the record as to what the people of this county have done for the advancement of the Osages. The life of the Osages from 1822 has been interwoven with the Catholic Mission schools. The Mission schools at Osage Mission, now St. Paul, Kansas, was the school that made the life and habit of the Osages.

It was at the Catholic Mission school in St. Paul where Father John Schoenmakers opened a school in 1847 for the Osage Indians. This was the first and only school the Osages had on their

reservation in the territory now embraced in Kansas. Practically all the Osage children received a liberal education in the 20 years from 1847 to 1867, at which time they removed to their present home in Oklahoma.

The Osages came to Neosho County pagans, when they went to their present home most of them had embraced the Christian faith and are Catholic at the present time. The Osages always had a high regard for the Catholic Mission school at St. Paul, and in their treaty in 1865, provided that certain lands should be conveyed to the Mission school at St. Paul, Kansas.

Father Schonemakers, the Catholic Priest at St. Paul had a great influence with the Osages not only for their own good but for the welfare of the nation. He was their spiritual father and confidential advisor in material things. All trouble among the Indians was referred to him and his word was final. When the civil war came on the Cherokee Indians and other tribes espoused the cause of the Confederacy. The Osages were restless, other Indian tribes urged them to give their sympathies to the Confederacy, but thru the influence of Father Schonemakers they became ardent supporters of the Union cause, enlisted four companies of soldiers and rendered valuable scout service. It was ten Osages while on their way from Big Hill Village to St. Paul, while doing scout service for the government who encountered and engaged in battle with 20 confederate soldiers and killed all of them.

In the month of May, 1863, the town of Humboldt was the extreme southern point occupied by United States forces in this section of Kansas. The garrison at that time consisted of Troop G. 9th Kansas Cavalry, commanded by Capt. Willoughby Doudna, 100 men. South of the country ranged over by the Osages was the nation of the Cherokees, a majority of whom were active sympathizers with the Confederacy, and it was from them, and particularly the Indian contingent commanded by Standwaite, who twice raided and once burned Humboldt, that the border town most feared. Thus it was the Osage country was the scouting ground of both armies.

One afternoon, just after the troops had had dinner, two Osage Indian scouts rode up to the camp, in the public square and reported to Capt. Doudna that their scouts had had a fight

with some white men, and that the white men were dead. They would make no further statement, except that it had been a big fight, and that the Chief wanted the Captain to come to his camp. At this time the identity of the dead men was unknown. They might be a scouting party, the Confederate or Union forces, they might be an advance party of an approaching hostile force. In the latter event, there was no time to be lost. The horses and men were seasoned to rough riding, and before midnight the command rode up to the camp of the Indians, and picketing their horses, lay down in the tall grass to sleep.

Next morning escorted by about 100 mounted Indian warriors, rode out to the scene of the first encounter. Two days before the two Osage scouts rode into Humboldt and reported to Capt. Doudna about the fight, with white men, a small scouting party of Osages numbering 10 men, had started from the Big Hill Village to St. Paul. When not far from their camp they discovered traces of a recently abandoned camp and at once took up the trail, soon overtaking a mounted force of white men, twenty or twenty-two, who had no wagons. Riding up to this party the Indians inquired who they were, and received the reply that the party was a detachment of Union troops then at Humboldt. To this the Indians replied that they knew the troops at Humboldt and failed to recognize any familiar faces in the party. The Indians stated that the government held them responsible for what occurred in their country, and asked the party to accompany them to Humboldt, to be identified by the Commander of the post, when they would be allowed to go anywhere they pleased. To this the white men would not consent, and started to continue their march. The Indians growing more suspicious and insistent, sought to restrain them, and in the altercation which followed one of the white men shot and killed an Indian. The Osages being outnumbered, dropped over on their ponies and were soon out of range. Racing for their village they aroused the camp with the news of the killing one of their number by the war party of strange, white men.

The village could muster over 200 fighting men, and the entire force of the village turned out in pursuit.

