

# INDIAN TREATIES.

## TREATY WITH THE CREEK NATION.

JULY 10TH, 1861.

### A TREATY OF FRIENDSHIP AND ALLIANCE,

*Made and concluded at the North Fork Village, on the North Fork of the Canadian river, in the Creek Nation, west of Arkansas, on the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, Commissioner, with plenary powers, of the Confederate States, of the one part, and the Creek Nation of Indians, by its Chiefs, Head Men and Warriors in General Council assembled, of the other part.* July 10, 1861.

The Congress of the Confederate States of America, having, by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guarantees with each of said nations and tribes under treaties made with them by the United States of America; and the Creek Nation of Indians having assented thereto upon certain terms and conditions:

Preamble.

Now, therefore, the said Confederate States, by Albert Pike, their Commissioner, constituted by the President under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Creek Nation, in General Council assembled, have agreed to the following articles, that is to say:

ARTICLE I. There shall be perpetual peace and friendship, and an alliance offensive and defensive, between the Confederate States of America, and all of their States and people, and the Creek Nation of Indians, and all its towns and individuals.

Peace and friendship perpetual.

ARTICLE II. The Creek Nation of Indians acknowledges itself to be under the protection of the Confederate States of America, and of no other power or sovereign whatever; and doth hereby stipulate and agree with them that it will not hereafter, nor shall any of its towns or individuals, contract any alliance or enter into any compact, treaty or agreement with any individual State or with a foreign power: *Provided*, That it may make such compacts and agreements with neighboring nations and tribes of Indians for their mutual welfare and the prevention of difficulties,

Terms upon which the Confederate States assume and accept the protectorate of the Creek nation.

as may not be contrary to this treaty, or inconsistent with its obligations to the Confederate States; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Creek Nation as their ward; and by the consent of the said Creek Nation, now here freely given, the country whereof it is proprietor in fee, as the same is hereinafter defined, is annexed to the Confederate States, in the same manner and to the same extent as it was annexed to the United States of America before that government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions, as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles and guarantees with or in favor of the said nation, under treaties made with it, and under the statutes of the United States of America.

## Boundaries

ARTICLE III. The following shall constitute and remain the boundaries of the Creek country, viz: Beginning at the mouth of the North Fork of the Canadian river, and running northerly four miles; thence running a straight line so as to meet a line drawn from the south bank of the Arkansas river, opposite the east or lower bank of Grand river, at its junction with the Arkansas, and which runs a course south forty-four degrees west, one mile, to a post placed in the ground, thence along said line to the Arkansas and up the same to the Verdigris river, to where the old territorial line crosses it; thence along said line north to a point twenty-five miles from the Arkansas river where the old territorial line crosses the same; thence running west with the southern line of the Cherokee country to the North Fork of the Canadian river, where the boundary of the cession to the Seminole Nation defined in the first article of the treaty between the United States of America and the Creek and Seminole Nations, of August seventh, in the year of our Lord one thousand eight hundred and fifty-six, first strikes said Cherokee line; thence down said North Fork to where the eastern boundary line of the said cession to the Seminole Nation strikes the same; thence with that line due south to the Canadian river, at the mouth of the Ok-hai-ap-po, or Pond creek; and thence down said Canadian river to the place of beginning.

Assent of the  
Creek nation to act  
May 21, 1861, for  
the protection of  
certain Indian  
tribes.

ARTICLE IV. The Creek Nation hereby gives its full, free and unqualified assent to those provisions of the act of Congress of the Confederate States of America entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord one thousand eight hundred and sixty-one, whereby it was declared that all reversionary and other interest, right, title and proprietorship of the United States in, unto and over the Indian country in which that of said nation is included should pass to, and vest in, the Confederate States; and whereby the President of the Confederate States was authorized to take military possession of all said country; and whereby all the laws of the United States, with the exception hereinafter made applicable to, and in force in, said country and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Creek Nation among others were re-enacted, continued in force, and declared to be in force in said country, as laws and statutes of the Confederate States: *Provided, however,* And it is hereby agreed between the said parties that whatever in the said laws of the United States contained, is or may be contrary to, or inconsistent with, any article or provision of this treaty, is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent as thus qualified and conditioned, shall relate to, and be taken to have been given upon the said day of the approval of the said act of Congress.

## Proviso.

ARTICLE V. The Confederate States of America do hereby guarantee to the Creek Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in the preceding article of this treaty; to be held by the people of the said nation in common as they have heretofore been held, so long as grass shall grow and water run, if the said nation shall so please, but with power of making partition thereof and disposition of parcels of the same by virtue of laws of the nation duly enacted; by which partition or sale, title in fee simple, absolute, shall vest in parceners and purchasers, whenever it shall please the nation of its own free will and accord and without solicitation from any quarter to do so; which solicitation the Confederate States hereby solemnly agree never to use, and the title and tenure hereby guaranteed to the said nation, is and shall be subject to no other conditions, reservations or restrictions whatever than such as are hereinafter specially expressed.

Guarantee of lands to the Creek nation;

power to dispose of them.

ARTICLE VI. None of the said lands hereby guaranteed to the Creek Nation, shall be sold, ceded, or otherwise disposed of, to any foreign nation or to any State or government whatever; and in case any such sale, cession or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

Lands not to be sold to any foreign nation, or to any State or government whatever.

Penalty.

ARTICLE VII. The Confederate States hereby agree and bind themselves that in guaranteeing to the Seminole Nation of Indians the country granted, ceded and conveyed to it by the Creek Nation, by the treaty of the seventh day of August, in the year of our Lord one thousand eight hundred and fifty-six, it shall be provided as it was in that treaty, that no part thereof shall ever be sold, or otherwise disposed of, by the said Seminole Nation without the consent of the Creek Nation formally and explicitly given.

Lands granted to Seminoles by Creeks not to be sold by former without consent of latter.

ARTICLE VIII. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek Nation; and that no portion of the country hereby guaranteed to it shall ever be embraced or included within or annexed to any Territory or Province; nor shall any attempt ever be made, except upon the free, voluntary and unsolicited application of the said nation, to erect the said country, by itself or with any other, into a State or any other territorial or political organization, or to incorporate it into any State previously created.

No State or Territory to pass laws for government of Creeks.

Creeks not to be incorporated into any other territorial or political organization without their full consent.

ARTICLE IX. So far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are limited and modified by this treaty, the Creek Nation shall possess the otherwise unrestricted right of self-government, and full jurisdiction, judicial and otherwise, over persons and property within their limits; excepting only such white persons as are not, by birth, adoption or otherwise members of either the Creek or Seminole Nation; and that there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who, having married a Creek or Seminole woman, resides in the said Creek country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation, within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offences committed in the Indian country, to the effect that they shall not extend or apply to offences committed by one Indian against the person or property of another Indian, shall be so extended and enlarged by virtue of this article when ratified, and with-

Government.

Restrictions.

Membership.

Punishment of offences.

out further legislation, as that none of said laws shall extend or apply to any offence committed by any Indian, or negro, or mulatto, or by any such white person, so by birth, adoption or otherwise a member of such Creek or Seminole Nation, against the person or property of any Indian, negro, mulatto, or any such white person, when the same shall be committed within the limits of the said Creek Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Creek Nation, and to prosecution and trial before its tribunals, and to punishment according to such laws, in all respects like native members of the said Creek Nation.

Intruders to be kept out of the Creek country.

ARTICLE X. All persons who are not members of either the Creek or Seminole Nation, found in the Creek country, as hereinbefore limited, shall be considered as intruders, and be removed and kept out of the same, either by the civil officers of the nation under the direction of the Executive or the General Council, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to say: Such individuals, with their families as may be in the employment of the government of the Confederate States; all persons peaceably travelling, or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the Creeks or Seminoles with the assent of the agent of the Confederate States, to reside within their respective limits without becoming members of either of said tribes.

Reservation of lands for Indian agency.

ARTICLE XI. The tract of two sections of land, selected by the President of the United States, under the treaty with the Creek Nation, concluded on the twenty-fourth day of January, in the year of our Lord, one thousand eight hundred and twenty-six, at which the Creek Agency is now maintained, and whereon the public buildings of that agency have been erected is hereby reserved to the Confederate States in the same manner as the same was, by that treaty, reserved to the United States, and is not included in the guarantee of lands aforesaid, but shall be within the sole and exclusive jurisdiction of the Confederate States, except as to members of the Creek or Seminole Nation as above defined, all offences committed by whom thereon shall be punished by the laws and courts of the said nation whenever they would be so punished if committed elsewhere in the nation: *Provided*, That whenever the agency for the said nation shall be discontinued by the Confederate States, and an agent no longer appointed, the said tract of two sections of land shall pass to and vest absolutely in the Creek Nation in the same manner as its other lands with all the buildings that may be thereupon.

Proviso.

Reservation of lands for forts, military posts and post roads.

ARTICLE XII. The Confederate States shall have the right to build, establish and maintain such forts and military posts, temporary or permanent, and to make and maintain such military and post-roads as the President may deem necessary, within the Creek country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post, or roads, or of the agency, the property of any individual member of the Creek Nation, or any property of the nation itself, other than land, timber, stone and earth, be taken, destroyed or injured, just and adequate compensation shall be made by the Confederate States.

Restrictions.

Right of way for railroads or telegraph lines.

ARTICLE XIII. The Confederate States or any company incorporated by them, or any one of them, shall have the right of way for railroads or tele-

graph lines through the Creek country; but in case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Creek Nation as may be agreed upon between it and the national council thereof; or, in case of disagreement, by making full compensation, not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nation for any railroad, shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for, in case of abandonment by them, or of extinction of their tribe.

ARTICLE XIV. No person shall settle, farm, or raise stock within the limits of any post or fort, or of the agency, except such as are, or may be, [in] the employment of the Confederate States in some civil or military capacity, or such as, being subject to the jurisdiction and laws of the Creek Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so upon the agency reserve.

Farming within the limits of any post, or fort, or the agency prohibited.

ARTICLE XV. The Confederate States shall protect the Creeks from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to the jurisdiction and laws of the Creek Nation, and for all injuries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

Creeks to be protected from domestic strife, hostile invasion, and aggression by other Indians, &c.

ARTICLE XVI. No person shall hereafter be licensed to trade with the Creeks, except by the agent, and with only the exceptions hereinafter mentioned, with the advice and consent of the national council. Every such trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the bureau of Indian affairs; and hereafter it shall be in the power of the general council of the Creek Nation to levy and collect of all licensed traders a tax not exceeding one and one fourth per cent. on the first cost of all goods, wares and merchandise hereafter brought by them into the nation for sale; which first cost shall, in all cases, be ascertained from the invoices, copies whereof are required to be furnished to the agent. Such tax shall be payable immediately upon and after the importation into the nation of each stock of goods, but shall in no case be levied twice on the same stock or part of the same: *Provided*, That no tax shall be levied for the present year, upon the stocks of goods now held by licensed traders; but only upon such as they shall hereafter receive, and upon so much of their present stock as shall remain on hand on the first day of January next. No appeal shall hereafter lie to any officer whatever from the decision of the agent refusing to license any applicant.

License to trade with the Indians.

Conditions imposed.

Proviso.

ARTICLE XVII. Immediately upon the signing of this treaty, the agent of the Confederate States shall notify each licensed trader in the Creek Nation that he is required to apply for a license under the laws of the Confederate States within thirty days after the date of such notice; and any one failing to do so shall be considered as an intruder, and be immediately removed from the country. Upon each such application the agent shall decide and grant or refuse the same at his discretion, as heretofore, and his decision shall be final. Every license so granted by him shall be for the term of twelve months in addition to the unexpired portion of the year 1861; and if, at the expiration of the year 1862, a renewal of license should not be granted to any such trader, he shall

Traders to apply for license under laws C. S. within 30 days after signing of treaty.

nevertheless be entitled to remain in the country such reasonable length of time as may, in the opinion of the agent, be necessary, under the protection of the laws of the Confederate States, as a person peaceably sojourning therein, for the purpose of collecting such debts as may be due him: *Provided*, That no such license shall be granted by the agent, unless the party applying shall have paid the whole amount of compensation for land and timber assessed for the year 1861, by the council with the assent of the agent; and that any license hereafter granted shall be revoked on failure or refusal to pay in due time the tax that may be legally assessed in any year. When a second license is applied for by any such party, or hereafter when any new party applies for license, it shall be granted with the advice and consent of the national council: *And provided also*, That if the general council has any well founded objection to the present renewal of any license to any person now licensed as a trader, for which such renewal ought not, under the law, to be granted, it may present such objection to the agent, who shall refuse to renew the license in that case if he finds such objection to be well founded and sufficient; and if he do not so refuse, the general council may carry the matter before the superintendent, whose decision shall be final.

Proviso.

Further proviso.

Removal of certain restrictions in reference to the sale of personal property.

ARTICLE XVIII. All restrictions and limitations heretofore imposed or existing by treaty, law or regulation, upon the right of any member of the Creek Nation freely to sell and dispose of to any person whatever, any chattel or article of personal property whatever, are hereby removed and annulled, except such as the laws of the nation itself may have created.

Appointment of agent and interpreter.

ARTICLE XIX. An agent of the Confederate States and an interpreter shall be continued to be appointed for the Creek Nation, both of whom shall reside at the agency; and whenever a vacancy shall occur in either of the said offices, the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they in good faith protest; and the agent may be removed on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause shown for such removal.

What Indians may reside in the Creek country.

ARTICLE XX. The Creek Nation may, by act of its legislative authorities, receive and incorporate in itself as members of the nation, or permit to settle and reside upon the national lands, such Indians of any other tribe as to it may seem good; and may sell such Indians portions of land, in fee, or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price of such sales or leases; and it alone shall determine who are members and citizens of the nation entitled to vote at elections, hold office or share in annuities, or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of the Creek Nation they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Creeks themselves. But no Indians other than Creeks and Seminoles, not now settled in the Creek country, shall be permitted to come therein to reside, without the consent and permission of the legislative authority of the nation.

Who shall be entitled to vote, hold office, share in annuities or the common lands.

Proviso.

Penalty for settling upon lands of Creek nation without permission.

ARTICLE XXI. If any citizen of the Confederate States or any other person not being permitted to do so by the authorities of said nation, or authorized by the terms of this treaty, shall attempt to settle upon any lands of the Creek Nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual or excessive, as may have been previously prescribed by law of the nation.

ARTICLE XXII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Creek Nation, under the penalty of one dollar per head for all so pastured, to be collected by the authorities of the nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Creek country; and to drive their stock to market or otherwise through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose.

Citizens of the C. S. may not pasture stock on Creek lands, but may, at all time, travel the Creek country.

ARTICLE XXIII. It is also further agreed that the members of the Creek Nation shall have the same right of travelling, driving stock and halting to recruit the same in any of the Confederate States as is given citizens of the Confederate States by the preceding article.

Creeks to have the same right to travel in any of the C. S.

ARTICLE XXIV. The officers and people of the Creek and Seminole Nations respectively, shall at all times have the right of safe conduct and free passage through the lands of each other; and the members of each nation shall have the right, freely, and without seeking license or permission, to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges and immunities of members thereof, including the right of voting at elections, and of being deemed qualified to hold office, and excepting only that no member of either nation shall be entitled to participate in any funds belonging to the other nation. Members of each nation shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time be prescribed by their respective legislatures.

Personal and political rights, privileges and immunities of the Creeks and Seminoles.

ARTICLE XXV. Any person duly charged with a criminal offence against the laws of either the Creek or Seminole Nation, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offence shall be alleged to have been committed.

Fugitives from justice to be surrendered.

ARTICLE XXVI. The Creek Nation shall promptly apprehend and deliver up all persons accused of any crime against the laws of the Confederate States, or any State thereof, who may be found within its limits, on demand of any proper officer of a State or the Confederate States.

Persons accused of any crime against the C. S. to be delivered up.

ARTICLE XXVII. In addition to so much and such parts of the act of Congress of the United States, enacted to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States as provides for the punishment of crimes amounting to felony at common law or by statute against the laws, authority or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin or securities of the Confederate States, or uttering counterfeit coin or securities, and so much of such laws as provides for punishing violators of the neutrality laws, and resistance to the process of the Confederate States, and all the acts of the provisional Congress, providing for the common defence and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Creek country.

Laws in force in the Creek country defined.

ARTICLE XXVIII. Whenever any person who is a member of the Creek Nation shall be indicted for any offence in any court of the Confederate States or in a State court, he shall be entitled as of common right to subpoena, and if necessary compulsory process for all such witnesses in his behalf as his counsel may think necessary for his defence, and the costs of process for such witnesses, and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterwards made, if practicable, in case of conviction of the property of the accused. And whenever the accused is not able to

Any member of the Creek nation, shall, when indicted by a Confederate or State court, have right to subpoena witnesses.

When not able to employ, the court shall assign him counsel.

All laws in regard to the return of fugitive slaves, or fugitives from labor or justice extended to the Creek nation.

Members of Creek nation competent witnesses in C. S. courts.

Official acts of judicial officers in said nation to have same effect as like acts of officers of same grade, &c., in C. S.

Existing laws in reference to slavery declared binding.

