

## Article 3.

Inorder that the Kansas Indians may know<sup>1</sup> the west line of the land which they have ceded by this treaty, it is agreed that the United States shall, as soon as may be convenient<sup>2</sup> in the present year, cause the said line to be ascertained and marked by competent surveyors.<sup>3</sup>

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<sup>1</sup> The language in this article places the responsibility of respecting treaty boundaries on the Kanza without addressing how these boundaries will be known or enforced for settlers, many of whom were interested in settling on, or already had squatted on Kanza land. According to historian Paul Wallace Gates, the white “sooners”, sometimes referred to as squatters, “were found on every reservation in Kansas before the Indian lands were officially sold or open to settlement” (qtd. in Parks, *The Darkest Period*, 63). U.S. and local political officials had little incentive to enforce treaty boundaries among their constituents as their political offices depended on votes from these settlers (Edwards, *Osage Women and Empire*, 106-108).

<sup>2</sup> The timing of surveys could be critical. Parks also describes how squatters illegally settled on prime land designated for Kanza individuals in the 1825 treaty precisely because delays in surveying left questions about what parts of the land belonged to the Kanza nation. Further, even when treaty boundaries were known, settlers often used false claims of confusion to rationalize their choice to settle on prime pieces of Kanza land. Without a specific time listed in the treaty of 1846, the Kanza nation was left at the whims of government officials to name the official boundaries of their reserve. And they had to wait a decade: the survey was completed on July 24, 1856.

<sup>3</sup> Surveying errors were a concern: “[i]n 1847, the U.S. government did, in fact, mistakenly establish the northern three-tenths (120 square miles) of the Kanza Reservation on land already reserved for the Shawnee...” (Parks, *The Darkest Period* 67). All surveys were conducted by U.S. government representatives. Keeping in mind that U.S. presence in the region only began in earnest in 1804, the Kanza, who had lived in the region for generations, were clearly much more knowledgeable of the region. The Kanza would have better met the criteria of “competent surveyors.”

## **Article 4:**

The Kansas Indians are to move from the lands ceded to the United States, by the first article of this treaty, by the first day of May, 1847.<sup>4</sup>

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<sup>4</sup> A key problem in this date—May 1, 1847--was that as the treaty was being negotiated, there was no clear agreement where the Kanza would move. The originally proposed location on the east of the Kanza's remaining lands was in the territory of the Pawnee, the Kanza's enemies, in an area with no roads to allow for the fulfillment of the treaty terms. Further, trade had always been an important part of Indigenous economies in this region, alongside agriculture and hunting. This location would take the Kanza away from their traditional trade routes which would make the Kanza's survival even more difficult. With fewer resources, less options to support themselves, and the fear of constant war with unfriendly neighbors, the Kanza were rightly concerned about the new location proposed by treaty negotiators.