They overtook and struck the party of white men about 5 miles from a

bend in the Verdigris river. Over that entire 5 miles there was a running fight. The little party of whites hemmed in on all sides by the circle of death, were striving to beat off the Indians and reach the timber they could see in the distance. In this running fight the Confederates lost two men, whose bodies were abandoned where they fell. Being well armed and in the open, they were able to keep the Osages at some distance, and killed one Indian. The timber they fought so valiantly to gain proved their undoing. Not being acquainted with the river country, they entered it where it ran back into a sharp bend in the river. Back from the edge of the timber, they were forced by the Indians, step by step, they retreated, bitterly contesting every foot of the ground. The odds were too great, and they found themselves forced to the bank of the river and out onto a sand bar at the water's edge, under a terrific fusillade from the Osages, now concealed and protected by the timber.

At their backs ran the river, at this point wide and deep, on the opposite shore a high precipitous bank; in their front an enemy in whose game of war the white flag was unknown.

These Confederate soldiers faced their doom with unflinching bravery. To the last cartridge they held the Indians at bay, and when they had been fired the survivors stood in a little group, their dead around them, and met the rush of the Indians with clubbed carbines and revolvers, and fell one upon the other. It was brave blood that reddened the little sand bar in the Verdigris river that day.

After the massacre and the white men lay on the ground with their glazed eyes looking up at the night stars, the Indians according to Osage custom, scalped the heads of each victim, at the same time severing the head from the body and cut a long gash the entire length of the body.

Capt. Doudna and his detachment collected all the severed heads, some being found at considerable distance from the scene of battle, and placed them in a trench with the bodies. After the burial the troops returned to Big Hill Village and were entertained with a war dance in honor of the victory.

On papers found on one of the dead Confederates it was disclosed that he was Capt. Harrison, and papers signed by Gen. Kirby Smith at Little Rock,

Arkansas, of the Confederate forces were found.

#### Diseases of the Osages.

The Osages along with other tribes suffered from diseases, from time to time, there being no doctors or medicine they could obtain. In the summer of 1849 the Osages went to a Cheyenne camp at Dodge City, Kansas, with numerous other tribes, for a general good time. At the camp came the Kiowas, Commanches, Prairie Apaches, Cheyennes, Arapohoes and Osages.

One day while the Indians were watching the Kiowa dancers in the medicine lodge an Osage man in the audience fell down with the "cramps"—cholera—and died in a few minutes. White Face Bull, Cheyenne Chief, who was standing in the crowd with his son, Porcupine Bull, was the first to realize what was wrong with the Osage man. He at once shouted out that it was the "cramps" and that all should take down their lodges and run. In a few minutes the plain was covered with bands of Indians fleeing in every direction. The Osages set out for their own land in Eastern Kansas, but most of the plains Indians fled south and reached the Cimaron about noon. On the way many of the Indians died with cholera, and when camp was reached others begin to die. Tail Woman, the wife of White Thunder, a Cheyenne Chief, was one of the first to die from this dreaded disease. The Indians were in a panic. Little Old Man, a Cheyenne, and one of the bravest men in the tribe, rode thru the camp in full war dress. He wore a scalp shirt and war bonnet, carried a lance and shield, and about his horse's neck was a stuffed mole skin collar—a charm to ward off arrows and bullets in battle. As he rode up and down and saw the people dying all about him, he shouted out, in his savage helplessness, that if he knew where he could find the thing that was killing the people, he would go there and fight it; and while he was riding thru camp thus defying the cholera, it came to him. He rode slowly back where his family was camped, got off his horse, and in a few minutes lay dead in his wife's arms. Before the Osages reached their home 25 of their people were stricken and died.

In 1852 an epidemic of measles and scurvy broke out among the Osages and 800 of them died. Small pox was a real grim reaper among them and

several hundred succumbed to the disease.

The Osages have been important factors in many of the councils held by white men in the west, and especially in and around Kansas, since the coming of white men. In 1819, the United States government sent Maj. Stephen Long on an expedition to explore the country around the Yellow Stone river. In August, 1819 Maj. Long made a camp on (Isle Vache) Cow Island in the Missouri river midway between Atchison and Leavenworth. Accompanying Maj. Long was Maj. O'Fallon, the Indian Agent, who had arranged a meeting with the Chief of the Kansas Indians, who then resided on the Kaw river. There were present at this council 161 Kansas, including Chiefs and warriors, and 13 Osages. While the Osages seem to have been represented by an unlucky number, the council was a success because it was held for the purpose of impressing the idea upon the western Indians that they must cease their depredations upon the white settlers in border states.