No *ex post facto* laws impairing the obligation of contracts, passed by the Creek Legislature to effect any other than members of said nation, &c.

Post-offices and mails.

Right of ferriage.

employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

ARTICLE XXIX. The provisions of all such acts of Congress of the Confederate States as may now be in force, or may hereafter be enacted, for the purpose of carrying into effect the provision of the constitution in regard to the re-delivery or return of fugitive slaves, or fugitives from labour and service, shall extend to, and be in full force within the said Creek Nation; and shall also apply to all cases of escape of fugitive slaves from the said Creek Nation into any other Indian nation or into one of the Confederate States, the obligation upon each such nation or State to re-deliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

ARTICLE XXX. Persons belonging to the Creek Nation shall hereafter be competent as witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

ARTICLE XXXI. The official acts of all judicial officers in the said nation shall have the same effect, and be entitled to the like faith and credit everywhere, as the like acts of judicial officers of the same grade and jurisdiction in any of the Confederate States; and the proceedings of the courts and tribunals of the said nation, and copies of the laws and judicial and other records of the said nation shall be authenticated like similar proceedings of the courts of the Confederate States, and the laws and office records of the same, and be entitled to like faith and credit.

ARTICLE XXXII. It is hereby declared and agreed that the institution of slavery in the said nation is legal and has existed from time immemorial; that slaves are taken and deemed to be personal property; that the title to slaves and other property having its origin in the said nation, shall be determined by the laws and customs thereof; and that the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said nation, which may be proved like foreign laws, usages and customs, and shall everywhere be held valid and binding within the scope of their operation.

ARTICLE XXXIII. No *ex post facto* law or law impairing the obligation of contracts shall ever be enacted by the legislative authority of the Creek Nation, to effect any other persons than its own people; nor shall any citizen of the Confederate States or member of any other Indian nation or tribe be deprived of his property or deprived or restrained of his liberty, or fine, penalty or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the constitution of the Confederate States; and it shall be within the province of the agent to prevent any infringement of such rights and of this article, if it should in any case be necessary.

ARTICLE XXXIV. That the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Creek Nation, and cause the mails to be regularly carried at reasonable intervals to and from the same, at the same rates of postage, and in the same manner as in the Confederate States.

ARTICLE XXXV. Whenever any stream, over which may it be desirable to establish ferries, forms the boundary of the Creek country, members of the Creek Nation shall have the right of ferriage from their own land to the opposite shore; and no more onerous terms shall be imposed by the State



or nation opposite than such as it imposes upon its own citizens having ferries on the same stream.

ARTICLE XXXVII. In consideration of the common interests of the Creek Nation and the Confederate States, and of the protection and rights guaranteed to the said nation by this treaty, the Creek Nation hereby agrees that it will, either by itself or in conjunction with the Seminole Nation, raise and furnish a regiment of ten companies of mounted men to serve in the armies of the Confederate States for twelve months, the company officers whereof shall be elected by the members of the company, and the field officers by a majority of the votes of the members of the regiment. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country west of Arkansas without their consent.

A regiment of mounted men to be raised to serve in the armies of the C. S.

ARTICLE XXXVII. The Creek Nation hereby agrees and binds itself at any future time to raise and furnish, upon the requisition of the President, such number of troops for the defence of the Indian country, and of the frontier of the Confederate States as he may fix, not out of fair proportion to the number of its population, to be employed for such terms of service as the President may fix; and such troops shall always receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

Troops for the defence of the Indian country and the frontier.

ARTICLE XXXVIII. It is further agreed by the said Confederate States that the said Creek Nation shall never be required or called upon to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

Creeks not to pay expenses of present or any future wars.

ARTICLE XXXIX. It is further agreed that, after the restoration of peace, the Government of the Confederate States will defend the frontiers of the Indian country, of which the Creek country is a part, and hold the forts and posts therein, with native troops, recruited among the several Indian Nations included therein, under the command of officers of the army of the Confederate States, in preference to other troops.

C. S., after peace, to defend Indian frontier with native troops.

ARTICLE XL. In order to enable the Creek and Seminole Nations to claim their rights and secure their interests without the intervention of counsel or agents, and as they were originally one and the same people and are now entitled to reside in the country of each other, they shall be jointly entitled to a delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member of one of the said nations, over twenty-one years of age, and labouring under no legal disability by the law of either nation; and each delegate shall be entitled to the same rights and privileges as may be enjoyed by delegates from any territories of the Confederate States to the said House of Representatives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for delegate shall be held at such time and places, and be conducted in such manner as shall be prescribed by the agent of the Confederate States, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times, places, and manner of holding them and ascertaining and certifying the result, shall be prescribed by law of the Confederate States.

Representation in Congress.

Election of delegate.

ARTICLE XLI. It is further ascertained and agreed between the parties to this treaty, that the United States of America, of which the Confederate States of America were heretofore a part, were, before the separation, indebted, and still continue to be indebted to the Creek Nation, and bound

Annuities and interest thereon.

to the punctual payment to them of the following sums annually, on the first day of July of each year, that is to say :

Perpetual annuities, amounting in the aggregate to twenty-four thousand five hundred dollars, under the fourth article of the treaty of the seventh day of August, A. D., one thousand seven hundred and ninety ; the second article of the treaty of the sixteenth day of June, A. D., one thousand eight hundred and two ; and the fourth article of the treaty of the twenty-fourth day of January, A. D., one thousand eight hundred and twenty-six.

Interest at the rate of five per cent. per annum on two hundred thousand dollars, which, by the sixth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and forty [fifty]-six, the United States agreed to invest in some safe stock, paying not less than that rate of interest, and to pay the interest regularly and faithfully, to be applied to purposes of education among the Creeks, but which they never invested ; being ten thousand dollars per annum, or more, payable perpetually.

The sum of one thousand seven hundred and ten dollars perpetually, the agreed cost of the wheelwright, blacksmith and assistant, blacksmith, shop and tools, and iron and steel, annually, under the eighth article of the treaty of the twenty-fourth day of January, A. D., one thousand eight hundred and twenty-six.

The sum of eight thousand two hundred and twenty dollars payable annually, until and upon, and ending upon the first day of July, A. D., one thousand eight hundred and sixty-four, being for the sums of six thousand dollars per annum, for education for seven years from and after the fiscal year ending 30th June, A. D., one thousand eight hundred and fifty-seven, under the fourth article of the treaty of the fourth day of January, A. D., one thousand eight hundred and forty-five, as the same is recited in the fifth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six ; and of two thousand two hundred and twenty dollars, being the estimated annual cost of the provision for two blacksmiths and assistants, shops and tools, iron and steel, under the thirteenth article of the treaty, made the twenty-fourth day of March, A. D., one thousand eight hundred and thirty-two, and which was continued for seven years from and after that fiscal year by the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six.

The sum of four thousand seven hundred and ten dollars which was payable during the pleasure of the President of the United States, as follows, to-wit : two thousand dollars per annum for assistance in agricultural operations under the eighth article of the treaty of the twenty-fourth day of January, A. D., one thousand eight hundred and twenty-six ; one thousand dollars per annum for education under the fifth article of the treaty of the fourteenth day of February, A. D., one thousand eight hundred and thirty-three ; and one thousand seven hundred and ten dollars per annum, the estimated annual cost of the wagon-maker, blacksmith and assistant, shop and tools, iron and steel, under the same fifth article of the same treaty last aforesaid ; indefinite continuance of the payment of which three sums was provided for by the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six.

And it is also hereby ascertained and agreed between the parties to this treaty that there was due to the Creek Nation, on the first day of July, in the year of our Lord, one thousand eight hundred and sixty-one, for and on account of these annuities, interest and annual instalments, and of arrearages thereof, the sum of seventy-one thousand nine hundred and sixty dollars, as follows, that is to say :

For the perpetual annuities then due, twenty-four thousand five hundred dollars.

For interest and arrearages on the said sum of two hundred thousand

dollars, provided to be invested for purposes of education by the sixth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, which has never been invested, and the five instalments of interest whereon at the rate of five per cent. per annum, due up to and upon the first day of July, A. D., one thousand eight hundred and sixty-one, amount to the sum of fifty thousand dollars, whereof twenty-one thousand dollars only has been paid, the sum of twenty-nine thousand dollars.

For the two sums aforesaid due for educational purposes, seven thousand dollars.

For sums due for wagon-makers, blacksmiths, shops, iron and steel, and agricultural purposes, seven thousand six hundred and forty dollars, and for arrearages of same, being one-half of the annual sum due on the first day of July, A. D., one thousand eight hundred and sixty, and unpaid, three thousand eight hundred and twenty dollars, or together eleven thousand four hundred and sixty dollars. And it not being desired by the Confederate States that the Creek Nation should continue to receive these annual sums from the government of the United States, or otherwise have any further connection or communication with that government and its Superintendents and agents; therefore, the said Confederate States of America do hereby assume the payment, for the future, of all the above recited annuities and annual payments, and agree and bind themselves regularly and punctually to pay the same; and do also agree and bind themselves to pay immediately upon the complete ratification of this treaty, the said sum of seventy-one thousand nine hundred and sixty dollars for such annuities and annual payments, due on the first day of July, A. D. one thousand eight hundred and sixty-one, and for arrearages as above stated.

ARTICLE XLIII. It is also further agreed between the said parties to this treaty, that the United States of America, while the said several Confederate States were States of the said United States, held and do still continue to hold in their hands, invested in bonds and stocks of certain States, part or all of which are now members of the said Confederacy of States, the sum of two hundred thousand seven hundred and forty-two dollars and sixty cents, bearing an annual interest of eleven thousand six hundred and ninety-four dollars and fifty-four cents, and also arrearages of interest on the same in money, which amounted, on the first day of July, A. D., one thousand eight hundred and sixty-one, to so much as to make, with the principal, the sum of two hundred and forty-nine thousand nine hundred and thirty-seven dollars and fourteen cents, in bonds, stocks and money, in the hands of the United States, and belonging to those persons surviving, and the legal representatives of those persons deceased, who were orphan children of the Creeks, on the twenty-fourth day of March, A. D., one thousand eight hundred and thirty-two, the same being the proceeds of the twenty sections of land selected under the direction of the President of the United States, for such orphan children of the Creeks under and by virtue of the second article of the treaty of that date, and which were sold and the proceeds invested in such stocks as aforesaid, under the direction of the President of the United States, in conformity to the provision of that article that said twenty sections should be divided and retained, or sold, for the benefit of such children as the President might direct.

And it is further agreed that in addition to this sum, and to the sum of two hundred thousand dollars which should have been invested under the sixth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, there has also long been and still

Amount due  
orphan children of  
the Creek nation.

Amount due cer-  
tain claimants.

is due and owing from the said United States to certain individuals in the Creek Nation, from claims allowed by William Armstrong, as Commissioner, in their favour on account of depredations by the Osages, as provided by treaty, the sum of nine thousand seven hundred and fifty-seven dollars and fifty cents, to pay which, and other like claims, there has long remained in the treasury of the United States the sum of sixteen thousand dollars, remainder of the sum of thirty thousand dollars allowed by treaty with the Osages, made the eleventh day of January, A. D., one thousand eight hundred and thirty-nine, for the purpose of

Payment of orphan children and claimants assumed by the Confederate States.

paying what should be adjudged for such depredations; and the said Confederate States of America do hereby assume the duty and obligation of collecting and paying over as trustees to the said Creek Nation, for the said orphans and legal representatives of orphan children of the Creeks, all sums of money accruing, whether from interest or capital of the bonds of the several States of the Confederacy now held by the government of the United States as trustee for the said orphans and legal representatives of orphan children of the Creeks, or for the Creek Nation; and the said interest and capital, as collected, shall be paid over to the said orphans or legal representatives of orphans of the Creeks or to the Creek Nation for them. And the said Confederate States will request the several States whose bonds are so held, to provide by legislation or otherwise, that the capital and interest of such bonds shall not be paid to the government of the United States, but to the government of the Confederate States, in trust for the said orphans and legal representatives of orphans.

States not to pay capital or interest of its bonds to U. S. but to C. S. in trust for said orphans.

Final settlement and full payment to be made after the restoration of peace.

And the said Confederate States hereby guarantee to the said Creek Nation the final settlement and full payment upon and after the restoration of peace, and the establishment and recognition of their independence, as of debts in good faith and conscience, as well as in law due and owing, on good and valuable consideration, by the said Confederate States and other of the United States, jointly, before the secession of any of the States, of all the said sums of money so due and owing by the late United States, and of any sums received by that government, and now held by it, by way of interest on a capital of said bonds of the States; and do also guarantee to it the full and final settlement and payment, at the same period of the capital and interest of any and all bonds or stocks of any Northern State, in which any of the Creek funds may have been invested.

All other sums due by this treaty to be paid upon the restoration of peace.

ARTICLE LXIII. It is also further agreed that whatever sums of money are by this treaty provided to be settled and paid by the Confederate States to the Creek Nation, for itself, upon the restoration of peace, not including those belonging to the said orphans, shall be paid over to the authorities of the nation, to be held by them invested in stocks, or shall be by the government of the Confederate States so invested, in stocks bearing the best rate of interest, and at the market rate of such stocks as the authorities of the nation may require, so that the nation may in either mode, have all the advantages of the investment; and that, if paid over to the authorities of the nation, the government of the Confederate States shall have no further control over the same in any wise, nor be in any wise responsible for its proper investment or disposition.

Treaties with the U. S. not inconsistent with this treaty to be binding.

ARTICLE LXIV. It is further agreed between the parties that all provisions of the treaties of the Creek Nation with the United States which secure or guarantee to the Creek Nation, or individuals thereof, any rights or privileges whatever, and the place whereof is not supplied by, and which are not contrary to, the provisions of this treaty, and so far as the same are not obsolete and unnecessary, or repealed, annulled, changed or modified by subsequent treaties, or laws, or by this treaty, are and shall be continued in force, as if made with the Confederate States.

ARTICLE LXV. It is hereby further agreed by the Confederate States that all the members of the Creek Nation as hereinbefore defined, shall be henceforward competent to take, hold and pass, by purchase or descent, lands in any of the Confederate States heretofore or hereafter acquired by them, and to sue and implead in any of the courts of each of the States, in the same manner and as fully, and under the same terms and restrictions and the same conditions only as citizens of another of the Confederate States can do.

Creeks entitled to own land, and sue in the courts of any of the States of the C. S.

ARTICLE LXVI. A general amnesty of all past offences against the laws of the United States, and of the Confederate States, committed in the Indian country before the signing of this treaty, by any member of the Creek Nation, as such membership is defined by this treaty, is hereby declared; and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offence, shall receive from the President full and free pardon and be discharged.

Amnesty.

ARTICLE LXVII. It is also further agreed that the sum of seven hundred and fifty dollars shall be appropriated, upon the ratification of this treaty, by the Congress of the Confederate States, to pay the expenses of the Commissioners of the Creek Nation who have negotiated the same, and that the same shall be paid to the Principal Chief, Motey Kinnard, who shall distribute the same among the Commissioners as they shall agree and direct.

Payment of expenses of Creek commissioners.

ARTICLE LXVIII. This treaty shall take effect and be obligatory upon the contracting parties, from the tenth day of July, in the year of our Lord one thousand eight hundred and sixty-one, whenever it shall be ratified by the General Council of the Creek Nation, and by the Provisional President and Congress, or the President and Senate of the Confederate States.

When to take effect.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms, and the undersigned, the Commissioners appointed in this behalf by the General Council of the Creek Nation, do hereunto set their hands and affix their seals.

{ SEAL }

Done in duplicate, at the place, and upon the day, in the year first aforesaid.

*Commissioner of the Confederate States to the Indians west of Arkansas.*

MOTY KINNIARD,

*Principal Chief.*

ICHO HACHO,

*Principal Chief Upper Creeks.*

CHILLY McINTOSH,

LOUIS McINTOSH,

JAMES M. C. SMITH,

G. W. STIDHAM,

THOS. C. CARR,

Signed in duplicate in our presence.

ALBERT PIKE,

*to the Indians west of Arkansas.*

JOHN L. SMITH,

TIM BARNETT,

W. F. McINTOSH,

GEO. W. BRINTON,

OK-CHUN HACHO,

CO-AS-SAT-THI FIX-I-KO,

JOSEPH CORNELLS,

GEO. W. WALKER,

SAMUEL CHECOTE.

M. H. GARRETT,

*C. S. Agent.*

G. W. STIDHAM,

*C. S. Interpreter.*

W. WARREN JOHNSON,

WM. QUESENBERRY,

*Secretary to Commissioner.*

H. S. BUCKNER,

W. L. PIKE.

Ratification by  
the Creek nation.

