

## **Authentic Copies Found of Kanza (Kaw) Treaties of October 28, 1815, and August 16, 1825**

By: L. Stephen (Steve) Schmidt, October 13, 2022. Published in *Wagon Tracks*, February 2023.

By late 1824 the Santa Fe trade had grown and become important to the United States, Mexico, and particularly Missouri. Bolstered by the report from Augustus Storrs about the 1824 trade, US Senator Thomas Hart Benton, the tireless promoter of Missouri, introduced in the Senate the idea of constructing a National Road from Missouri to the Mexican settlements. This morphed into a bill authorizing (a) marking-out and surveying (but no constructing) a road and (b) securing treaties from the Indians allowing both the marking-out and surveying of the road and guaranteeing safe passage for those who would later travel the road.

Such a bill was passed by both Houses of Congress and signed into law March 3, 1825. Three commissioners, Benjamin Reeves, George Sibley, and Thomas Mather (who replaced the originally appointed Pierre Menard) were appointed to accomplish the provisions of the bill, with George Sibley emerging as the leader and driving force of the Commission. An expedition, now commonly known as the Sibley Expedition, was organized, the principals of which were the three Commissioners, Secretary Archibald Gamble, and Surveyor Joseph Brown.

The Sibley Expedition began its survey work July 17, 1825, at a point on the Santa Fe Trail/Osage Trace 1-3/4 miles south of Ft Osage in Missouri. By August 5<sup>th</sup>, they had reached the “Nee-o-zho” (Neosho) River where on Aug 9<sup>th</sup> and 10<sup>th</sup> they met in council with the Great and Little Osage Nations. On Aug 10<sup>th</sup> they signed a treaty whereby the Osage agreed to allow survey of the road and safe passage for travelers.<sup>1</sup> The council was held beside the river in a grove of trees, thus inspiring Sibley to name the location Council Grove, now Council Grove, KS.<sup>2</sup>

On August 11<sup>th</sup>, the Sibley Expedition resumed its westward survey, while Willian S. Williams was sent to the Kanza villages to invite the Kanza Chiefs and Head-Men to meet with the Commissioners at a convenient location to be determined. The Kansas accepted the invitation and caught-up with the Commissioners August 15, 1825, on “Sora Kansas Creek” (today’s Dry Turkey Creek) a few miles south of present-day McPherson, KS. There the Commissioners met with the Kansas in council on August 16<sup>th</sup> and signed a treaty which reads exactly as the Osage’s treaty (except, of course, for the name of the tribe, location where the treaty was signed, and the date).<sup>3</sup> The original of the Kanza Treaty made on “Sora Kansas Creek” is at the National Archives.<sup>4</sup>

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The City Museum at Kaw City, OK has limited days and times that it is open. Glenda (my spouse) and I had opportunity to be near Kaw City on September 30, 2022, and had made prior arrangements for someone to give us a tour of the museum. We were met at the appointed

hour by Gordon and Dorothy Smith, who are very active in the operation of the museum and are a delightful couple. It soon became apparent that the museum is their pride and joy, and they are delighted to show it to visitors. The museum had its beginning in the old AT&SF Railway Company's Kaw, Oklahoma depot after the depot had been rescued from destruction by being relocated to Kaw City, Oklahoma in the early 1970s. The old town of Kaw is now submerged by Kaw Lake on the Arkansas River. Some years later, the museum was enlarged with a new building adjacent, and connected to the old depot. The museum is very well maintained, nicely organized, and contains all manner of interesting and unique displays and information.

At one point, Gordon called my attention to a display case containing some pieces of wood and two very old documents (Figure 1). The documents are an 1815 and an 1825 treaty with the Kanza Indians; the treaties had been folded and sandwiched between two pieces of wooden shingle, all discovered in the attic of a house in the area. The items came into the possession of, and were donated to the museum by the Bert and Adele Dennison Family.