After the treaty of 1825 with the Osages, the next step by the government was the survey of their lands. In the year 1827 or 1828, Maj. A. L. Langham was sent by the government to survey the Osage lands but owing to the hostilities of the Osages his work had been interrupted and his lines left incomplete. The Osages neither knew nor wanted to know where their lines of their reservation ran, and when they saw the lines of demarcation being run so near them, they determined to prevent Maj. Langham from defining any limits. While in camp writing one day, a large party of naked, painted, yelling Osages came suddenly upon a colored employee who happened to be some distance from camp. He of course ran towards camp, but the yelling Indians were with him notwithstanding administering blows with ramrods, bows and other missiles, in a ceaseless torrent at every jump. At camp they made no halt, but in a solid phalanx dashed thru, tramping down tents and camp fixtures; and the Major with his writing apparatus was rolled to the ground. Then the Osages wound up the demonstration with a war dance, and emphatic demands for the surveyor and his party to vamose, with which command they complied.

No further attempt was made to

survey the Osage lands until 1836, when the government sent John C. McCoy of Westport, Mo., to finish the work started by Maj. Langham who had fixed the northwest corner of the Cherokee Neutral Lands, which became the southeast corner of the Osage reservation, under the terms of the treaty of 1825.

John C. McCoy completed the survey of the Osage lands in 1836, but he too had trouble and few thrilling experiences before he completed the work. He had only 8 men with him poorly armed, when his party was running the north line of the Osage lands across the Neosho river which was only about 3 miles above the chief town of the Little Osages, numbering at that time about 1000 souls. This line curtailed their tribal limits much more than they had expected. From time out of mind the Osages and the Kaws were almost the sole occupants of that vast region extending from the Mississippi river between the Missouri and Arkansas indefinitely. With their vague ideas of land rights, dimensions, and treaty obligations, no wonder they were reluctant to have the limit of their possessory land rights defined by the surveyor's compass. A few miles before McCoy reached the Neosho river he was met by numbers of Osage young men on horseback. At these times only usual courtesies were given which were commonly exchanged between the Wah-sah-she (Osages) and Mah-he-ton-ga (Americans), namely: First an emphatic "How?" from each party; and secondly an urgent request from the Indians for tobacco, or anything else in sight. McCoy's party was liberal with their tobacco, in the instance here mentioned, so much so that members of the party were left a short supply of the weed. Before reaching camp near the Neosho river it was apparent trouble was ahead, as bands of Indians rode up to the party and protested against further progress and requested the party to go down and see the Big Chief to which request McCoy assented; early next morning under the guidance of a few Indians who had remained at camp all night, the party went to the town of the Big Chief which was situated on a high prairie hill a mile or so west of the Neosho river, and about 15 miles up the river from White Hair's town. After crossing the river the crowd of men, women and children and dogs around the party of surveyors and

with a noticeable absence of politeness due to strangers. The pack horses of the party were placed in a sharp bend of the river where there was a perpendicular bank. With one of the chain men, McCoy proceeded to the lodge of the Big Chief of the Little Osages, tied their horses to the door posts of the Royal Residence, which was a structure 100 feet long and 20 feet wide, constructed of bark and over a frame work of poles. Surrounding the Chief's lodge were 100 Indian lodges of smaller dimensions.

With a compass under his arm and a formidable bunch of papers, the young representative of the government entered the audience chamber of the Great Ka-he-ga.

The door was at one corner of the Chief's lodge, and at the farther end sat His Highness, a real big chief in size, weighing about 300 pounds. Upon a raised platform which ran all around the lodge were crowded several hundred stalwart, naked Indians, notables of the tribe. The reception was decidedly cool, without a sign of recognition, with not even a friendly "How." There were no interpreters present and McCoy's knowledge of the Osage language was limited, however, he proceeded to explain to them that in compliance with the 1825 treaty he was establishing their boundary lines. When he had finished the Big Chief began to talk and he talked fast and loud. He said the Osage line was away up north; that the surveyors should not run where they were running it; and intimated by significant gestures with his hands in the region of the top-knot, that if an attempt was made to run the line where the surveyors were running it there would be a raising of scalps. McCoy thought this scalp play was all a bluff and informed the Big Chief if any harm came to the surveyors the government would send troops and wipe them out. After spending an hour and a half with no results, McCoy and his chain man took their leave. They found their horses tails docked, which had been done by the Indians while they were in the lodge. The Indians made an attempt to frighten the surveyors after they left the lodge but no further hostilities were shown and the survey was completed on Sept. 16th, 1836.