WHEREAS, a treaty of alliance and friendship was made and concluded, subject to the ratification of the general council of the Creek Nation, on the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, by and between Albert Pike, Commissioner with plenary powers, of the Confederate States of America, on the part and behalf of the Confederate States, and Motey Kinnaird, Principal Chief, Icho Hacho, First Chief of the Upper Creeks, Chilly McIntosh, Louis McIntosh, James M. C. Smith, Geo. W. Stidham, Thomas C. Carr, John L. Smith, Timothy Barnett, William F. McIntosh, George W. Brinton, Ok-Chun Hacho, Co-as-sa-ti Fixico, Joseph Cornells, George W. Walker, Samuel Chicote and Daniel N. McIntosh, a Committee appointed by the General Council of Mus-ko-ki Nation, at the North Fork Village, on the North Fork of the Canadian River, in the said Creek Nation; and whereas by the forty-ninth article thereof, it is provided in these words, that "This Treaty shall take effect and be obligatory upon the contracting parties, from the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, whenever it shall be ratified by the General Council of the Creek Nation, and by the Provisional President and Congress, or the President and Senate of the Confederate States;"

Now therefore be it known, That the Creek or Mus-ko-ki Nation, in General Council assembled, on this, the twentieth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, at the Council Ground of the said nation, having maturely considered the said treaty, and every article and clause thereof, and being satisfied therewith, doth upon its part, assent to, ratify and confirm the same, as its solemn act and compact, as is therein stipulated, and doth direct that a copy of this ratification signed by the Principal Chief and National Clerk be annexed to each part of the said treaty for authentication thereof.

Thus done and approved, the day and year aforesad.

A true copy of the original act of ratification, as adopted by the General Council.

MOTey KINNAIRD,  
*Principal Chief.*

Attest:

D. N. McINTOSH,  
*National Clerk.*

Signed and attested in our presence.

W. H. GARRETT,  
*C. S. Agent for the Creeks.*  
G. W. STIDHAM,  
*C. S. Interpreter for the Creeks.*

Names of the Chiefs who signed the treaty concluded on the 10th day of July, 1861, and approved by the General Council of the Creek Nation on the 20th July, 1861, between the Confederate States of America and the Creek Nation of Indians:

Echur Harjo,	He-ne-mathco-che,	Ya-ha Harjo,
Cowassart Harjo,	Tullisse Fixico,	Fixico Harjo,
Nocus Emathla,	Tallof Harjo,	Ok-chun Harjo,
Us-so-na Harjo,	No-cus-illy,	Ne-ha Ya-ho-la,
In-suk-ko,	Cha-low Harjo,	Tallise Fixico,
Tustunnuk Kee,	Ok-ta-ha-hassee Harjo,	Jimmy Larney,
Ar-chu-le Harjo,	Ho-siche Boatswain,	Halputter Mikko,
Oh-sa Ya-ho-la,	Thear-ke-ta,	Samuel Lasley,

Ya-ha Tustunnukke,	It-chin Ya-ho-la,	Pow-has-e Marthla,
Ne-ha Ya-ho-la,	Nocus Fixico,	Ok-cus-ca Fixico,
Co-we Harjo,	Mikko Hutke,	Ar-hul Le-mathla,
Wm. Bruner,	Napoche Fixico,	Tul-wa Mikko,
Jacob Derrysaw,	Cotchar Fixico,	Ar-ha-luk Fixico,
E-ne-ha,	James McHenry,	Lou-cher Harjo,
Car-pit-char Ya-ho-la,	Cully Mikko,	Carpechar Fixico.

Attest:

*National Clerk.*

To the Indian names are subjoined marks.

### ARTICLE SUPPLEMENTARY

*To the treaty concluded between the Confederate States of America and the Creek Nation of Indians, at the North Fork Village, in the Creek Nation, on the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one.* July 10, 1861.

ARTICLE. The survivors now residing in the Creek Nation, of the Apalachicola Band of Indians, have earnestly represented to the commissioner of the Confederate States the facts following, that is to say:

*Proamble.*

That the Apalachicola Band of Indians, being by origin a part of the Creek Nation, long resided on the Apalachicola river, in what is now the State of Florida, and were parties to the treaty concluded at camp Moultrie, with the Florida tribes of Indians, on the eighteenth day of September, A. D., one thousand eight hundred and twenty-three.

That by two treaties, made and concluded with the United States on the eighteenth day of June, A. D., one thousand eight hundred and twenty-three, by different portions of the said Apalachicola Band, the chiefs and warriors of that band relinquished all the privileges to which they were entitled as parties to the treaty aforesaid, concluded at camp Moultrie, and all their right and title to certain reservations by it secured to them; and in consideration of that cession, the United States agreed to grant, and to convey within three years, by patent, to certain named chiefs, for the benefit of themselves and of the sub chiefs and warriors of the said Apalachicola Band, the quantity, in all, of six sections of land, to be laid off under the direction of the President, after the lands should have been surveyed.

That it was provided by the same two treaties that the said six sections of land might be disposed of by the chiefs, with the consent and advice of the Governor of Florida, at any time before the expiration of said term of three years, and that the said band might thereupon migrate to a country of their choice. And it was further thereby provided, that if, at any future time, the chiefs and warriors of the Apalachicola Band should feel disposed to migrate from Florida to the Creek and Seminole country west, they might either sell the grants of land made by those treaties, and in that case must, themselves, bear the whole expense of their migration, subsistence, &c.; or they might surrender to the United States all the rights and privileges acquired under said two treaties, in which case, they should become parties to the obligations, provisions, and stipulations of the treaty of Payne's Landing, made with the Seminoles on the ninth day of May, A.

D., one thousand eight hundred and thirty-two, as a constituent part of that tribe, and re-unite with that tribe in their abode west, in which case the United States would pay six thousand dollars for the reservations in that case relinquished by the first article of the said two treaties.

That in the hostilities that afterwards took place between the Creeks and Seminoles and the United States, the said Apalachicola Band remained loyal to the United States, and maintained their peace and friendship unbroken; but, in the year 1837, they were induced by the urgent solicitation of the emigrating agent of the United States, to remove from the country occupied by them in Florida, to the Indian country west of Arkansas, leaving the lands so granted them as aforesaid, and a large number of horses, mules, cattle, hogs, wagons, and other articles which they could not collect together and carry with them, and which the said emigrating agent persuaded them to leave in his charge, on his promise that the owners should be paid the value of all such their property, in money, by the agent of the United States, on their arrival in the country provided for them on the west side of the Mississippi; a schedule of all of which property so abandoned, and of its value, and of the improvements on lands abandoned by them, and the value of each, is annexed to this article, and forms a part of it.

That, by the treaty of Payne's Landing, made on the ninth day of May, A. D., one thousand eight hundred and thirty-two, the United States agreed to pay the Seminole Indians, in full compensation for all their claim to lands in the Territory of Florida, and for all improvements on the lands so ceded, the sum of fifteen thousand four hundred dollars, to be divided among the chiefs and warriors of the several towns in a ratio proportioned to their population; and they further agreed to take the cattle belonging to the Seminoles, at the valuation of some person to be appointed by the President, and to pay the valuation, in money, to the respective owners, or give them other cattle; and the expenses of removal were to be paid by the United States, and subsistence for twelve months, to all emigrants, furnished by them;

And that no compensation has ever been made any of the said Apalachicola Band, for the lands or improvements so abandoned by them, or for the horses, mules, cattle and other property abandoned by them; nor have they ever received any part of the annuities paid the Seminole or Creek Nation since their removal west, or been recognized as an integral part of the Seminole Nation, as it was provided they should be;

And, inasmuch as the forced emigration of the said band, and their surrender and abandonment of their lands, improvements, horses, cattle and other property in consequence thereof, was equivalent, as against the United States, to an election, by them, to surrender the rights, privileges secured by the treaties of the 18th June, 1833, and to claim the rights and privileges thereby vesting in them, as parties to the treaty of Payne's Landing, of the 9th of May, 1832;

C. S., upon restoration of peace to investigate and pay certain claims of Apalachicola Indians.

Therefore, it is hereby agreed by the Confederate States of America, by Albert Pike, its Commissioner, with full powers, with the members and survivors of the Apalachicola Band of Florida Indians, that upon and after the restoration of peace, the said claims of the members of that Band, to compensation for the loss of the lands, improvements, horses, cattle, mules and other property, shall be fairly investigated, in a generous and liberal spirit, by an officer or commissioners, to whom that duty shall be assigned by the Confederate States; and that whatever shall appear, upon such investigation, to be justly or equitable owing to members of the said band, on account of such losses as aforesaid, shall be paid to the persons originally entitled to the same, or to the legal representatives of such of them as may be deceased.



And it is also farther agreed, that the foregoing provisions of this article shall extend to, and include the claims for losses of the same kind, by members of Black Dirt's Band of friendly Seminoles, who lost property in like manner, in consequence of their hurried removal west, as the same is contained in the schedule thereof, marked B, annexed to this article.

Also, claims of Black Dirt's Band of Seminoles.

And it is also agreed that the claims to money, in lieu of bounty land warrants, of the persons whose names and those of their heirs are contained in the schedule marked C, annexed to this article, shall in like manner, and at the same period, be investigated, and so far as they shall be found to be well founded, shall be paid by the Confederate States.

Also, claims to money in lieu of land warrants.

*In perpetual testimony whereof*, the said Albert Pike, Commissioner, with full powers, of the Confederate States of America, doth hereunto set his hand and affix the seal of his arms.

SEAL

Thus done, signed and sealed, at the North Fork Village, on the North Fork of the Canadian river, this tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

Schedule A.

## SCHEDULE A.

## Claims of Apalachicola Indians.

NAMES.	Horses.		Mules.		Cattle.		Hogs and Pigs.		Sheep, Oxen.		Corn, Rice, etc.		Wagons.		Improvement on land. Value of.
	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	No. Bu.	Value.	Number.	Value.	
Charley Walker.....	6	180	2	200	16	306	19	876	1	350					
Jemmy Walker.....					17	176	15	45							\$40
Watley.....	3	45			6	48	12	36							35
Betsy Walker.....	6	180			16	112	25	75							200
Fisher Walker.....	8	240			23	138	24	72							150
Tom-i Hacho.....	5	150			9	54	18	54							
Dinah Walker.....	3	120			24	144	30	90							200
Jenkins.....	8	240			14	98	16	48							160
Tal-si Tlac-co.....	1	105			19	152	14	42							25
Ni-ha Tlac-co chi.....	2	60					20	60							30
Hi-cha.....					17	119	26	72							20
A-lic.....	3	60			12	72	15	45							20
O-chi Hacho.....	2	80			8	48	13	39							30
Su-na Co-chi.....					4	24	8	24							25
Fos Ima-thla.....	3	90					15	45							35
Ni-ha.....	2	60			6	36	14	42							20
Ni-ha.....	1	40			19	60	16	48							25
I-ma-thla-chi.....	4	160			7	42	30	90							25
Pa-his Hacho.....	3	126			7	42	24	72							20
Sally Hacho.....	3	120			6	36	16	48							15
Pa-nosi-ka.....	6	240			7	42	8	24							40
To-hi-pi.....	3	140			26	147	14	42							30
Milly Walker.....	2	80			23	178	19	57							50
Micco Ya-ho-la.....	7	210			18	126	16	48							50
John Milly.....	6	180			15	90	14	42							80
Betsy.....	1	40			5	30	6	18							20
Polly Walker.....	5	150			12	84	26	78							30
Ti-fa Chi-yi.....	3	120			4	24	6	18							30
Ki-nat Ho-ho-yi.....	3	90			5	30	8	24							15
So-ni Tlac-co.....	3	120			5	35	10	30							20
Davy Tlac-co.....	2	60			11	77	15	45							20
Letty.....	4	160			8	56	11	33							30
Fi-ho-ki.....	3	126			39	219	24	72							25
Old Sampson.....	6	300			18	126	5	15							40
Ya-hi Tlac-co.....	3	120			14	98	12	36							25
Cho-il-li.....	6	240			4	28	5	15							25
Ta-co-si Ya-ho-la.....	3	120			7	49	11	33							25
Co-a-co-chi.....	21	840			34	238	5	15							40
Madison.....	3	120			5	35	14	42							45
Nor-co-si Ya-ho-chi.....	3	120			11	77	7	21							100
Hii-y-ya-ka.....	1	40			4	28	6	24							
Co-si Ya-ho-la.....	6	240			14	98	15	45							40
A-ha-loc Hacho.....	6	240			14	98	20	60							28
Cho-ni.....	6	240			18	126									14
Ok-chai-yi.....	2	80			21	147	8	24							50
Co-ni.....	4	160			6	42	14	42							10
Mi-ca-leh.....	2	80			4	28	6	18							16
Mary.....	4	160			7	49	12	36							60
Ni-co.....	5	200			4	24	8	24							38
Ro-sa-na.....	3	120			10	60	18	54							27
Capt. Billy or Isa-fa Hacho.....	4	160			18	108	20	60							90
Lindy.....	2	80			7	49	13	39							20
Fa-chi-ni-chi.....	1	120			10	70									15
Co-cho-co-ni.....	1	30			5	30	7	21							30
Tom Farby.....	1	120					11	33							20
I-con-cha-ta Micco.....	6	180			23	138	12	36	13	39					30
Fa-fa Hacho.....	2	80			12	72	27	81							300
Jo Riley.....	6	180			36	216	45	135							115
Simon.....	3	90					25	75							40
Imatha Johnson.....	4	120			38	228	18	54							35
Fos Hutchi.....	2	60			7	42	8	24							40
George.....	2	80			9	54	13	39							25
So-ho Hth-li.....	4	120					18	54							20
Si-hi-chi.....	3	90					15	45							30
Ok-mul-ki.....	4	120			7	42	16	48							25
John Lewis.....	5	200			11	66	20	60							30
Tho-po-li.....	3	90			8	48	19	57							15
Woc si Hacho.....	2	60			10	60	35	105							25

Gun, \$30,

SCHEDULE A.—CONTINUED.

Schedule A.

NAMES.	Horses.		Mules.		Cattle.		Horses and Hogs.		Sheep, Oxen.		Corn, Rice, etc.		Wagons.		Improvement on land. Value of.
	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	No. Bu.	Value.	Number.	Value.	
Kat-cha Hacho.....	3	\$105			8	\$36	15	\$90							\$25
Ya-ha Hacho.....	1	30			7	42	4	12							50
Susy.....	2	50			6	36	5	15							50
Sim-ma-li-chi.....							20	80							50
Tha-thlo Hacho.....	5	150			9	51	15	45							80
Ha-a-thlum Hacho.....	5	180			15	90	13	39							80
Co-cho-co-mi Hacho.....	3	90			8	51	13	39							35
Ya-da-wa Hacho.....	3	90			6	36	16	48						Gun, \$50,	30
So-co-ski.....	2	60			4	24	8	24							40
H-li Kat-chi.....					6	36	10	40							30
Sim-ma-li-chi.....	5	200			5	30	45	135							50
Wil-yam-ai.....	6	240			35	245	25	75							250
A-sni-wa.....	2	80			3	12	6	18							40
Wa-hi.....	4	160			8	56	6	18							20
Co-ha Thlacco.....	3	120			15	90	38	114	60	\$180	50	\$50			150
Charly Inatila.....					2	12	140	420			150	150			Gun, \$10,
Micco Yahola.....					25	150	60	180			40	40			100
Susy.....					50	200					50	50			125
Towko.....					7	42	20	60			30	30			75
Cho-wus-ti Hacho.....											20	15			50
Micco Mo-cha-sa.....							13	39			40	40			40
Ok-li-chi.....											50	50			80
Hillis Hacho-chi.....											83	83			140
Chos-ka.....											67	67			85
Sai-yi Mo-ho-ka.....											74	74			84
Ta-na-li-chi.....											84	84			84
Pai-chis-chi.....											55	55			65
Cho-co-yu-chi.....											74	74			74
Ti-wa-chi.....											84	84			84
Un-dolla Hacho.....											160	160			100
Thli-chi-co.....											104	104			85
H-sa E-sie-co.....											84	84			83
Con-ta Louch-la.....											200	200			150
Sti-hi-nu-cu.....											203	203			100
Wol-hus-ti.....											100	100			103
Micco Hacho.....											70	70			100
Hok-u Thlacco.....											74	74			84
Shok-ho-ka.....											150	150			160
Jenny.....											50	50			150
Hillis Hacho.....											70	70			50
Kat-chas Hacho.....											100	100			80
No-co-si-mann-la.....											85	85			82
Co-tai-n-the Yahola.....											73	73			64
Woo-si Hacho.....											82	82			72
Ikey.....											55	55			45
Sim-ma-va-li.....							10	30			43	43			54
Chi-pa-ni Thlacco.....	2	105			7	42	21	63			60	60			85
Co-sa Micco.....											60	60			70
Khaofa Po-o-ka.....	2	70					45	135			50	50			84

I certify that the foregoing three folios constitute Schedule A, of the article supplementary to the Creek Treaty, to which are they attached, and so form a part thereof.

ALBERT PIKE,

Commissioner of the Confederate States to the Indian Nations west of Arkansas

Schedule B.

SCHEDULE B.

Claims of Persons of Black Dirt's Band.