**Figure 1. Kanza (Kaw) Treaties and wooden shingles displayed at Kaw City Museum. 1815 treaty in center, 1825 treaty on foreground.**

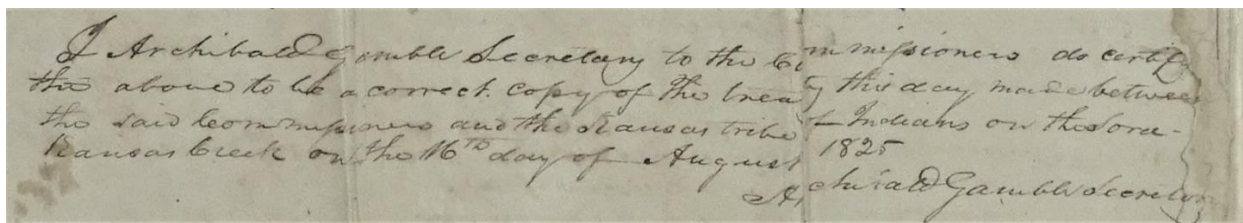
The first document is a treaty of peace and friendship made in St. Louis October 28, 1815, between the Kanza Indians and, on behalf of the United States, Ninian Edwards and Auguste Chouteau. The treaty appears virtually identical to the copy at the National Archives, including seals adjacent to each signature.<sup>5</sup> The primary clues in determining the purpose of the treaty consist of the statements that injury and acts of hostilities between the parties are forgiven and forgotten, friendly relations existing before the war will be restored, and the date of the treaty. This is, no doubt, an example of many similar treaties made with various Indian Tribes after the War of 1812 to assure peace and friendship with, and loyalty to the United States.<sup>6</sup> The war was officially concluded February 17, 1815, when the US ratified the Treaty of Ghent. It is rather astonishing that this 207-year-old document survives.

I then turned my attention to the second treaty. As I began to read it, I immediately recognized it as the treaty made between the Kanza Indians and the Commissioners of the Sibley Expedition on "Sora Kansas Creek" in 1825. I could scarcely believe my eyes! Then, as soon as I was able to decipher Archibald Gambles certification, I knew this had to be the copy Sibley gave to the Indians, August 16, 1825.

The treaty at the Kaw City Museum is word for word the same as the treaty at the National Archives except for two things: (a) the treaty at Kaw City does not have the seals adjacent to each signature, and (b) in the lower left-hand portion of the treaty, the National Archive's copy contains a column of signatures of the persons "In presence of" which the treaty was signed by the Commissioners and the Kanza Chiefs and Head-Men. Instead of the list of "In presence of" names, the treaty at Kaw City has this:

*"I Archibald Gamble Secretary to the Commissioners do certify  
the above to be a correct copy of the treaty this day made between  
the said Commissioners and the Kansas tribe of Indians on the Sora  
Kansas Creek on the 16th day of August 1825.*

*Archibald Gamble, Secretary"*



**Figure 2. Enlargement of Gamble's certification.**

From prior dealings with the US Government, and because Sibley was taking the original of the treaty with him, the Indians may have expected to receive a copy. Or, more likely, at that time

and place, the Commissioners insisted that the Indians have a copy. In fact, Sibley said that the treaty “was read and carefully explained, and then the Parties signed and executed the Treaty in due form, a **Duplicate copy of which was given to the Head Chief** [emphasis added].”<sup>7</sup> He used almost identical language in describing the handling of the treaty with the Osage.<sup>8</sup> Clearly, it was important to Sibley to document that the Indians were given a copy of the treaty.

Now think about that. In 1825 on “Sora Kansas Creek” where there was no carbon paper, no Xerox machine, no word processor, no printer, no scanner, no smart phone, how did the Commissioners make a copy? Well, they had their secretary hand-write another one. On “Sora Kansas Creek,” rather than reproduce the seals and the “In presence of” signatures, Archibald Gamble simply certified “a correct copy” of the original, and gave the certified copy to the Head Chief.