To imagine that the Osages was a tribe of savages without, at least an unwritten code of laws is erroneous. They had unwritten laws as much as

England ever had for the protection of their property against theft. Their procedure not unlike our present day courts.

The late Capt. Samuel Stewart told me about a trial the Osages held at Canville Trading Post in 1857, he being present at the trial. Capt. Stewart came to this vicinity with the Vegetarian Colony in 1857, and homesteaded the land on which is Stewart's Lake, in Allen County, 3 miles north of Chanute. The following, is in substance, what Capt. Stewart told me:

"In 1856-7 there were numerous outlaws who had squatted on the Osage lands and existed by stealing ponies from the Indians, running them away and selling them. These thieves had an organization that extended from southeastern Kansas to the State of Iowa. The stealing of ponies by these white vagabonds always aroused the war spirit of the Osages and made it dangerous for the law abiding white settlers. It was imperative that something must be done to break up this organized band of thieves. The Osages had well defined ideas as to who was stealing their ponies. During the month of June, 1857, the Indians located four horse thieves who had squatted on land in the Neosho bottoms, near the Allen-Neosho county line. One day as the sun was sinking in the west the Indians captured the four thieves, placed them each on a pony, tied their feet together under the ponies and trotted the ponies carrying the thieves in the direction of Canville Trading Post. A white man, Godfrey, who had an Osage squaw for his wife, at the time had a store at the Post. The prisoners were placed in a log house and guarded during the night. Next morning Chief Little Bear was on hand to preside at the trial. The Chief at once made a ruling that in compliance to the Osage unwritten law, that a jury of 12 men should hear the evidence and pass upon the guilt or innocence of the four accused horse thieves. Six of the jurors were to be half bloods and six full bloods. The trial was conducted behind closed doors with only the accused, the jurors, an interpreter, Capt. Stewart and Little Bear present.

The accused requested that Capt. Stewart should represent them but he believed they were guilty of stealing the ponies and refused to assist them. After the hearing which consumed half a day, the jury retired, under the black

jack trees now standing in the town of Shaw, Kansas, and arrived at the following verdict:

"That if the 4 accused would tell all they knew about the organization of horse thieves and give the names of those implicated that their lives would be spared and they would be liberated after, each had half of his head shaved and one ear cut off, and that they should leave the territory of Kansas in 5 days."

In the meantime, Chief Whitehair, with his wise men, had come from his home near St. Paul and as he took precedence over Chief Little Bear, he ordered, adjudged and decreed that the punishment fixed by the jury was too severe. Surely, a Daniel come to judgment. Chief Whitehair, a big, broad minded humanitarian, made a ruling 'that if the accused men would tell all they knew about the horse thieves, they would be liberated and half of their head shaved,' and philosophizing said: 'If we cut off an ear it will always brand them as thieves, while if we cut off half their hair it will grow out again and will give them a chance to make good and become useful men again.' His word was law and this was the penalty.

"The Indians had questioned the accused separately and three of them told the same story and all they knew about the horse stealing organization and gave the names of all those implicated in stealing. Chief Whitehair appointed Capt. Stewart and three other white men to serve the five days notice on all parties implicated by the three men in stealing, and as soon as the accused were liberated the notices were served on 10 men and in 5 days all of them had left the country which put an end to horse stealing for the time being.