	Horses.		Mules.		Cattle.		Hogs.		Oxen.		Corn, Rice, &c.		Value of Improvements.
	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	
Fos-hut-chi Tus-te-nug-ge..	2	\$90			6	\$36	150	\$450			56	\$56	94
Micco Hache							50	150					
A-ha-luc Ya-ho-la							23	60					
Cho-wus-tar-yi Ima-thla	2	100			2	12	14	42					
Hillis Hacho					4	24	17	51					
Sa-ya-ho-la							13	39					
Cosah Micco							10	30					
Hepsey	3	18			13	78	53	159			83	\$80	Sugar cane, 120 100 90 50
So-wi-ki					14	84	48	144			99	90	
Fo-kno-pi					3	18	40	120			24	28	
Ho-po-ith-se	1	55											
No-cos Hacho	1	60											
Chul Hacho											63	63	87
Cho-wus-ta-yi Hacho					21	144	90	270					
Fai-i-chi-che							11	42					
Pa-hos Ima-thla	15	525			60	360	60	180			80	80	109
So-ko-i-ki	3	108											
Ok-tar-ar-chi Hacho							150	450					
Ok-ta-a-chi Ya-ho-la					6	36	109	300					
To-wa-chi					10	60	5	15					
Pa-lut Hacho							29	60					
Ok-ta-chi							12	36					
O-sun-i-ha							20	120					
Tai-ya-ki							9	27					
O-thai-chi							6	18					
Hillis Hacho-chi					2	12	60	180					
Hillis Hacho					4	24	10	30					
Vcho Fic-si-co	2	90											
Pi-yi-ki-cha	3	129											
Wo-li-cha					41	246	18	54					
Co-at-chas Hacho													
O-sun I-ma-thla	2	90					100	600					
Fos Hacho	1	60											
Ya-ha Hacho					40	240	5	15					
Con-tol Hacho							13	39			56	56	80
Tus-ta-nuk Hacho							43	129					
La-ni							18	54					
Lo-ni-si							19	57			20	20	36
Tus-te-nuk-ki	2	90					19	57			38	38	76
Eliza											33	33	116
Chus-si							25	75			40	40	80

I certify that the last foregoing two folios are schedule B. of the article supplementary to the Creek treaty, to which they are attached, and that they form a part thereof.

ALBERT PIKE,  
Commissioner of the Confederate States to the Indian nations west of Arkansas.

## SCHEDULE C.

Schedule C.

*Persons of Tus-ti-nuk-o-chi's people entitled to money in lieu of Land Warrants.*

Kon-tol Hacho, of I-con-hut-ki town.  
 Wal-ho-chi, widow of Ya-ha Fic-si-co.  
 Ok-fus-ki, heir of Api-co-chi I-ma-thla.  
 Fai-chi-chi, heir of Tul-ma-chi Hacho.  
 Sa-la-ko-ki, heir of Kon-hut-ki Micco.  
 Si-ma-thli, heir of Ta-lap I-ma-thla.  
 Yi-ak-chi, widow of Oetai I-ma-thla.  
 A. W. Fuller, heir of Ho-poi-ilth-thli, of Fos Hutchi town.  
 Ho-poi-ilth-thli, heir of Ima-thla, of Fos Hutchi town.  
 I-poi-yi, heir of Imathla Thlaceo, of Fos Hutchi town.  
 So-in-ki-cho-cho, heir of Oetai-i-achi Ya-ho-la.  
 Sa-na, heir of Fos Hacho.  
 Si-a-ka-li, heir of Ya-ho-lo-ehi.  
 Chi-pa-ni Thlaceo, heir of Tus-ti-nuk Hacho.  
 La-ni, heir of Pa-hos Ya-ho-la.  
 Pa-mos-ka, heir of Tus-ti-nuk I-ma-thla.  
 Si-ma-mai-chi, heir of Us-sun I-math-la.  
 A-po-lo-ti-ki, heir of Si-i-ya Pus-ka.  
 Mii-hai-yi, heir of A-tus Ya-ho-la.  
 Pa-chii-yi-si, heir of I-thla-nis I-ma-thla.  
 Ca-la-ni, heir of Po-ilth Hacho.  
 Mun-tul-ka, heir of Ho-poi-yi Hacho.  
 Mo-lit-tai-ki, heir of Co-o-sa Hacho.  
 Ma-lit-cha, heir of Ho-pa-ni Hut-ki.  
 Lo-li, heir of A-tus Micco.  
 A-pi-la-ni, heir of Micco Hacho.  
 Sa-lit-hot-chi, heir of Con-tol I-mathla.  
 Ko-nit Yahola, heir of Pa-kat-cha.  
 Ot-los-si, heir of Fai-ya-hola.  
 Pa-ma-chul-li, heir of Hillis Hacho.  
 Mi-i-ak-ka, heir of Achul-li Hacho.  
 Sa-nua-ka, heir of Illis Hacho-chi.  
 Thla-ma-yi, heir of Co-sis Ima-thla.  
 Si-a-will-i, heir of Ho-o-pa.  
 Louisa, heir of Cho-co-te Ima-thla.  
 Sa-hoi-yi, heir of Ni-ha Thlae-co-chi.  
 Ho-poi-yi, heir of Ho-tul-li I-ma-thla.  
 Si-li-it-ka, heir of Sa-mo-chi.  
 Sa-pi-it-ka, heir of Tul-ma Fic-si-co.  
 Ta-lo-pi, heir of Kat-cha Ya-ho-la.  
 Sa-mi, heir of Ho-tul-ki Ya-ho-la.  
 Co-o-sa Micco.

I hereby certify that the foregoing two pages constitute Schedule C, of the article to which they are attached, supplementary to the Creek Treaty, and so are a part of that article.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations West of Arkansas.*

Ratification by  
Congress.

RATIFICATION BY THE CONGRESS.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of treaty, including the Secret Article and Supplementary Article, made by Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Creek Nation of Indians, by its chiefs, headmen and warriors, in general council assembled, of the other part, concluded at the North Fork Village, on the North Fork of the Canadian River, in the Creek Nation, on the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

AMENDMENTS:

Amendments.

I. Strike out from article xxviii., the following words; "or in a State court," and insert, in lieu thereof, the following words: "or in a State court, subject to the laws of the State."

II. Add at the end of article xxx. the following words: "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article, in respect to suits and proceedings in their respective courts."

III. Strike out from article xi. the following words: "the same rights and privileges as may be enjoyed by delegates from any Territories of the Confederate States, in the said House of Representatives," and insert, in lieu thereof, the following words: "a seat in the hall of the House of Representatives to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

NOTE.—The foregoing amendments were subsequently ratified by General Council of the Creek Nation.

# TREATY WITH CHOCTAWS AND CHICKASAWS.

JULY 12, 1861

## A TREATY OF FRIENDSHIP AND ALLIANCE,

Made and concluded at the North Fork Village on the North Fork of the Canadian river, in the Creek Nation, west of Arkansas, on the twelfth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, Commissioner, with plenary powers, of the Confederate States of the one part, and the Choctaw Nation of Indians by Robert M. Jones, Sampson Edson, Forbis Leffose, George W. Harkins, Allen Wright, Alfred Wade, Coleman Cole, James Riley, Rufus Edson, William Pitchlynn, McGee King, Wm King, John Turnbull, and Wm. Bryant, Commissioners appointed by the Principal Chief of the said Choctaw Nation, in pursuance of an act of the Legislature thereof, and the Chickasaw Nation of Indians, by Edmund Pickens, Holm's Colbert, James Gamble, Joel Kemp, William Kemp, Winchester Colbert, Henry C. Colbert, James N. McLish, Martin W. Allen, John M. Johnson, Samuel Colbert, Archibald Alexander, Wilson Frazier, Christopher Columbus, A-sha-lah Tabbi, and John E. Anderson, Commissioners elected by the Legislature of the said Chickasaw Nation of the other part:

July 12, 1861.

The Congress of the Confederate States of America, having by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guarantees with each of said nations and tribes under treaties made with them by the United States of America; and the Choctaw and Chickasaw Nations of Indians having each assented thereto, upon certain terms and conditions;

Preamble.

Now therefore, The said Confederate States of America, by Albert Pike, their Commissioner, constituted by the President, under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Choctaw and Chickasaw nations by their respective Commissioners aforementioned, have agreed to the following Articles, that is to say:

ARTICLE I. There shall be perpetual peace and friendship, and an alliance offensive and defensive, between the Confederate States of America and all of their States and people, and the Choctaw and Chickasaw Nations and all the people thereof.

Perpetual peace  
and friendship.

Protection of the  
C. S.

ARTICLE II. The Choctaw and Chickasaw Nations of Indiana acknowledge themselves to be under the protection of the Confederate States of America, and of no other power or sovereign whatever; and do hereby stipulate and agree with them that they will not hereafter,

No alliance with  
any foreign power.

nor shall any one of their people contract any alliance, or enter into any compact, treaty or agreement with any individual State or with a foreign power, and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Choctaw and Chickasaw Nations as their wards; and by the consent of the said Choctaw and Chickasaw Nations, now here freely given, the country whereof they are proprietors in fee, as the same is hereinafter described, is annexed to the Confederate States in the same manner and to the same extent as it was annexed to the United States of America before that government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles and guarantees with or in favor of the said nations, under treaties made with them, and under the statutes of the United States of America.

Annexation of  
territory.

Acceptance of  
the protectorate by  
the C. S.

ARTICLE III. The Confederate States of America, having accepted the said protectorate, hereby solemnly promise the said Choctaw and Chickasaw Nations never to desert or abandon them, and that under no circumstances will they permit the Northern States or any other enemy to overcome them and sever the Choctaws and Chickasaws from the Confederacy: but that they will, at any cost and all hazards, protect and defend them and maintain unbroken the ties created by identity of interests and institutions, and strengthened and made perpetual by this treaty.

Boundaries of  
the Choctaw and  
Chickasaw coun-  
try.

ARTICLE IV. The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, that is to say: Beginning at a point on the Arkansas river one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses that river, and running thence to Red river by the line between the State of Arkansas and the Choctaw and Chickasaw country, as the same was resurveyed and marked under the authority of the United States, in the year of our Lord, one thousand eight hundred and fifty-five; thence up Red river to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian river; thence down said river to its junction with the Arkansas river; thence down said river to the place of beginning. The boundaries of the said country, on the north and on the south, between the said east and west lines being the same in all respects, with all riparian and other rights and privileges, as they were fixed, created and continued by the treaties of the eighteenth day of October, A. D., one thousand eight hundred and twenty, and of the twenty-seventh day of September, A. D., one thousand eight hundred and thirty.

Boundaries of  
the Chickasaw  
country.

ARTICLE V. It is hereby agreed by and between the Choctaw and Chickasaw Nations that the boundaries of the Chickasaw country shall hereafter continue to be as follows, that is to say: beginning on the north bank of Red river, at the mouth of Island bayou, where it empties into Red river, about twenty-six miles on a straight line, below the mouth of False Wachita; thence running a northwesterly course along the main channel of said bayou to the junction of the three prongs of said bayou, nearest the dividing ridge between the Wachita and Low Blue rivers, as laid down on Captain R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian river; thence west along the main



Canadian to the ninety-eighth degree of west longitude; thence south to Red river; and thence down Red river to the beginning: *Provided, however,* If the line running due north, from the eastern source of Island bayou, to the main Canadian, shall not include Allen's or Wa-pa-naeka academy, within the Chickasaw district, then an offset shall be made from same line so as to leave said academy two miles within the Chickasaw district, north, west, and south from the lines of boundary.

Proviso.

ARTICLE VI. The remainder of the country held in common by the Choctaws and Chickasaws, including the leased district, shall constitute the Choctaw district, and their officers and people shall at all times have the right of safe conduct and free passage through the Chickasaw district.

Choctaw district.

ARTICLE VII. The Choctaw and Chickasaw Nations hereby give their full, free and unqualified assent to those provisions of the act of Congress of the Confederate States of America, entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, whereby it was declared that all reversionary and other interest, right, title, and proprietorship of the United States in, unto, and over the Indian country in which that of the said nations is included, should pass to, and vest in the Confederate States; and whereby the President of the Confederate States was authorized to take military possession and occupation of all said country; and whereby all the laws of the United States, with the exception thereafter made applicable to, and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Choctaw and Chickasaw Nations among others were re-enacted, continued in force, and declared to be in force in said country, as laws and statutes of the said Confederate States: *Provided, however,* And it is hereby agreed between the said parties that whatever in the said laws of the United States contained, is or may be contrary to, or inconsistent with any article or provision of this treaty, is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent, as thus qualified and conditioned, shall relate to, and be taken to have been given upon the said day of the approval of the said act of Congress.

Assent given to act of May 21, 1861, vesting territory in the C. S.

Laws of the U. S. declared to be in force.

Proviso.

ARTICLE VIII. The Confederate States of America do hereby solemnly guarantee to the Choctaw and Chickasaw nations to be held by them to their own use and behoof in fee simple forever, the lands included within the boundaries defined in article IV of this treaty; to be held by the people of both the said nations in common, as they have heretofore been held, so long as grass shall grow and water run, if the said nations shall so please, but with power to survey the same, and divide it into sections and other legal sub-divisions when it shall be so voted by a majority of the legal voters of each nation respectively; and of making partition thereof and disposition of parcels of the same by virtue of the laws of both said nations, duly enacted; by which partition or sale, title in fee simple absolute shall vest in parceners and purchasers whenever it shall please both nations of their own free will and accord, and without solicitation from any quarter to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nations is and shall be subject to no other conditions, reservations, or restrictions whatever than such as are hereinafter specially expressed.

Lands included within certain boundaries guaranteed to the Choctaw and Chickasaw Nations.

Partition and sale of such lands.

ARTICLE IX. None of the lands hereby guaranteed to the Choctaw and Chickasaw Nations shall be sold, ceded or otherwise disposed of to any foreign nation or to any State or government whatever; and in case

Sale, &amp;c., of lands to any foreign nation, inhibited.

any such sale, cession or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

No State or Territory to pass laws for said nations.

Not to be incorporated into any other political organization without their free consent.

Lease made to the U. S. of certain territory by the treaty of June 22, 1855, renewed to the C. S.

C. S. may settle and maintain certain bands of Indians therein.

Proviso.

Indians settled upon reserves in the country so leased, subject to the laws of the C. S.

Proviso.

ARTICLE X. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Choctaw and Chickasaw Nations; and that no portion of the country guaranteed to them shall ever be embraced or included within or annexed to any Territory or Province; nor shall any attempt ever be made, except upon the free, voluntary, and unsolicited application of both said nations to erect their said country, by itself or with any other, into a State, or any other Territorial or political organization, or to incorporate it into any State previously created.

ARTICLE XI. The lease made to the United States by the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, by the Choctaw and Chickasaw Nations of all that portion of their common territory which lies west of the ninety-eighth parallel of west longitude, is hereby renewed to the Confederate States, but for the term of ninety-nine years only, from the date of this treaty; and it is agreed that the Confederate States may settle and maintain therein, upon reserves with definite limits, but of sufficient extent, all the bands of the Wichitas or Fa-wai-hash, Huecos, Caddos, Fa-hua-cu-ros, Ana-dagh-cos, Kichais, Fon-ca-was, Ionais, Comanches, Delawares, Kickapoos and Shawnees, and any other bands whose permanent ranges are south of the Canadian, or between it and the Arkansas, and which are now therein, or that they may desire, hereafter, to place therein, but not including any of the Indians in New Mexico, nor any other bands than those included in the above specification and description, without the consent of both the Choctaw and Chickasaw Nations: *Provided*, And it is hereby further agreed that whenever the said Choctaw and Chickasaw Nations become a State, the reserves so apportioned to the said several bands shall belong to them in fee, not exceeding, however, for each band, the same quantity of good land as would belong, upon a partition of the lands of the two nations to an equal number of Choctaws and Chickasaws in the whole country; and when the said bands consent to a partition among themselves, each individual shall have and receive in fee, within the said leased country, as large a quantity of good land as shall or would be apportioned to each Choctaw or Chickasaw in partition of all the national lands, with the right, however, now and in all future time, to the said several bands so settled or to be settled in said leased district to hunt upon all the vacant and unoccupied parts of the same without let or molestation.

ARTICLE XII. It is hereby further agreed between the parties to this treaty that the Indians so settled upon reserves in the country so leased shall be until they are capable of self-government, or until they shall be with their own consent incorporated among the Choctaws and Chickasaws, subject to the laws of the Confederate States, and to their exclusive control, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, or with the Constitution and laws of the Confederate States, as may from time to time be prescribed by the President for their government: *Provided, however*, That the country so leased shall continue open to settlement by the Choctaws or Chickasaws as heretofore; and all members of each nation settled therein shall be subject to the jurisdiction and laws of the Choctaw Nation, except as hereinafter provided; for which purpose the said leased district may be a district of that nation; but no interference with or trespass upon the settlements or improvements of the reserve Indians shall be permitted, under any pretext whatever; nor shall any

of the laws of either the Choctaw or Chickasaw Nations be in force in said leased country, except so far as those of the Choctaw Nation can, without infraction of this treaty, apply to the members of either nation residing in the district in question.

ARTICLE XIII. All navigable streams of the Confederate States and of the Indian country shall be free to the people of the Choctaw and Chickasaw Nations, who shall pay no higher toll or tonnage duty or other duty than the citizens of the Confederate States; and the citizens of those nations living upon Red river, shall have, possess, and enjoy upon that river, the same ferry privileges, to the same extent, in all respects, as citizens of the Confederate States on the opposite side thereof, subject to no other or a different tax or charge than they.