Gordon was rather intrigued that I knew the story and significance of the 1825 treaty. He asked if I knew what it said because no one had been able to transcribe it for the museum. I told him the treaty has been transcribed and I would send him a copy of the transcription along with other information pertinent to the treaty. This I did as soon as Glenda and I returned home.

And now, think about this. The certified copy of the treaty was handed to the Head Chief, whose name as shown on the treaty was “Shone-gee-ne-gare, the Great Chief of the Kansas Nation.” He probably put it into his parfleche and away he went. It is more than astonishing that this copy of the 1825 Kanza Treaty on “Sora Kansas Creek” survives. Firstly, the Kanzas apparently appreciated the value of the document and keeping it safe. But secondly, what are the chances of it surviving --- being carried around for many, many years by various people, carried who knows where, who knows how, and who knows through what kinds of physical and environmental conditions, somehow ending up folded and sandwiched between two pieces of wood in the attic of a house somewhere in Oklahoma, found, and then placed on display at the city museum in Kaw City, Oklahoma? Apparently, the chances are slightly (but infinitesimally) above zero.

Discovering the Kanza Indian’s copy at the Kaw City Museum of the Kanza (Kaw) Treaty of August 16, 1825, was certainly serendipitous. That copy is a valuable, historically significant, one-of-a-kind document. My prior study of the Sibley Expedition definitely paid-off, because it enabled me to recognize and appreciate what I was seeing.

High resolution images of the two treaties at the Kaw City Museum will be added to the SFTA website. I would be interested to know if any of the readers of *Wagon Tracks* are aware of other extant copies of Santa Fe Trail related treaties that were given to the American Indian tribes/nations.

## Endnotes

1. Images of the 1825 Osage treaty and Senate confirmation documents can be found here: <https://catalog.archives.gov/id/169161530> . A transcription of the treaty can be found here: [https://treaties.okstate.edu/treaties/treaty-with-the-great-and-little-osage-1825.-\(0246\)](https://treaties.okstate.edu/treaties/treaty-with-the-great-and-little-osage-1825.-(0246)) . Both accessed Oct 13, 2022.
2. Kate L. Gregg, Editor, "The Road to Santa Fe, The Journal and Diaries of George Champlin Sibley," University of New Mexico Press, 1995, pp 57-58.
3. A transcription of the 1825 Kaw treaty can be found here: [https://treaties.okstate.edu/treaties/treaty-with-the-kansa-1825.-\(0248\)](https://treaties.okstate.edu/treaties/treaty-with-the-kansa-1825.-(0248)) . Accessed Oct 13, 2022.
4. Images of the 1825 Kaw treaty and Senate confirmation documents can be found here: <https://catalog.archives.gov/id/121182955> . Accessed Oct 13, 2022.
5. Images of the 1815 Osage treaty and Senate confirmation documents can be found here: <https://catalog.archives.gov/id/83226167> . A transcription of the treaty can be found here: [https://treaties.okstate.edu/treaties/treaty-with-the-kansa-1815.-\(0123\)](https://treaties.okstate.edu/treaties/treaty-with-the-kansa-1815.-(0123)) . Both accessed Oct 13, 2022.
6. Thanks to Dr. Leo Oliva for confirming my thoughts as to the significance and purpose of the 1815 treaty. (Dr. Leo Oliva, personal email communication with the Author, Oct 23, 2022)
7. Kate L. Gregg, p 62
8. Kate L. Gregg, p 58.
9. Thanks to Craig Crease for his review of, and comments on drafts of this article. The author remains responsible for this article's content.
10. When referring to the Kanza Indians, I have chosen the convention of using "Kanza" as an adjective, and "Kanzas" as a noun (such as object of the preposition, subject of a sentence, etc). I use "Kansas" when quoting from the historic documents.