"When the Indians separated the four thieves, three of them told all they knew, but the fourth man refused to tell anything and denied that he had any part in stealing and loudly protested his innocence. After grilling him for three hours and upon his refusal to tell anything he was returned to Godfrey's store and placed under guard. During the night he would wail and protest his innocence, and the wrongs about to be committed upon an innocent man. Capt. Stewart and his companions remained over night and the next morning they were sent for by the accused man who so strenuously protested his innocence and he

sought their advice and believing him guilty as his three companions who had implicated him, he was advised to tell all he knew or the Indians would hang him. He still protested his innocence. Then the Indian guard came with a rope and placed it about his neck and Capt. Stewart and his companions started home. Seeing the predicament he was in, the accused called for the white men to return and that he would tell all he knew, which he did. The Indians shaved half of his head and liberated him with his three pals in crime."

The Osage Ceded Lands covered the territory which is now Neosho and Labette Counties, with a narrow strip surrounding them in Cherokee, Crawford, Bourbon, Wilson and Montgomery Counties. To be exact, the tract was bounded on the east by a straight north and south line three quarters of a mile east of the west line of Cherokee, Crawford and Bourbon Counties on the west by a line two and one half miles west of the east line of Wilson and Montgomery counties, on the north by the line between sections 23 and 26, in Township 26, that is the north line of Neosho County, and on the south by the south line of Kansas.

The Osages have lived under many different flags.

Its first condition as a white man's country was as a dependent of French-Canada.

It was ceded to England in 1763.

It was soon thereafter transferred to Spain.

It was re-ceded to France in 1800.

President Jefferson purchased it from France in 1803.

The lands then became, in 1804, a part of upper Louisiana.

They were then made a part of the district of Louisiana, in the same year, and attached to Indiana for governmental purposes.

In the next year they became part of the territory of Louisiana.

In 1812 they became part of the territory of Missouri.

In 1854 they were made a part of the territory of Kansas.

Observe the peculiar record of this small tract of land.

It was first the land of the "Dacotahs."

It was next part of French-Canada.

It was then a part of Virginia, coming under the old grant of 1609, which extended to the western sea.

It was then a dependency of Spain.

It next in 1800 became French territory.

In 1803 it became the property of the United States, and shortly thereafter a part of Louisiana.

Then it was part of Indiana.

Again it was part of Louisiana.

Next it became part of Missouri.

And finally in 1854 it became a part of Kansas.

We come now to the treaty of 1865. A treaty may be defined as a compact between two or more independent nations with a view to the public welfare.

The government makes the following brief reference to the treaty in the following words:

#### The Treaty.

"Articles of treaty and convention, made and concluded at Canville Trading Post, Osage Nation, within the boundary of the State of Kansas, on the 29th day of September, 1865 by and between D. N. Cooley, Commissioner of Indian Affairs, and Elijah Sells, Superintendent of Indian Affairs for the Southern Superintendency, commissioners on the part of the United States, and the Chiefs of the tribe of Great and Little Osage Indians, the said Chiefs being duly authorized to negotiate the treaty by said tribes.

Article 1. The tribe of the Great and Little Osage Indians, having now more lands than are necessary for their occupation, and all payments from the Government to them under former treaties have ceased, leaving them greatly impoverished, and being desirous of improving their condition by disposing of their surplus lands, do hereby grant and sell to the United States the lands contained within the following boundaries, that is to say: Beginning at the southeast corner of their present reservation and running thence north with the eastern boundary thereof fifty miles to the northeast corner; thence west with the northern line thirty miles; thence south fifty miles, to the southern boundary of said reservation, thence east with said southern boundary to the place of beginning: PROVIDED, That the western boundary of said land herein ceded shall not extend further westward than upon a line commencing at a point on the southern boundary of said Osage country one mile east of the place where the Verdigris river crosses the southern boundary of the State of Kansas. And in consideration of the grant and sale

to them of the above described lands, the United States agree to pay the sum of three hundred thousand dollars, which sum shall be placed to the credit of said tribe of Indians in the Treasury of the United States, and interest thereon at the rate of five per cent per annum shall be paid to said tribes semi-annually, in money, clothing, provisions, or such articles of utility as the Secretary of the Interior may, from time to time direct. Said lands shall be surveyed and sold, under the directions of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws, including any act granting lands to the State of Kansas in aid of the construction of a railroad thru said lands; but no preemption claim or homestead settlement shall be recognized; and after reimbursing the United States the cost of said survey and sale, and the said sum of three hundred thousand dollars placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the "civilization fund," to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