Free navigation.

Ferry privileges to citizens living upon Red river.

ARTICLE XIV. So far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted, or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are limited and modified by this treaty, the Choctaw and Chickasaw Nations shall possess the otherwise unrestricted right of self-government, and full jurisdiction, judicial and otherwise, over persons and property within their respective limits; excepting only such white persons as are not, by birth, adoption or otherwise, members of either the Choctaw or Chickasaw Nation; and that there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who, having married a Choctaw or Chickasaw woman, resides in the said Choctaw or Chickasaw country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offences committed in the Indian country, to the effect that they shall not extend or apply to offences committed by one Indian against the person or property of another Indian shall be so extended and enlarged by virtue of this article when ratified, and without further legislation, as that none of said laws shall extend and apply to any offence committed by any Indian, or negro, or mulatto, or by any white person so by birth, adoption or otherwise a member of such Choctaw or Chickasaw Nation against the person or property of any Indian, negro, mulatto, or any such white person, when the same shall be committed within the limits of the said Choctaw or Chickasaw Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Choctaw and Chickasaw Nations respectively, and to prosecution and trial before their tribunals, and to punishment according to such laws, in all respects like native members of the said nations respectively.

Rights of self-government, and full jurisdiction, judicial and otherwise, over persons and property.

ARTICLE XV. All persons, not members of the Choctaw or Chickasaw Nation, who may be found in the Choctaw and Chickasaw country, as hereinbefore limited, shall be considered as intruders, and be removed and kept out of the same, either by the civil officers of the Nation, under the direction of the Executive or Legislature, or by the agent of the Confederate States for the Nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to say: Such individuals, with their families, as may be in the employment of the government of the Confederate States; or persons peaceably travelling, or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the Choctaws or Chickasaws with the assent of the agent of the Confederate States, to reside within their respective limits without becoming members of said nations.

Who considered as intruders; how they may be removed.

ARTICLE XVI. A tract of two sections of land in each of said nations,

Cession of land to the C. S. as he may deem most proper, including, if he pleases, the present site of the agency in each nation, is hereby ceded to the Confederate States; and when selected shall be within their sole and exclusive jurisdiction:

Proviso. *Provided*, That whenever the agency for either nation shall be discontinued, the tract so selected therein shall revert to the said Choctaw and Chickasaw Nations, with all the buildings that may then be thereon: *And provided, also*, That the President may, at any time, in his discretion, select in lieu of either said reserves, any unoccupied tract of land in the same nation, and in any other part thereof, not greater in extent than two sections, as a site for the agency for such nation, which shall, in such case, constitute the reserve, and that first selected shall thereupon revert to the Choctaw and Chickasaw Nations.

Forts and military posts, and military and post-roads. ARTICLE XVII. The Confederate States shall have the right to build, establish and maintain such forts and military posts, temporary or permanent, and such military and post-roads as the President may deem necessary within the Choctaw and Chickasaw country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if, in the establishment of such fort, post or road, or of the agency, the property of any individual member of the Choctaw or Chickasaw Nation, or any property of either nation, other than land, timber, stone and earth, be taken, destroyed or injured, just and adequate compensation shall be made by the Confederate States.

Compensation for private property taken for public use.

Right of way for railroads and telegraphs. ARTICLE XVIII. The Confederate States, or any company incorporated by them, or any one of them, shall have the right of way, for railroads or telegraph lines, through the Choctaw and Chickasaw country; but in the case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Choctaw and Chickasaw Nations, as may be agreed on between it and the National Councils thereof; or, in case of disagreement, by making full compensation not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nations for any railroad, shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for in case of abandonment by them, or extinction of their nation.

No person to settle, farm or raise stock within certain limits. ARTICLE XIX. No persons shall settle, farm or raise stock within the limits of any post or fort or of either agency, except such as are or may be in the employment of the Confederate States, in some civil or military capacity; or such as, being subject to the jurisdiction and laws of the Choctaw or Chickasaw Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so, upon the agency reserve.

Appointment of agents and interpreters. Where to reside. Vacancy in said offices, how filled. ARTICLE XX. An agent of the Confederate States, for the Choctaw and Chickasaw Nations, and an interpreter for each shall continue to be appointed. The interpreters shall reside at their respective agencies; and the agent at one of them or alternately at each. And whenever a vacancy shall occur in either of the said offices, the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they protest, and the agent may be removed, on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause for such removal.

ARTICLE XXI. The Confederate States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons, not subject to the jurisdiction and laws of the Choctaw or Chickasaw Nation; and for all injuries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

Protection from domestic strife, invasion and aggression.

ARTICLE XXII. It is further agreed between the parties that the agent of the Confederate States upon the application of the authorities of the Choctaw and Chickasaw Nations will not only resort to every proper legal remedy, at the expense of the Confederate States, to prevent intrusion upon the lands of the Choctaws and Chickasaws, and to remove dangerous or improper persons, but he shall call upon the military power, if necessary, and to that end all commanders of military posts in the said country shall be required and directed to afford him, upon his requisition, whatever aid may be necessary to effect the purposes of this article.

Prevention of intrusion, and removal of dangerous and improper persons.

ARTICLE XXIII. If any property of any Choctaws or Chickasaws be taken by citizens of the Confederate States, by stealth or force, the agent, on complaint made to him in due form, by affidavit, shall use all proper legal means and remedies, in any State where the offender may be found, to regain the property or compel a just remuneration, and, on failure to procure redress, payment shall be made for the loss sustained, by the Confederate States, upon the report of the agent, who shall have power to take testimony and examine witnesses in regard to the wrong done and the extent of the injury.

Remedy for recovery of property carried off by stealth or force by citizens of the C. S.

ARTICLE XXIV. No person shall be licensed to trade with the Choctaws and Chickasaws, except by the agent, and with the advice and consent of the National Council. Every such trader shall execute bond to the Confederate States, in such form and manner as was required by the United States, or as may be required by the Bureau of Indian Affairs. The authorities of the Choctaw and Chickasaw Nations may, by a general law, duly enacted, levy and collect on all licensed traders in the nation a tax of not more than one-half of one per cent. on all goods, wares and merchandize brought by them into the Choctaw and Chickasaw country for sale, to be collected whenever such goods, wares and merchandize are introduced, and estimated upon the first cost of the same at the place of purchase, as the same shall be shown by the copies of the invoices filed with the agent: *Provided*, That no higher tax shall be levied and collected than is actually levied and collected in the same year of native traders in the nation; nor shall one be taxed at all unless the others are. No appeal shall hereafter lie from the decision of the agent or council, refusing a license, to the Commissioner of Indian Affairs, or elsewhere, except only to the Superintendent, in case of refusal by the agent. And no license shall be required to authorize any member of the Choctaw or Chickasaw Nation, who is by birth and blood an Indian, to trade in the Choctaw and Chickasaw country; nor to authorize any person, to sell flour, meat, fruits and other provisions, or stock, wagons, agricultural implements, or arms brought from any of the Confederate States into the country; nor shall any tax be levied upon such articles or the proceeds of sale thereof. And all other goods, wares and merchandize exposed to sale by a person not qualified, without a license, shall be forfeited, and be delivered and given to the authorities of the nation, as also shall all wines and liquors illegally introduced.

License to trade with the Choctaws and Chickasaws.

Tax on traders.

Proviso.

Appeal from decision refusing license.

When license not required.

Goods, &c., sold by a person not qualified, forfeited.

ARTICLE XXV. All restrictions contained in any treaty made with the United States, or created by any law or regulation of the United States,

Restrictions on the right to sell and dispose of per-

sonal property, removed.

upon the unlimited right of any member of the Choctaw or Chickasaw Nation to sell and dispose of, to any person whatever, any chattel or other article of personal property, are hereby removed; and no such restrictions shall hereafter be imposed, except by their own legislation.

Purchase or scout of lands.

ARTICLE XXVI. It is hereby further agreed by the Confederate States, that all the members of the Choctaw and Chickasaw Nations, as hereinbefore defined, shall be henceforward competent to take, hold and pass, by purchase or descent, lands in any of the Confederate States, heretofore or hereafter acquired by them.

Delegate to the House of Representatives of the C. S. How long to serve.

ARTICLE XXVII. In order to enable the Choctaw and Chickasaw Nations to claim their rights and secure their interests without intervention of agents or counsel, and as they are now entitled to reside in the country of each other, they shall be jointly entitled to a delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member, by birth or blood, on either the father's or mother's side, of one of said nations, over twenty-one years of age, and laboring under no legal disability by the laws of either nation; and such delegate shall be entitled to the same rights and privileges as may be enjoyed by delegate from any Territory of the Confederate States.

First election of delegate.

The first election for delegate shall be held at such time and place, and be conducted in such manner as shall be prescribed by the agent of the Confederate States, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times, places and manner of holding them, ascertaining and certifying the result

Subsequent elections.

shall be prescribed by law of the Confederate States. The delegates shall be elected alternately from each nation, the first being a Choctaw, by blood, on either the father's or mother's side, and resident in the Choctaw country; and the second a Chickasaw, by blood, on either the father's or mother's side, and resident in the Chickasaw country, and so on alternately.

Delegates to be elected alternately from each nation.

At the respective elections, such persons only as fulfill the foregoing requisites shall be eligible, and when one is elected to fill a vacancy and serve out an unexpired term, he must belong to, and be resident in, the same nation as the person whose vacancy he fills.

Who eligible.

Admission of the Choctaw and Chickasaw country into the Confederacy as one of the C. S.

ARTICLE XXVIII. In consideration of the uniform loyalty and good faith, and the tried friendship for the people of the Confederate States, of the Choctaw and Chickasaw people, and of their fitness and capacity for self-government, proven by the establishment and successful maintenance, by each, of a regularly organized republican government, with all the forms and safeguards to which the people of the Confederate States are accustomed, it is hereby agreed by the Confederate States, that whenever and so soon as the people of each of said nations shall, by ordinance of a convention of delegates, duly elected by majorities of the legal voters, at an election regularly held after due and ample notice, in pursuance of an act of the Legislature of each, respectively, declare its desire to become a State of the Confederacy, the whole Choctaw and Chickasaw country, as above defined, shall be received and admitted into the Confederacy as one of the Confederate States, on equal terms, in all respects, with the original States, without regard to population; and all the members of the Choctaw and Chickasaw Nations shall thereby become citizens of the Confederate States, not including, however, among such members, the individuals of the bands settled in the leased district aforesaid. *Provided*, That, as a condition precedent to such admission, the said nations shall provide for the survey of their lands, the holding in severalty of parts thereof by their people, the dedication of at least one section in every thirty-six to purposes of education, and the sale of such portions as are not reserved for these,

Proviso.

or other special purposes, to citizens of the Confederate States alone, on such terms as the said nation shall see fit to fix, not intended or calculated to prevent the sale thereof.

ARTICLE XXIX. The proceeds of such sales shall belong entirely to members of the Choctaw and Chickasaw Nations, and be distributed among them or invested for them in proportion to the whole population of each, in such manner as the Legislatures of said nations shall provide; nor shall any other persons ever have any interest in the annuities or funds of either the Choctaw or Chickasaw people, nor any power to legislate in regard thereto.

Proceeds of sale of lands; to whom they belong and how distributed.

ARTICLE XXX. Whenever the desire of the Creek and Seminole people and the Cherokees to become a part of the said State shall be expressed, in the same manner and with the same formalities, as is above provided for in the case of the Choctaw and Chickasaw people, the country of the Creeks and Seminoles, and that of the Cherokees, respectively, or either by itself, may be annexed to and become an integral part of said State, upon the same conditions and terms, and with the same rights to the people of each, in regard to citizenship and the proceeds of their lands.

Country of the Creeks and Seminoles and the Cherokees may become an integral part of said State.

ARTICLE XXXI. The Choctaw and Chickasaw Nations may, by joint act of their legislative authorities, receive and incorporate in either nation as members thereof, or permit to settle and reside upon the national lands, such Indians of any other nation or tribe as to them may seem good; and each nation alone shall determine who are members and citizens of the nation entitled to vote at elections and share in annuities: *Provided*, That when persons of another nation or tribe shall once have been received as members of either nation, they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Choctaws or Chickasaws themselves. But no Indians, other than Choctaws and Chickasaws, not settled in the Choctaw and Chickasaw country, shall be permitted to come therein to reside, without the consent and permission of the legislative authority of each nation.

Indians of other nations may settle on the lands of the Choctaws and Chickasaws.

Who to vote at elections and share in annuities.

*Provided*.

ARTICLE XXXII. If any citizen of the Confederate States, or any other person, not being permitted to do so by the authorities of either of said nations, or authorised by the terms of this treaty, shall attempt to settle upon any lands of said nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual or excessive, as may have been previously prescribed by the law of said nation.

Punishment of persons for settling on their lands without authority.

ARTICLE XXXIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Choctaw or Chickasaw Nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Choctaw and Chickasaw country, to drive their stock through the same, and to halt such reasonable time, on the way, as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other; and members of the Choctaw and Chickasaw Nations shall have the same rights and privileges under the same and no other restrictions and limitations in each of the Confederate States.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

ARTICLE XXXIV. If any person hired or employed by the agent, or by any other person whatever, within the agency reserve, or any post or fort, shall violate the laws of the nation in such manner as to become an unfit person to continue in the Choctaw or Chickasaw country, he or she shall be removed by the superintendent, upon the application of the Executive of the nation in which such person is, the superintendent being satisfied of the truth and sufficiency of the charges preferred.

Unfit persons employed within the agency reserve may be removed.

ARTICLE XXXV. The officers and people of the Choctaw and Chickasaw Nations, respectively, shall, at all times, have the right of safe-

Rights, privileges and immuni-

ties of the Choctaws and Chickasaws respectively.

conduct and free passage through the lands of each other; and the members of each nation shall have the right freely, and without seeking license or permission, to settle within the country of the other, and shall, thereupon, be entitled to all the rights, privileges and immunities of members thereof, including the right of voting at all elections and of being deemed qualified to hold all offices whatever; except that no Choctaw shall be eligible in the Chickasaw Nation to the office of Chief Executive or to the Legislature: *And provided, also,* That no member of either nation shall be entitled to participate in any funds belonging to the other. Members of each nation shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time, be prescribed by their respective Legislatures.

Proviso.

Surrender of fugitives from justice.

ARTICLE XXXVI. Any person duly charged with a criminal offence against the laws of either the Choctaw or Chickasaw Nation, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offence shall be alleged to have been committed.

ARTICLE XXXVII. The Choctaw and Chickasaw Nations shall promptly deliver up all persons accused of any crime against the laws of the Confederate States, or any State thereof, who may be found within their limits, on the demand or requisition of the Executive of a State, or the Executive or other proper officer of the Confederate States; and each of the Confederate States shall, on the like demand or requisition of the Executive of the Choctaw and Chickasaw Nation, promptly deliver up all persons accused of any crime against the laws of such Nation, who may be found within their limits.

Choctaw and Chickasaw country erected into a judicial circuit.

ARTICLE XXXVIII. In order to secure the due enforcement of so much of the laws of the Confederate States in regard to criminal offences and misdemeanors as is or may be in force in the said Choctaw and Chickasaw country, and to prevent the Choctaws and Chickasaws from being further harassed by judicial proceedings had in foreign courts and before juries not of the vicinage, the said country is hereby erected into and constituted a judicial district of the Confederate States to be called the Tush-ca-hom-ma District, for the special purposes and jurisdiction hereinafter provided; and there shall be created and semi-annually held, within such district, at Boggy Depot, a district court of the Confederate States, with the powers of a circuit court, so far as the same shall be necessary to carry out the provisions of this treaty, and with jurisdiction co-extensive with the limits of such district, in such matters, civil and criminal, to such extent and between such parties as may be prescribed by law, and in conformity to the terms of this treaty.

District court for such district, where to be held.

Jurisdiction co-extensive with limits of the district.

Laws declared to be in force.

ARTICLE XXXIX. In addition to so much and such parts of the acts of Congress of the United States enacted to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers, as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States, as provides for the punishment of crimes amounting to felony at common law or by statute, against the laws, authority or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or the securities of the Confederate States, and so much of said laws as provides for punishing violators of the neutrality laws, and resistance to the process of the Confederate States, and all the acts of the Provisional Congress, providing for the common defence and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Choct-



taw and Chickasaw country, and the said district court shall have exclusive jurisdiction to try, condemn and punish offenders against any such laws, to adjudge and pronounce sentence, and cause execution thereof to be done in the same manner as is done in any other district courts of the Confederate States.

ARTICLE XL. The said district court of the Confederate States of America, for the district of Tush-ca-hom-ma shall also have the same admiralty jurisdiction as other district courts of the Confederate States; and jurisdiction in all civil suits for fines, penalties and forfeitures of the Confederate States against any person or persons whatever residing or found within the district; and in all civil suits at law or in equity, when the matter in controversy is of greater value than five hundred dollars, between a citizen or citizens of any State or States of the Confederate States, or any Territory of the same, or an alien or aliens and a citizen or citizens of the said district, or person or persons, residing therein; and the Confederate States will, by suitable enactments, provide for the appointment of a Judge and other proper officers of the said court, and make all necessary enactments and regulations for the complete establishment and organization of the same, and to give full effect to its proceedings and jurisdiction.