Article 2. The said Tribe of Indians also hereby cede to the United States a tract of land twenty miles in width from north to south, off the north side of the remainder of their present reservation, extending its entire length from east to west; which land is to be held in trust for said Indians, and to be surveyed and sold for their benefit under the direction of the Commissioner of the General Land Office, at a price not less than one dollar and twenty-five cents per acre, as other lands are surveyed and sold, under such rules and regulations as the Secretary of the Interior, shall from time to time prescribe. The proceeds from such sales, as they accrue, after deducting all expenses incident to the proper execution of the trust, shall be placed in the Treasury of the United States to the credit of said tribe of Indians; and the interest thereon, at the rate of five per cent per annum, shall be expended annually for building houses, purchasing agricultural implements and stock animals, and for employment of a physician and mechanics, and for providing such other necessary aid as will enable said Indi-

ans to commence agricultural pursuits under favorable circumstance; PROVIDED, That twenty-five percent of the net proceeds arising from the sale of said trust lands, until said percentage shall amount to the sum of eighty thousand dollars, shall be placed to the credit of the school fund of said Indians; and the interest thereon, at the rate of five percent per annum, shall be expended semi-annually for the boarding, clothing and education of the children of said tribe.

Article 3. The Osage Indians, being sensible of the great benefits they have received from the Catholic mission, situated in that portion of their reservation herein granted and sold to the United States, do hereby stipulate that one section of said land, to be selected by the Commissioner of Indian Affairs so as to include the improvements of said mission, shall be granted in fee simple to John Schoenmakers, in trust, for the use and benefit of the society sustaining said mission, with the privilege to said Schoenmakers, on the payment of one dollar and twenty-five cents per acre, of selecting and purchasing two sections of land adjoining the section above granted; the said selection to be held in trust for said society, and to be selected in legal sub-divisions or surveys, and subject to the approval of the Secretary of the Interior.

Article 4. All loyal persons, being heads of families and citizens of the United States, or members of any tribe at peace with the United States having made settlements and improvements as provided by the pre-emption laws of the United States, and now residing on the lands provided to be sold by the United States, in trust for said tribe, as well as upon said lands herein granted and sold to the United States shall have the privilege, at any time within one year after the ratification of this treaty, of buying a quarter section each, at one dollar and twenty-five cents per acre; such quarter section to be selected according to the legal sub-divisions of surveys, and to include, as far as practicable, the improvements of the settler.

Article 5. The Osages being desirous of paying their just debts to James N. Coffey and A. B. Canville, for advances in provisions, clothing and other necessaries of life, hereby agree that the superintendent of Indian Affairs for the southern superintendency and the agent of the tribes shall ex-

amine all claims against said tribe, and submit the same to the tribe for approval or disapproval and report the same to the Secretary of the Interior, with proofs in each case, for his concurrence or rejection; and the Secretary may issue to the claimants script for their claims thus allowed, which shall be receivable as cash in payment for any of the lands sold for said tribe; PROVIDED, The aggregate amount thus allowed by the Secretary of the Interior shall not exceed five thousand dollars.

Article 6. In consideration of the long and faithful services rendered by Charles Mograin, one of the Principal Chiefs of the Great Osages, to the people, and in consideration of improvements made and owned by him on the land by this treaty sold to the United States, and in lieu of the provision made in Article 14 for the half breed Indians, the heirs of the said Charles Mograin, deceased, may select one section of land, including his improvements, from the north half of said land, subject to the approval of the Secretary of the Interior, and upon his approval of such selection it shall be patented to the heirs of said Mograin, deceased, in fee simple.

Article 7. It is agreed between the parties hereto that the sum of five hundred dollars shall be set apart each year from the monies of said tribe, and paid by the agent to the Chiefs.

Article 8. The Osage Indians being anxious that a school should be established in their new home, at their request it is agreed and provided that Father John Schoenmakers may select one section of land within their diminished reservation, and upon the approval of such selection by the Secretary of the Interior, such section of land shall be set apart to the said Schoenmakers and his successors, upon condition that the same shall be used, improved and occupied for the support and education of the children of said Indians during the occupancy of said reservation by said tribe; PROVIDED, That said lands shall not be patented, and upon the discontinuance of said school shall revert to said tribe and to the United States as other Indian lands.