Admiralty jurisdiction of the district court.

Jurisdiction in civil cases.

Appointment of judge and other officers of the court.

ARTICLE XLI. The trial of all offences, amounting to felony at common law or by statute, committed by an Indian of any one of the tribes or bands settled in the leased district aforesaid, against the person or property of a member of the Choctaw or Chickasaw Nation, or by one of the latter against the person or property of one of the former, shall be had in the district court of the Confederate States hereby provided for; and, until such court is established, in the district court of the Confederate States for the district, or for the western district of Arkansas.

Trial of felonies committed by certain Indians against Choctaws or Chickasaws, and vice versa.

ARTICLE XLII. The district court shall have no jurisdiction to try and punish any person for any offence committed prior to the day of the signing of this treaty; nor shall any action in law or equity be maintained therein except by the Confederate States or one of them, where the cause of action shall have accrued more than three years before the same day of the signing hereof, or before the bringing of the suit.

The court to have no jurisdiction in cases where the offence was committed, or the cause of action accrued prior to the signing of this treaty.

ARTICLE XLIII. All persons who are members of the Choctaw or Chickasaw Nation, and are not otherwise disqualified or disabled, shall hereafter be competent witnesses, in all civil and criminal suits and proceedings in any court in the Confederate States, or any one of the States, any law to the contrary notwithstanding.

Choctaws or Chickasaws competent as witnesses

ARTICLE XLIV. Whenever any person, who is a member of the Choctaw or Chickasaw Nation, shall be indicted for any offence in any court of the Confederate States, including the district court of the Tush-ca-hom-ma district, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, compulsory process for all such witnesses in his behalf as his counsel may think material for his defence; and the costs of process for such witnesses, and of service thereof, and the fees and mileage of such witnesses, shall be paid by the Confederate States, being afterwards made, if practicable, in case of conviction, out of the property of the accused. And whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

When indicted in any court of the C. S. or State court, entitled to process for witnesses.

Costs of process and fees and mileage of witnesses.

When accused may be assigned counsel.

ARTICLE XLV. The provisions of all such acts of Congress of the Confederate States as may now be in force or as may hereafter be enacted, for the purpose of carrying into effect the provision of the Constitution

Rendition of fugitive slaves.

in regard to the re-delivery or return of fugitive slaves or fugitives from labor and service, shall extend to and be in full force within the said Choctaw and Chickasaw Nations; and shall also apply to all cases of escape of fugitive slaves from the Choctaw and Chickasaw Nations, into any any other Indian nation, or into one of the Confederate States, the obligation upon each such nation or State to re-deliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

Faith and credit given to official acts of judicial officers.

Authentication of records, laws, &c.

Existing laws, usages and customs in regard to slavery, declared binding.

Post-offices.

Choctaws and Chickasaws to furnish a regiment to serve in the army of the C. S.

Pay and allowances.

To pay no part of expenses of the present or any future war.

Troops for the defence of the Indian country and frontier of the C. S.

Pay and allowances.

ARTICLE XLVI. The official acts of all judicial officers in the said nations shall have the same effect and be entitled to like faith and credit everywhere, as like acts of judicial officers of the same grade and jurisdiction in any one of the Confederate States; and the proceedings of the courts and tribunals of the said nations, and the copies of the laws and judicial and other records of the said nations shall be authenticated like similar proceedings of the courts of the Confederate States, and the laws and office records of the same, and be entitled to the like faith and credit.

ARTICLE XLVII. It is hereby declared and agreed that the institution of slavery in the said nations is legal and has existed from time immemorial; that slaves are taken and deemed to be personal property; that the title to slaves and other property having its origin in the said nations shall be determined by the laws and customs thereof; and that the slaves and other personal property of every person domiciled in said nations shall pass and be distributed at his or her death in accordance with the laws, usages and customs of the said nations, which may be proved like foreign laws, usages and customs, and shall everywhere be held valid and binding within the scope of their operation.

ARTICLE XLVIII. It is further agreed that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Choctaw and Chickasaw Nations, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rate of postage and in the same manner as in the Confederate States.

ARTICLE XLIX. In consideration of the common interests of the Choctaw and Chickasaw Nations and the Confederate States, and of the protection and rights guaranteed to the said nations by this treaty, the said nations hereby agree that they will raise and furnish a regiment of ten companies of mounted men to serve in the armies of the Confederate States for twelve months. The company officers of the regiment shall be elected by the members of each company, respectively, the Colonel shall be appointed by the President, and the Lieutenant Colonel and Major be elected by the members of the regiment. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be marched beyond the limits of the Indian country west of Arkansas against their consent.

ARTICLE L. It is further agreed by the Confederate States, that neither the Choctaw nor Chickasaw Nation shall ever be called on or required to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ARTICLE LI. The Choctaw and Chickasaw Nations hereby agree and bind themselves at any future time to raise and furnish, upon the requisition of the President, such number of troops for the defence of the Indian country and of the frontier of the Confederate States, as he may fix, not out of fair proportion to the number of their inhabitants, to be employed for such terms of service as the President may fix; and such troops shall always receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

ARTICLE LII. It is further agreed, that after the restoration of peace, the government of the Confederate States will defend the frontiers of the Indian country of which the Choctaw and Chickasaw country is a part, and hold the forts and posts therein with native troops, recruited among the several Indian Nations included, under the command of officers of the army of the Confederate States in preference to other troops.

C. S. to defend the frontiers of the Indian country, and hold the forts and posts.

ARTICLE LIII. It is hereby ascertained and agreed by and between the Confederate States and the Choctaw Nation, that the United States of America, of which the Confederate States were heretofore a part, were, before the separation, indebted, and still continue to be indebted, to the Choctaw Nation, and bound to the punctual payment thereof in the following sums annually, on the first day of July of each year, that is to say :

Debts due by the U. S. to the Choctaw Nations :

Perpetual annuities amounting to nine thousand dollars; under the second article of the treaty of the sixteenth day of November, A. D., one thousand eight hundred and five, and the second article of the treaty of the twentieth day of January, A. D., one thousand eight hundred and twenty-five.

for perpetual annuities;

The sum of six hundred dollars per annum for the support of eight horsemen, under the thirteenth article of the treaty of the eighteenth day of October, A. D., one thousand eight hundred and twenty.

for the support of light horseman;

The sum of six hundred dollars per annum in lieu of the permanent provision for the support of a blacksmith, and the sum of three hundred and twenty dollars, in lieu of permanent provision for iron and steel, under the sixth article of the said treaty of the eighteenth day of October, A. D., one thousand eight hundred and twenty, and the ninth article of the said treaty of the twentieth day of January, A. D., one thousand eight hundred and twenty-five.

for the support of a blacksmith, and in lieu of provision for iron and steel;

The annual interest on the sum of five hundred thousand dollars, held in trust for the Choctaw Nation by the United States, under the thirteenth article of the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five; which by that article was to be held in trust for the said nation, and to constitute part of a general Choctaw fund, yielding an annual interest of not less than five per cent. per annum; and no part thereof has been invested in stocks or bonds of any kind, but remains in the hands of the United States.

for annual interest on \$500,000 held in trust.

And it is hereby ascertained and agreed between the said Confederate States and the Choctaw Nation that there was due to the said nation, on the first day of July, A. D., one thousand eight hundred and sixty-one, for, and on account of these annuities, annual payments and interests, the sum of thirty-five thousand five hundred and twenty dollars, that is to say :

Sum due the Choctaw Nation on account of these annuities, annual payments and interests.

For the permanent annuities and other annual payments and allowances then due, ten thousand five hundred and twenty dollars.

For interest on the said sum of five hundred thousand dollars, for the year which ended on the thirtieth day of June, A. D., one thousand eight hundred and sixty-one, twenty-five thousand dollars.

And it not being desired by the Confederate States that the Choctaw Nation should continue to receive these annual sums from the government of the United States, or otherwise have any further connection or communication with that government and its superintendent and agents; therefore, the Confederate States of America do hereby assume the payment for the future of all the above recited annuities, annual payments and interest, and do agree and bind themselves regularly and punctually to pay the same to the treasurer of the said nation, or to such other person or persons as shall be appointed by the general council of the Choctaw Nation to receive the same; and they do also agree and bind

The C. S. assume the payment of the above recited annuities, annual payments and interests.

themselves to pay to the treasurer of the said nation, immediately upon the ratification by all parties of this treaty, the said sum of thirty-five thousand five hundred and twenty dollars due on the first day of July of the present year, as aforesaid.

General Choctaw fund held in trust by the U. S.

ARTICLE LIV. And it is further ascertained and agreed, between the Confederate States and the Choctaw Nation, that the United States of America, while the said several Confederate States were included in the said Union, held, and do continue to hold, in their hands the sum of five hundred thousand dollars, paid by the Chickasaw Nation to the United States, for the Choctaw Nation, under the treaty of the seventeenth day of January, A. D., one thousand eight hundred and thirty-seven, and which it was agreed by that treaty should be invested in some safe and secure stocks under the direction of the government of the United States, redeemable within a period of not less than twenty years, and the interest thereon be annually paid to the Choctaw Nation, and be subject to the entire control of the general council; and which sum having been invested in bonds or stocks of certain States, part or all whereof are now members of the Confederate States, it was agreed by the United States, by the thirteenth article of the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, that the same should continue to be held in trust by the United States, and constitute with certain other sums, a general Choctaw fund, yielding an annual interest of not less than five per cent.

Other moneys due and owing from the U. S. to Choctaw Nation.

And it being further agreed that, in addition to the sums of money above mentioned, other moneys were justly due and owing from the United States of America when the Confederate States were parts thereof, and still continue due and owing and unpaid to the said Choctaw Nation, in part appropriated and in part unappropriated, by the Congress of the United States, under existing treaties;

The C. S. assume the duty and obligation of collecting and paying over, as trustees, to the Choctaw Nation, all sums of money due on the bonds of the several States of this Confederacy held in trust by the U. S. for the said nation.

Therefore the Confederate States do hereby assume the duty and obligation of collecting and paying over as trustees, to the said Choctaw Nation all sums of money accruing, whether from interest or capital of the bonds of the several States of the Confederacy, or of any bonds or stocks guaranteed by either of them, now held by the government of the United States in trust for the Choctaw Nation, and will pay over to the said nation the said interest and capital as the same shall be collected. And the said Confederate States will request the several States of the Confederacy whose bonds or stocks, or any bonds or stocks guaranteed by them are so held, to provide by legislation or otherwise, that the capital and interest of such bonds or stocks shall not be paid to the government of the United States, but to the government of the Confederate States in trust for the Choctaw Nation.

Full payment of all debts due by the late U. S. to the Choctaw Nation, guaranteed by the C. S. to the said nation, after the restoration of peace.

And the said Confederate States do hereby guarantee to the Choctaw Nation, the final settlement and full payment upon and after the restoration of peace, and the establishment and recognition of their independence, as of debts, in good faith and conscience as well as in law, due and owing, on good and valuable consideration by the said Confederate States, and the other of the United States, jointly, before the secession of any of the States, of all sums of money that are so as aforesaid justly due and owing, by the late United States under existing treaties, to the Choctaw Nation or people, for itself, or in trust for individuals, and of any sums received by that government and now held by it by way of interest on or as part of the capital of any of the bonds or stocks of any of the States wherein any funds of the Choctaws had been invested; and do also guarantee to it the final settlement and full payment at the same period, of the capital and interest of all bonds or stocks of any of

Also of all bonds or stocks of any of the Northern States in which the

the Northern States, in which any of the said Choctaw funds may have been invested. Choctaw funds may have been invested.

ARTICLE LV. All the said annuities, annual payments, and interest and the arrearages thereof, shall be applied, under the exclusive direction of the general council of the Choctaw Nation, to the support of their government, to the purposes of education, and to such other objects, for the promotion and advancement of the improvement, welfare, and happiness of the Choctaw people and their descendants, as shall to the general council seem good; and the capital sums of five hundred thousand dollars each shall be invested or re-invested, after the restoration of peace, in stocks of the States, at their market price, and in such as bear the highest rate of interest, or be paid over to the Choctaw Nation, to be invested by its authorities or otherwise used, applied and appropriated, as its legislature may direct; and the other moneys due and owing to the said nation, and payment whereof is hereby guaranteed, shall be used, applied and appropriated by the Choctaw Nation in accordance with treaty stipulations, and so as to maintain, unimpaired, the good faith of the Choctaw Nation to those for whom it will thus become trustee. And no department or office of the government of the Confederate States shall have power to impose any conditions, limitations or restrictions, on the payment to the said nation of any of said annual sums or arrearages of the said capital sums of five hundred thousand dollars each, or in any wise to control or direct the mode in which such moneys, when received by the authorities of the nation, shall be disposed of or expended. Nor shall any appeal lie to any department, bureau or officer of the Confederate States from the decision of the general council of the Choctaw Nation or of any committee, court or tribunal to which it may commit the adjudication, by any person or persons from any decision that may be rendered under the twelfth article of the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, adverse to the justice and equity of any claim presented as one of those which, under that article, the Choctaw Nation became liable and bound to pay; but the adjudication and decision of the Legislature, or of any committee, court, or tribunal, to which it may entrust the investigation or decision, against any such claim shall be absolutely final.

To what purposes the annuities, and other funds to be applied

No condition or restriction to be imposed on the payment to the Choctaw Nation of any of said funds.

No appeal to lie from the decision of any competent tribunal of the Choctaw Nation under article XII of the treaty of June 22, 1855 adverse to claims preferred under said article.

Annuities and interest due from the U. S. to the Chickasaw Nation.

ARTICLE LVI. It is hereby ascertained and agreed by and between the Confederate States and the Chickasaw Nation, that the United States of America, of which the Confederate States were heretofore a part, were before the separation, indebted and still continue to be indebted to the Chickasaw Nation, and bound to the punctual payment thereof in the following amounts annually on the first day of July, in each year, that is to say: Permanent annuity of three thousand dollars, under the act of Congress of the United States, approved on the — day of — A. D., one thousand seven hundred and ninety.

The annual interest, at six per cent., on the sum of two hundred and seventy-six thousand seven hundred and eighty-one dollars and fifty-seven cents, the amount of so much of the United States six per cent. loans in which the funds of the Chickasaw Nation were invested, under the third and eleventh articles of the treaty of the 24th day of May, A. D., one thousand eight hundred and thirty-four.

And the annual interest, at six per cent., on the further sum of one hundred thousand dollars, the principal of that amount of Ohio six per cent. stock, in which part of the Chickasaw fund had been invested, under the same articles of the same treaties, and which was paid into the treasury of the United States, on the ninth day of January, A. D., one thousand eight hundred and fifty-seven, to the credit of the treasurer of the United

States, and having been duly covered into the treasury on the fourteenth day of January in that year, there still remains.

And it is also hereby ascertained and agreed, between the said Confederate States and the Chickasaw Nation, that there was due to the said nation, on the first day of July, one thousand eight hundred and sixty-one, for and on account of the said annuity and interest, the sum of twenty-five thousand six hundred and six dollars and eighty-nine cents.

The payment of annuities and interest assumed by the C. S.

And it not being desired by the Confederate States that the Chickasaw Nation should continue to receive these annual sums from the Government of the United States, or otherwise have any communication or connection with that Government, its superintendent and agents, therefore, the Confederate States of America do hereby assume the payment, for the future, of the above recited annuity and interest, and do agree and bind themselves regularly and punctually to pay the same to the treasurer of the said nation, or to such other person or persons as shall be appointed by the Legislature of the Chickasaw Nation to receive the same; and they do also agree and bind themselves to pay to the treasurer of the said nation, immediately upon ratification by all parties of this treaty, the sum of twenty-five thousand six hundred and six dollars and eighty-nine cents, due on the first day of July of the present year, as aforesaid.

Moneys arising from the sales of lands ceded to the U. S. by the Chickasaw Nation.

ARTICLE LVII. Whereas, it was agreed between the United States and the Chickasaw Nation, by the third article of the treaty made between them on the twentieth day of October, A. D., one thousand eight hundred and thirty-two, that as a full compensation to the Chickasaw Nation for the country ceded to the United States by that treaty, the United States would pay over to the said nation all the moneys arising from the sales of lands so ceded, after deducting therefrom the whole cost and expenses of surveying and selling the lands, including every expense attending the same;

Investment of funds resulting from entries and sales of lands, in stocks.

And, whereas, by the eleventh article of the treaty of the twenty-fourth day of May, A. D., one thousand eight hundred and thirty-four, between the United States and the Chickasaw Nation, it was agreed that all funds resulting from all entries and sales of such lands, after deduction of the expenses of surveying and selling, and other advances made by the United States, should, from time to time, be invested in some secure stocks, redeemable within a period of not more than twenty years, the interest whereon the United States should cause to be annually paid to the Chickasaws;

National fund of the Chickasaws held in trust by the U. S.

And, whereas, by the fifth article of the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-two, it was agreed between the United States and the Chickasaw Nation, that the United States should continue to hold in trust the national fund of the Chickasaws, and constantly keep the sum invested in safe and profitable stocks, the interest of which should be annually paid to the Chickasaw Nation;

Sums arising from the sales of their lands that were invested by the U. S. in funds and stocks of certain of the States.

And, whereas, it is now, by the Confederate States and the Chickasaw Nation, ascertained and agreed that the following sums, part of the said fund of the Chickasaws arising from the sales of their lands were invested by the United States, while the Confederate States were part thereof, in bonds and stocks of certain of the States, in manner following, that is to say:

In the five per cent. stock of the State of Indiana, two hundred and ten thousand dollars;

In six per cent. stock of the State of Maryland, fourteen thousand four hundred and ninety-nine dollars and seventy-five cents;

In six per cent. stock of the State of Tennessee, one hundred and seventy thousand six hundred and sixty-six dollars and sixty-six cents;

In six per cent. stock of the State of Arkansas, ninety thousand dollars, on which no interest has been paid since the first day of July, A. D., one thousand eight hundred and forty-two;

In six per cent. stock of the State of Illinois, seventeen thousand dollars;

In six per cent. stock of the Richmond and Danville Railroad, guaranteed by the State of Virginia, one hundred thousand dollars;

And in six per cent. stock of the Nashville and Chattanooga Railroad, guaranteed by the State of Tennessee, five hundred and twelve thousand dollars.

And it being claimed by the Chickasaws that all the moneys received by the United States from the sales of their lands, after deduction of proper disbursements out thereof, have not been invested, that they have been charged with losses and expenses which should properly have been borne by the United States, and that in many cases moneys held in trust by the United States for the benefit of the orphan and incompetent Chickasaws, had been wrongfully paid out to persons having no right to receive the same; in consequence of which complaints, then as now made, it was agreed by the fourth article of the treaty between the same parties, of the twenty-second day of June, A. D., one thousand eight hundred and fifty-two, that an account should be stated as soon thereafter as practicable, under the direction of the Secretary of the Interior, exhibiting in detail all the moneys that had, from time to time, been placed in the Treasury to the credit of the Chickasaw Nation, resulting from the said treaties of the years, one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty-four, and all the disbursements made therefrom; and that to the account so stated, the Chickasaws should be entitled to take exceptions, which should be referred to the Secretary of the Interior, who should adjudicate the same according to the principles of law and equity, and his decision should be final; and it was also, by the same article, agreed that the cases of wrongfully made payments should be investigated by the Congress of the United States, under the direction of the Secretary of the Interior, and if any person had been defrauded by such payments, the United States should account for the amounts so misapplied, as if no such payment had been made;

Therefore, the Confederate States do hereby assume the duty and obligation of collecting and paying over, as trustees, to the said Chickasaw Nation, at par, and dollar for dollar, all sums of money accruing, whether from interest or capital, of the said bonds or stocks of the said States of the Confederacy, or of stocks guaranteed by them, so held by the Government of the United States in trust for the Chickasaw Nation, and will pay over to the said nation the said interest and capital, as the same shall be collected. And the said Confederate States shall request those States to provide, by legislation or otherwise, that the capital and interest of such bonds or stocks shall not be paid to the Government of the United States, but to the Government of the Confederate States, in trust for the Chickasaw Nation.

And the said Confederate States do hereby guarantee to the said Chickasaw Nation, the final settlement and full payment, upon, and after the restoration of peace, and the establishment of their independence, as of debts of good faith and conscience, as in law due and owing, on good and valuable consideration, by the said Confederate States and the other of the United States, jointly, before the secession of any of the States, of all sums of money received by that Government from the sales of the Chickasaw lands, or otherwise, however, in trust for the Chickasaw Nation, or individuals thereof, and which remain uninvested, or which it expended in unwarranted disbursements, or in the payment of charges or expenses not properly chargeable to the Chickasaws; for the ascertainment whereof such account shall be taken, after the restoration of peace, by or under the direction of the Commissioner of Indian Affairs, as was directed by

Stating of account between the U. S. and the Chickasaws, of all moneys placed in the Treasury to the credit of the Chickasaw Nation, and all disbursements made therefrom.

Exceptions to account.

The U. S. to account for sums misapplied.

The C. S. assume the obligation of collecting paying over as trustees, to the Chickasaw Nation, all sums of money held by the U. S. in trust for the said nation.

Final settlement and full payment of all sums of money received by the U. S. from the sales of the Chickasaw lands or otherwise, guaranteed by the C. S. to the Chickasaw Nation, after the restoration of peace.

Account to be taken under the direction of the

Commissioner of the fourth article of the treaty of the twenty second day of June, A. D., Indian Affairs. one thousand eight hundred and fifty two, and in accordance with the legal rules of stating accounts of trust funds and investments.

Final settlement and full payment, also guaranteed, of moneys belonging to orphans or incompetent persons; And the Confederate States also hereby guarantee to the Chickasaw Nation, the final settlement and full payment, at the same period, of all moneys belonging to orphans or incompetent persons, or to other Chickasaws, and wrongfully paid by the United States to persons unauthorized to receive them, and for that reason, or for any other not yet paid to the proper persons, under the same fourth article of the treaty last mentioned, as qualified and limited by the *proviso* added thereto by way of amendment, or under article ten of the said treaty; which cases shall be investigated by the Commissioner of Indian Affairs or by the agent under his direction;

also of sums invested in U. S. stocks, and of any other sums received by that government; And they also guarantee to it the final settlement and full payment, after the same period, of the said sums invested in United States stocks, and the said sum of one hundred thousand dollars, so covered into the Treasury on the fourteenth day of January, A. D., one thousand eight hundred and fifty-seven; and of any other sums received by that Government, and now held by it, by way of interest on, or as part of the capital of any of the bonds or stocks of any of the States wherein any funds of the Chickasaws had been invested; and they do also guarantee to it the

and of all bonds or stocks of any of Northern States. final settlement and full payment, at the same period, of the capital and interest of all bonds or stocks of any of the Northern States, in which any of said Chickasaw funds have been invested.

Annuities, interest and arrearages assumed by the C. S., how to be applied. ARTICLE LVIII. It is further hereby agreed, that the said annuity, interest and arrearages hereby assumed and agreed to be paid by the Confederate States, shall be applied, under the exclusive direction of the Legislature of the Chickasaw Nation, to the support of their Government, to purposes of education, and to such other objects, for the promotion and advancement of the improvement, welfare and happiness of the Chickasaw

Re-investment of the capital of the bonds and stocks of States, &c., and the principal of moneys due by the U. S. people and their descendants, as shall to the Legislature seem good; and the capital, in full, of all the said bonds and stocks of States, corporations, and the principal of moneys due by the United States shall be invested or re-invested, after the restoration of peace, in stocks of the States, at their market price, and in such as bear the highest rate of interest, or be paid over to the Chickasaw Nation, to be invested by its authorities, or otherwise used, applied, and appropriated, as its Legislature may direct; without any control or interference on the part of any department, bureau, or officer of the Confederate States.

When the C. S. may pay claims out of the Chickasaw funds. ARTICLE LIX. It is hereby further agreed, that no claim or account shall hereafter be paid by the Government of the Confederate States out of the Chickasaw funds, unless the same shall have first been considered and allowed by the Chickasaw Legislature.

Boundary line between the Choctaw and Chickasaw country and the State of Arkansas. ARTICLE LX. Whereas, by the first article of the treaty between the United States of America and the Choctaw and Chickasaw Nations, on the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, it was provided that the boundary of the Choctaw and Chickasaw country should begin "at a point on the Arkansas river, one hundred paces east of old Fort Smith, where the western boundary of the State of Arkansas crosses the said river," and run thence "due south to Red river," which also was the line of boundary fixed by the treaties of the twentieth day of January, A. D., one thousand eight hundred and twenty five, and the twenty-seventh day of September, A. D., one thousand eight hundred and thirty; and, whereas, when the said line was originally run between the State of Arkansas and the Choctaw Nation it was erroneously run to the westward of a due south line from that point of beginning on the Arkansas river; and, whereas, when the said line was again run, by the



United States, after the making of the said treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, it was arbitrarily ordered by the Secretary of the Interior, in violation of the said treaties, that the said line should not be run due south, in accordance therewith, but that the old erroneous line should in lieu thereof be retraced, and the same was accordingly done, thus leaving within the limits of the State of Arkansas a strip of country belonging to the Choctaw and Chickasaw Nations, in the shape of a triangle having Red river for its base; and, whereas, all the lands contained therein that are of any value, were sold or granted by the United States, and are chiefly held and have been improved by private individuals; it is therefore agreed by the Confederate States and the said Choctaw and Chickasaw Nations that the said line so run and retraced shall be perpetuated as the line between the Choctaw and Chickasaw country and the State of Arkansas, and that the said triangular tract of land shall belong to, and continue to form an integral part of that State; and all titles to lands therein, from and under the United States, be confirmed; and it is further agreed, that in consideration thereof, the said Choctaw and Chickasaw Nations shall, upon the restoration of peace, and the establishment and recognition of the independence of the Confederate States, be paid by them the fair value of the lands included in said tract, in their natural state and condition, and unimproved, and of all the salt springs therein, at the date of the said treaty of the year of our Lord, one thousand eight hundred and fifty-five, and without interest; which fair actual value shall be ascertained by a commission of four persons, two of whom shall be appointed by the President of the Confederate States, one by the Choctaw Legislature, and one by the Chickasaw Legislature, and the expenses of which commission shall be borne by the Confederate States.

Payment to be made to the Choctaw and Chickasaw Nations for their lands in the State of Arkansas, and the salt springs therein.

The value thereof, how ascertained.

ARTICLE LXI. It is further agreed, that if the present war continues, the Confederate States will, upon the request of the Executive of the Choctaw and Chickasaw Nations respectively, advance to the Choctaw Nation the sum of fifty thousand dollars, and to the Chickasaw Nation two thousand dollars, in discharge of so much of the moneys due to each respectively, by the United States, and will invest each sum in the purchase for each nation respectively, of such arms and ammunition as shall be specified by the Executive.

Advancement by the C. S. to the said nations.

Investment of sums advanced in arms and ammunition.

ARTICLE LXII. All provisions of the treaties made by the Choctaws and Chickasaws, or either, with the United States, under which any rights or privileges were secured or guaranteed to the Choctaw or Chickasaw Nation, or to individuals of either, and the place whereof is not supplied by any provision of this treaty, and the same not being obsolete or no longer necessary, and so far as they are not repealed, annulled, changed, or modified, by subsequent treaties or statutes, or by this treaty, are continued in force as if the same had been made with the Confederate States.

Certain provisions of the treaties of the Choctaws and Chickasaws with the U. S. continued in force as if made with the C. S.

ARTICLE LXIII. It is further agreed that the sum of two thousand dollars shall be appropriated and paid by the Confederate States, immediately upon the ratification of this treaty, to defray the expenses of the delegations of Choctaws and Chickasaws by whom this treaty has been negotiated, and that the same shall be paid over to R. M. Jones, and by him equally divided among the members of the said delegations.

\$2,000 to be paid by the C. S., upon the ratification of this treaty.

ARTICLE LXIV. A general amnesty of all past offences against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Choctaw or Chickasaw Nation, as such membership is defined in this treaty, is hereby declared; and all such persons, if any, charged with any such offence shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, be discharged; and the Confederate States will espe-

General amnesty declared.

States of Arkansas and Texas to be requested to grant like amnesty.

cially request the States of Arkansas and Texas to grant the like amnesty as to all offences committed by Choctaw or Chickasaw against the laws of those States respectively, and the Governor of each to relieve or pardon the same, if necessary.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms, and the undersigned Commissioners, with full powers of the Choctaw and Chickasaw Nations, do hereunto set their hands and affix their seals.

Done in triplicate, at the place and upon the day, in the year, first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States.*

R. M. Jones,	Alfred Wade,	McKee King,
Sampson Folsom,	Coleman Cole,	William King,
Forbis Leflore,	James Riley,	John P. Turnbull,
Geo. W. Harkins, jr.,	Rufus Folsom,	William Bryant.
Allen Wright,	William B. Pitchlynn,	

*Commissioners of the Choctaw Nation.*

Edmund Pickens,	Henry C. Colbert,	A. Alexander,
Holmes Colbert,	James McM. Lish,	Wilson Frazier,
James Gamble,	Martin W. Allen,	C. Columbus,
Joel Kemp,	John M. Johnson,	Ashalatobbe,
William Kemp,	Samuel Colbert,	John E. Anderson.
Winchester Colbert,		

*Commissioner of the Chickasaw Nation.*

Signed, sealed and copies exchanged in our presence, July 12, 1861.

Wm. Quesenbury,	W. L. Pike,
<i>Secretary to the Com'r,</i>	Wm. H. Faulkner.
W. Warren Johnson,	

## RATIFICATION.

Dec. 20, 1861.

Ratification by Congress of treaty with the Choctaw and Chickasaw Nations.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a treaty, made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and by the Choctaw and Chickasaw Nations of Indians, by their respective Commissioners thereunto appointed and elected, of the other part, concluded at the North Fork Village, on the north fork of the Canadian river, in the Creek Nation, on the twelfth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

Amendments.

## AMENDMENTS:

I. Strike out from article xxvii. the words, "to the same rights and privileges as may be enjoyed by delegates from any Territory of the Confederate States," and insert in lieu thereof, the following words: "to a seat in the Hall of the House of Representatives, to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

II. Strike out from article xxviii. the following words: "the whole Choctaw and Chickasaw country, as above defined, shall be received and admitted into the Confederacy as one of the Confederate States, on equal terms, in all respects, with the original States, without regard to population, and—" and insert in lieu thereof, the following words: "the application of the said nations to be admitted as a State into the Confederacy, on equal terms, in all respects, with the original States, shall be referred to and considered by the Congress of the Confederate States, by whose act alone, under the Constitution, new States can be admitted, and whose consent it is not in the power of the President of the present Congress to guarantee in advance, and, if the Congress shall assent to such admission, the whole Choctaw and Chickasaw country, as above herein defined, shall constitute the State so admitted, and in case of such admission."

III. Strike out from article xliii. the following words: "or of any one of the States," and add at the end of this article the following words: "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article, in respect to suits and proceedings in their several courts."

IV. Strike out from article xlv. the following words: "or in a State court," and insert in lieu thereof, the following words: "or in a State court subject to the laws of the State."

V. Strike out from the fourth paragraph of article lvii., in the phrase "two hundred and ten thousand dollars," the word "ten," and insert in lieu thereof, the word "two."

NOTE.—The foregoing treaty, together with the amendments, was duly ratified by the Choctaw and Chickasaw Nations, respectively.

# TREATY WITH THE SEMINOLE NATION.

AUGUST 1ST, 1861.

## A TREATY OF FRIENDSHIP,

Aug. 1, 1861.

*Made and concluded at the Seminole Council House in the Seminole Nation, west of Arkansas, on the first day of August, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, Commissioner, with plenary powers, of the Confederate States, of the one part, and the Seminole Nation of Red men, by its Chiefs, head men and warriors, in General Council assembled, of the other part :*

Preamble.

The Congress of the Confederate States of America, having, by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guarantees with each of the said nations and tribes under treaties made with them by the United States of America ; and the Seminole Nation of Red men having assented thereto upon certain terms and conditions ;

Now, therefore, the said Confederate States of America, by Albert Pike, their Commissioner, appointed by the President, under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Seminole Nation, in General Council assembled, have agreed to the following articles, that is to say :

Perpetual peace and friendship.

ARTICLE I. There shall be perpetual peace and friendship between the Confederate States of America and all of their States and people and the Seminole Nation of Red men and all its towns and individuals.

The Seminole Nation acknowledges itself to be under the protection of the C. S.

ARTICLE II. The Seminole Nation of Red men acknowledges itself to be under the protection of the Confederate States of America, and of no other power or sovereign whatever, and doth hereby stipulate and agree with them that it will not hereafter, nor shall any of its towns or individuals, contract any alliance, or enter into any compact, treaty or agreement with any individual State, or with a foreign power : *Provided*, That it may make such compacts and agreements with neighboring nations and tribes of Indians, for their mutual welfare and the prevention of difficulties as may not be contrary to this treaty or inconsistent with its obligations to the Confederate States ; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Seminole Nation as their ward ; and by the consent of the said Seminole Nation now here freely given, the country whereof it is pro-

Proviso.

The C. S. assume the protectorate of said nation.

prietor in fee, as the same is hereinafter defined, is annexed to the Confederate States, in the same manner and to the same extent as if it was annexed to the United States of America before that Government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles and guarantees with or in favor of the said nation, under treaties made with it, and under statutes of the United States of America.

The Seminole  
country annexed  
to the C. S.

ARTICLE III. The following shall constitute and remain the boundries of the Seminole country, viz: beginning on the Canadian river, a few miles east of the ninety-seventh parallel of west longitude where Ok-hai-ap-po or Pond creek empties into the same; thence due north to the north fork of the Canadian; thence up the said north fork of the Canadian to the southern line of the Cherokee country; thence with that line, west, to the one hundredth parallel of west longitude, thence south along said parallel of longitude to the Canadian river; and thence down and with that river to the place of beginning.