Article 9. It is further agreed, in consideration of the services of Darius Rogers to the Osage Indians, a patent shall be issued to him for one hundred sixty acres of land, to include his mill and improvements, on paying one dol-

lar and twenty-five cents per acre; and said Rogers shall also have the privilege of purchasing, at the rate of one dollar and twenty-five cents per acre, one quarter section of land adjoining the tract above mentioned, which shall be patented to him in like manner; said lands to be selected subject to the approval of the Secretary of the Interior.

Article 10. The Osages acknowledge their dependence on the Government of the United States, and invoke its protection and care; they desire peace, and promise to abstain from war, and commit no depredations on either citizens or Indians; and they further agree to use their best efforts to suppress the introduction and use of ardent spirits in their country.

Article 11. It is agreed that all roads and highways laid out by the State or General Government shall have right of way thru the remaining lands of said Indians, on the same terms as are provided by law, when made thru lands of citizens of the United States; and rail road companies, when the lines of their roads necessarily pass thru the lands of said Indians, shall have the right of way upon the payment of fair compensation therefor.

Article 12. Within six months after the ratification of this treaty the Osage Indians shall remove from the lands sold and ceded in trust, and settle upon their diminished reservation.

Article 13. The Osage Indians having no annuities from which it is possible for them to pay any of the expenses of carrying this treaty into effect, it is agreed that the United States shall appropriate twenty thousand dollars, or so much thereof as may be necessary, for the purpose of defraying the expense of survey and sale of said lands hereby ceded in trust, which amount so expended shall be reimbursed to the Treasury of the United States from the proceeds of the first sales of said lands.

Article 14. The half breeds of the Osage tribe of Indians, not to exceed 25 in number, who have improvements on the north half of the lands sold to the United States, shall have a patent issued to them, in fee simple, for eighty acres each, to include, as far as practicable, their improvements, said half breeds to be designated by the Chiefs and head men of the tribe; and the heirs of Joseph Swiss, a half breed, and a former interpreter of said tribe, shall in lieu of the above provision, re-

ceive a title in fee simple, to a half section of land, including his house and improvements, if practicable, and also to a half section of the trust lands; all of said lands to be selected by the parties, subject to the approval of the Secretary of the Interior.

Article 15. It is also agreed by the United States that said Osage Indians may unite with any tribe of Indians at peace with the United States, residing in said Indian Territory, and thence afterwards receive an equitable proportion, according to their numbers, of all monies, annuities, or property payable by the United States to said Indian tribe with which the agreement may be made; and in turn granting to said Indians, in proportion to their numbers, an equitable proportion of all monies, annuities, and property payable by the United States to said Osages.

Article 16. It is also agreed by said contracting parties, that if said Indians should agree to remove from the State of Kansas, and settle on lands to be provided for them by the United States in the Indian Territory on such terms as may be agreed on between the United States and the Indian tribes now residing in said Territory or any of them, then the diminished reservation shall be disposed of by the United States in the same manner and for the same purposes as herein before provided in relation to said trust lands, except that 50 percent of the proceeds of the sale of said diminished reserve may be used by the United States in the purchase of lands for a suitable home for said Indians in said Indian Territory.

Article 17. Should the Senate reject or amend any of the above articles, such rejection or amendment shall not affect the other provisions of this treaty, but the same shall go into effect when ratified by the Senate and approved by the President.

D. N. COOLEY,

Commissioner of Indian Affairs.

ELIJAH SELLS,

Supt. of Ind. Affrs. South Supt. & Com.

Me-tso-shin-ca, (Little Bear, his x mark)

Chief of Little Osages.

No-pa-wah-la, his x mark.

Second Chief to Little Bear.

Pa-tha-hum-kah, his x mark.

Little Chief to Little Bear Band.

White Hair, his x mark.

Principal Chief Osage Nation.

Ta-wah-she-he, his x mark.

Chief Big Hill Band.

Beaver, his x mark.

Second Chief White Hair's Band.

Clermont, his x mark.

Chief Clermont Band.

O-po-to-nkoh, his x mark.

Wa-she-pe-she, his x mark.

Little Chief White Hair Band.

**Witnesses.**

Ma-sho-hun-ca, his x mark.

Counsellor Little Bear Band.

Wa-sha-pa-wa-ta-ne ca, his x mark.

Wa-du-ha-ka, his x mark.

Shin-ka-wa-ta-ne-kah, his x mark.

Gra-ma, his x mark.

She-weh-teh, his x mark.

Hu-la-wah-sho-sha, his x mark.

Na-fa-ton-ca-wa-ki, his x mark.

Num-pa-wah-cu, his x mark.

Ha-ska-mon-ne, his x mark.

**Attest:**

G. C. SNOW,

United States Neosho Indian Agent.

Milton W. Reynolds, Acting Clerk.

Theodore C. Wilson,

Phonographic Reporter.

Alexander Beyett,

Interpreter Osage Nation.

**Witnesses:**

Little Bear's Band:

Ka-wah-ho-tza, his x mark.

O-ke-pa-hola, his x mark.

Me-he-tha, his x mark.

**White Hair's Band of Witnesses:**

Shin-ka-wa-sha, his x mark.

Counsellor of White Hair's Band.

Wa-sha-wa, his x mark.

Ka-he-ka-stza-jeh, his x mark.

Ka-he-ka-wa-shinpw she, his x mark.

Saw-pe-ka-la, his x mark.

Wa-tza-shin-ka, his x mark.

Wa-ne-pay-she, his x mark.

Shin-be-ka-shi, his x mark.

Ne-koo-le-blo, his x mark.

O-ke-pa-ka-loh, his x mark.

Ke-nu-in-ca, his x mark.

Pa-su-men-na, his x mark.

We the undersigned chiefs and headmen of the Clermont and Black Dog Band of the Great Osage Nation, in council at Fort Smith, Ark., have had the foregoing treaty and explained in full by our interpreter, L. P. Choufeau, and fully approve the provisions of said treaty made by our brothers the Osages, and by this signing make it our act and deed.

Clermont, his x mark,

Chief of Clermont Band.

Palley, his x mark,

Hah-to-in-gah, (Dry Feather,

Counsellor, his x mark.

Kah-ha-cha-la-ton, brave, his x mark.

Do-tsh-cah-she, brave, his x mark.

Black Dog, his x mark,

Chief Black Dog Band.

William Penn, his x mark,

Second Chief Black Dog Band.

Brake Arm, Counsellor, his x mark.

Ne-kah-ke-pon nah, brave, his x mark.

**Witnesses:**

Wah-skon-mon-ney, his x mark.

Wah-kon-che-la, his x mark.

Wah-sha-sha-wah-ti in gah, his x mark.

Long Bow, his x mark.

Wah-she-wah-la, his x mark.

War Eagle, his x mark.

Pon-hong-gah-ton, his x mark.

Sun Down, his x mark.

Ton-won-ge-hi, his x mark.

Wah-cha-o-nau-she, his x mark.

**Closing.**

We dedicate this monument in the name of the Osage Indians who never displayed hostility towards the government and who always acknowledged its sovereignty; we dedicate it in the name of the pioneers, true Aryans, who steadily push forward for unoccupied lands; we dedicate it in the name of the children of these pioneers, the present generation, who enjoy the sacrifices made by their forebears; we dedicate it in the name of the great State of Kansas because the making of this treaty made it possible to make a great state; we dedicate it in the name of the happy, prosperous homes established on the land where the red men roamed and dreamed.

Sixty years is only a minute in the chronology of the world—sixty years seems slow to those who have never tried them; but for all of us, the shuttle moves more and more swiftly as the years are woven in the cloth of destiny.

Sirs, sixty years ago, here walked the shy timid deer, the wild buffalo ranged these beautiful prairies, the wolf dug his hole unscared; the red man depended for his subsistence on the chase, while his naked children romped, played and laughed under the shade of these oak trees; but what have we today in place of this pastoral scene of a primitive people? In place of the shy, timid deer and wild buffalo, we have the fat, sleek herds of dairy and beef cattle; the ephemeral tepee Indian Villages have been replaced by thriving, industrial cities; on the war dance grounds of the Indians, school houses have arisen; where the red men had want, disease and misery, we have thousands of happy, thrifty homes.

THE END.