Boundaries.

ARTICLE IV. The Seminole Nation hereby gives its full, free and unqualified assent to those provisions of the act of Congress of the Confederate States of America, entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, whereby it was declared that all the reversionary and other interest, right, title and proprietorship of the United States in, unto and over the Indian country in which that of the said nation is included, should pass to and vest in the Confederate States; and whereby the President of the Confederate States was authorized to take military possession of all said country; and whereby all the laws of the United States, with the exception thereafter made, applicable to, and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Seminole Nation, among others were re-enacted, continued in force, and declared to be in force in said country, as laws and statutes of the said Confederate States: *Provided, however,* And it is hereby agreed between the said parties that whatever in the said laws of the United States contained, is or may be contrary to or inconsistent with any article or provision of this treaty, is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent thus qualified and conditioned, shall relate to, and be taken to have been given upon the said day of the approval of the said act of Congress.

Assent of the  
Seminole Nation  
to the act of May  
21, 1861, for the  
protection of cer-  
tain Indian tribes.

Provido.

ARTICLE V. The Confederate States of America do hereby solemnly guarantee to the Seminole Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in the preceding article of this treaty; to be held by the people of the said nation in common, as they have heretofore been held so long as grass shall grow and water run, if the said nation shall so please, but with power of making partition thereof and disposition of the same by laws of the nation duly enacted; by which partition or sale, title in fee simple absolute shall vest in parceners and purchasers whenever it shall please the nation of its own free will and accord and without solicitation from any quarter to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nation is and shall be subject to no other conditions, reservations or restrictions whatever, than such as are hereinafter specially expressed.

Guarantee of  
lands to the Semi-  
nole Nation in-  
cluded within the  
boundaries defined

Power to dispose  
of said lands or  
make partition  
thereof.

**Lands not to be disposed of to any foreign power, State or Government.** ARTICLE VI. None of the said lands hereby guaranteed to the Seminole Nation shall be sold, ceded, or otherwise disposed of to any foreign power, or to any State or government whatever; and in case any such sale, cession or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

**Country ceded to the Seminole Nation by the treaty of Aug. 7, 1856, not to be disposed of without the consent of both the Creek and Seminole Nations.** ARTICLE VII. It is further hereby agreed and stipulated, that no part of the tract of country hereinbefore guaranteed to the Seminole Nation, being the same that was ceded to it by the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, between the United States of America and the Creek and Seminole Nations of Indians, shall ever be sold or otherwise disposed of without the consent of both of said nations being legally given.

**No State or Territory to pass laws for the Government of the Seminole Nation.** ARTICLE VIII. The Confederate States of America do hereby solemnly agree and bind themselves, that no State or Territory shall ever pass laws for the Government of the Seminole Nation; and that no portion of the country hereby guaranteed to it shall ever be embraced or included within or annexed to any Territory or Province; nor shall any attempt ever be made, except upon the free, voluntary and unsolicited application of the said nation, to erect the said country, by itself or with any other, into a State, or any other territorial or political organization, or to incorporate it into any State previously created.

**Seminole Nation to be incorporated into any other territorial or political organization.**

**Unrestricted right of self-government and full jurisdiction over persons and property, guaranteed.** ARTICLE IX. So far as may be compatible with the Constitution of the Confederate States, and with the laws made, enacted or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are limited and modified by this treaty, the Seminole Nation shall possess the otherwise unrestricted right of self-government, and full jurisdiction, judicial and otherwise, over persons and property within its limits, excepting only such white persons as are not, by birth, adoption or otherwise, members of either the Seminole or Creek Nation; and that there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who, having married a Seminole or Creek woman, resides in the said Seminole country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken as a member of the said nation, within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offences committed in the Indian country, to the effect that they shall not extend or apply to offences committed by one Indian against the person and property of another Indian shall be so extended and enlarged by virtue of this article when ratified, and without further legislation, as that none of said laws shall extend or apply to any offence committed by any Indian, or negro, or mulatto, or by any such white person, so by birth, adoption, or otherwise, a member of the Seminole or Creek Nation against the person or property of any Indian, negro, or mulatto, or any such white person, when the same shall be committed within the limits of the said Seminole Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Seminole Nation, and to prosecution and trial before its tribunals, and to punishment according to such laws in all respects like native members of the said Nation.

**Exception.**

**Membership defined.**

**Punishment of offences.**

**Intruders to be kept out of the country.** ARTICLE X. All persons who are not members of either the Seminole or Creek Nation found in the Seminole country as hereinbefore limited, shall be considered as intruders, and be removed and kept out of the same, either by the civil officers of the nation under the direction of the Executive, or the General Council, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to

**Exceptions.**

say: such individuals with their families as may be in the employment of the Government of the Confederate States; all persons peaceably traveling, or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the Seminoles or Creeks with the assent of the agent of the Confederate States to reside within their respective limits without becoming members of either of said tribes.

ARTICLE XI. A tract of two sections of land, to be laid off under the direction of the President of the Confederate States, and to include the site of the present Seminole agency, whereon the public buildings of that agency have been erected, is hereby reserved to the Confederate States and not included in the guarantee of lands aforesaid, but shall be within the sole and exclusive jurisdiction of the Confederate States, except as to members of the Seminole or Creek Nation as above defined, all offences committed by whom thereon shall be punished by the laws and courts of the Seminole Nation whenever they would be so punished if committed elsewhere in the nation: *Provided*, That whenever the agency for the said nation shall be discontinued by the Confederate States, and an agent no longer appointed, the said tract of two sections of land shall pass to and vest absolutely in the Seminole Nation in the same manner as its other lands with all the buildings that may be thereupon.

Reservation of lands for Indian agency.

Proviso.

ARTICLE XII. The Confederate States shall have the right to build, establish and maintain such forts and military posts, temporary or permanent, and to make and maintain such military and post-roads as the President may deem necessary in the Seminole country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post or road, or of the agency, the property of any individual member of the Seminole Nation, or any property of the nation itself, other than land, timber, stone and earth, be taken, destroyed or injured, just and adequate compensation shall be made by the Confederate States.

Reservation of lands for forts, military posts and post-roads.

ARTICLE XIII. The Confederate States, or any company incorporated by them, or any one of them, shall have the right of way for railroads or telegraph lines through the Seminole country; but in the case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Seminole Nation as may be agreed upon between it and the National Council thereof; or, in case of disagreement, by making full compensation, not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nation for any railroad, shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for, in case of abandonment by them, or of extinction of their tribe.

Right of way for railroads or telegraph lines.

ARTICLE XIV. No person shall settle, farm or raise stock within the limits of any post or fort, or of the agency, except such as are or may be in the employment of the Confederate States, in some civil or military capacity; or such as being subject to the jurisdiction and laws of the Seminole Nation are permitted by the commanding officer of the post or fort, or by the agent to do so upon the reserve.

Settling, farming, or raising stock within certain limits, prohibited.

ARTICLE XV. The Confederate States shall protect the Seminoles from domestic strife, from hostile invasion, and from aggression by other

Protection from domestic strife

hostile invasion or aggression.

Indians and white persons, not subject to the jurisdiction and laws of the Seminole Nation; and from all inquiries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured out of the Treasury of the Confederate States upon the same principle, and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions committed upon them by Indians.

License to trade with the Indians.

ARTICLE XVI. No person shall hereafter be licensed to trade with the Seminoles, except by the agent, and with the advice and consent of the National Council, which advice and consent, however, shall not be necessary, in the case of traders now trading under license, until the expiration of the year one thousand eight hundred and sixty-two.

Trader to execute bond.

Every licensed trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the Bureau of Indian Affairs; and no appeal shall hereafter lie to any officer whatever, from the decision of the agent refusing license to any applicant.

No appeal from decision refusing license.

Licensed traders to pay annual compensation for land and timber used by them.

ARTICLE XVII. All persons licensed by the Confederate States to trade with the Seminoles shall be required to pay to the authorities of the Seminole Nation a moderate annual compensation for the land and timber used by them, the amount of such compensation in each case to be assessed by the proper authorities of the said Seminole Nation, subject to the approval of the Confederate States agent therefor.

No license to be granted to trader who is in arrear.

ARTICLE XVIII. It is further hereby agreed, that no license shall hereafter be granted to any trader who is in arrear on account of any amount legally assessed to be paid by him as compensation for land and timber used, and that any license hereafter granted shall be revoked on failure or refusal to pay, in due time, the amount that may be therefore

When license may be revoked.

legally assessed in any years. And when a renewal of license is refused any trader, he shall nevertheless be entitled, if he be not a dangerous or improper person, to remain in the Seminole country such reasonable length of time as may, in the opinion of the agent, be necessary for the purpose of collecting such debts as may be due him, being during such time under the protection of the laws of the Confederate States, as a person peaceably sojourning in the country.

How long trader of license has been refused, to remain in the country.

Removal of restrictions upon the right to sell personal property.

ARTICLE XIX. All restrictions or limitations heretofore imposed or existing by treaty, law or regulation upon the right of any member of the Seminole Nation freely to sell and dispose of to any person whatever, any chattel or article of personal property whatever are hereby removed and annulled, except such as the laws of the nation itself may have created.

Appointment of agent and interpreter.

ARTICLE XX. An agent of the Confederate States and an interpreter shall continue to be appointed for the Seminole Nation, both of whom

Where to reside. Vacancy in said offices, how filled.

shall reside at the agency; and whenever a vacancy shall occur in either of the said offices, the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they in good faith protest; and the agent may be removed on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon investigation, that there is sufficient cause for such removal.

How agent may be removed.

What Indians may reside in the Seminole country.

ARTICLE XXI. The Seminole Nation may, by act of its legislative authorities, receive and incorporate in itself as members of the nation, or permit to settle and reside upon the national lands such Indians of

Sale or lease of lands to such Indians.

any other tribe as to it may seem good; and may sell to such Indians portions of land, in fee or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price of such sales or leases; and it alone shall determine who are members and citizens of the



nation, entitled to vote at elections, hold office or share in annuities, or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of the Seminole Nation, they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Seminoles themselves. But no Indians other than Seminoles and Creeks, not now settled in the Seminole country, shall be permitted to come therein to reside, without the consent or permission of the legislative authority of the nation.

The Seminole Nation alone to determine who are members and citizens of the nation entitled to vote, hold office, &c.  
Proviso.

ARTICLE XXII. If any citizen of the Confederate States, or any other persons, not being permitted to do so by the authorities of said nation, or authorized by the terms of this treaty, shall attempt to settle upon any lands of the Seminole Nation, he shall forfeit the protection of the Confederate States, and such punishment shall be inflicted upon him, not being cruel, unusual or excessive, as may have been previously prescribed by law of the nation.

Penalty for settling upon lands of the Seminole Nation without permission.

ARTICLE XXIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Seminole Nation under the penalty of one dollar per head, for all so pastured, to be collected by the authorities of the nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Seminole country; and to drive their stock to market or otherwise, through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose. It is also further agreed, that the members of the Seminole Nation shall have the same right of travelling, driving stock, and halting to recruit the same in any of the Confederate States.

Citizens of the C. S. not to pasture stock on Seminole lands.

Right of travelling, driving stock and halting to recruit the same.

ARTICLE XXIV. The officers and people of the Seminole and Creek Nations respectively, shall have, at all times, the right of safe conduct through the lands of each other; and the members of each nation shall have the right, freely and without seeking license or permission, to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges and immunities of members thereof, including the right of voting at all elections, and being deemed qualified to hold office, and excepting only that no member of either nation shall be entitled to participate in any funds belonging to the other nation. Members of either nation shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time, be prescribed by their respective legislatures.

Personal and political rights, privileges and immunities of the Seminoles and Creeks.

ARTICLE XXV. Any person duly charged with a criminal offence against the laws of either the Seminole or Creek Nation, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offence shall be alleged to have been committed.

Fugitives from justice to be surrendered.

ARTICLE XXVI. The Seminole Nation shall promptly apprehend and deliver up all persons accused of any crime against the laws of the Confederate States or any State thereof, who may be found within its limits, on demand of any proper officer of a State of the Confederate States; and the authorities of each of said States shall in like manner deliver up, on demand of the Executive authority of the Seminole Nation, any person subject to the jurisdiction of the tribunals of such nation, and accused of any crime against its laws.

Apprehension and surrender of persons accused of crime.

ARTICLE XXVII. In addition to so much and such parts of the acts of Congress of the United States, enacted to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers, as may have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the law of the Confederate States as provide for the punishment of

Laws in force in the Seminole country defined.

crimes amounting to felony at common law, or by statute, against the laws, authority or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the Confederate States or of the United States, or the securities of the Confederate States, or in uttering counterfeit coin or securities, and so much of such laws as provides for the punishment of violators of neutrality laws and resistance to the process of the Confederate States and all the acts of the Provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Seminole country.

Any member of the Seminole Nation indicted in any court of the C. S. entitled to process for witnesses.

Costs of process and fees and mileage of witnesses paid by the C. S.

When accused may be assigned counsel.

Law in regard to the rendition of fugitive slaves or fugitives from labor, extended to the Seminole Nation.

Persons of the Seminole Nation made competent witnesses in cases in the C. S. courts.

May take hold and pass lands by purchase or descent, and sue and implead in any of the courts of the C. S.

Effect of official acts of judicial officers in said nation.

Authentication of records and laws.

Existing laws, usages and cus-

ARTICLE XXVIII. Whenever any person who is a member of the Seminole Nation shall be indicted for any offence in any court in the Confederate States, or in a State court, he shall be entitled as of common right to subpoena, and if necessary, compulsory process for all such witnesses in his behalf as his council may think material for his defence; and the costs of process for such witnesses and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterwards made, if practicable, in the case of conviction, of the property of the accused. And whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

ARTICLE XXIX. The provisions of all such acts of the Congress of the Confederate States as may now be in force, or as may hereafter be enacted for the purpose of carrying into effect the provisions of the Constitution in regard to the re-delivery of fugitive slaves or fugitives from labor and service, shall extend to, and be in full force within the said Seminole Nation; and shall also apply to all cases of escape of fugitive slaves from the said Seminole Nation into any other Indian nation or into one of the Confederate States; the obligation upon each such nation or State to re-deliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

ARTICLE XXX. Persons belonging to the Seminole Nation shall hereafter be competent witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

ARTICLE XXXI. It is hereby further agreed by the Confederate States, that all the members of the Seminole Nation as hereinbefore defined, shall be henceforward competent to take, hold and pass, by purchase or descent, lands in any of the Confederate States heretofore or hereafter acquired by them, and to sue and implead in any of the courts of each of the States, in the same manner, and as fully, and under the same terms and restrictions, and on the same conditions only as citizens of another of the Confederate States can do.

ARTICLE XXXII. Whenever regular courts of justice shall be established in the Seminole Nation, the official acts of all its judicial officers shall have the same effect, and be entitled to the like faith and credit everywhere as the like acts of judicial officers of the same grade and jurisdiction in any one of the Confederate States; and the proceedings of the courts and tribunals of the said nation and copies of its laws and judicial and other records shall be authenticated like similar proceedings of the courts of the Confederate States and the laws and office records of the same, and be entitled to the like faith and credit.

ARTICLE XXXIII. It is hereby declared and agreed, that the institution of slavery in the Seminole Nation is legal and has existed from

time immemorial; that slaves are taken and deemed to be personal property; that the title to slaves and other property having its origin in the said nation shall be determined by the laws and customs thereof; and that the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death in accordance with the laws, usages and customs of the said nation, which may be proved like foreign laws, usages and customs, and shall everywhere be held valid and binding within the scope of their operation.

ARTICLE XXXIV. No *ex post facto* law or law impairing the obligation of contracts shall ever be enacted by the legislative authority of the Seminole Nation to affect any other persons than its own people; nor shall any citizen of the Confederate States or member of any other Indian nation or tribe be deprived of his property, or deprived or restrained of his liberty, or fine, penalty or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of the law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the Constitution of the Confederate States; and it shall be within the province of the agent to prevent any infringement of such rights and of this article, if it should in any case be necessary.

ARTICLE XXXV. It is hereby further agreed, that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Seminole Nation, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rates of postage and in the same manner as in the Confederate States.

ARTICLE XXXVI. It is further agreed by the said Confederate States, that the said Seminole Nation shall never be required or called upon to pay, in kind or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ARTICLE XXXVII. In order to enable the Creek and Seminole Nations to claim their rights and secure their interests without the intervention of counsel or agents, and as they were originally one and the same people and are now entitled to reside in the country of each other, they shall be jointly entitled to a delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member of one of said nations, over twenty-one years of age, and laboring under no legal disability by the law of either nation; and each delegate shall be entitled to the same rights and privileges as may be enjoyed by the delegate from any Territory of the Confederate States to the said House of Representatives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for delegate shall be held at such time and places, and be conducted in such manner as shall be prescribed by the agent of the Confederate States for the Creeks, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times, places and manner of holding them and ascertaining and certifying the result shall be prescribed by law of the Confederate States.

ARTICLE XXXVIII. It is hereby ascertained and agreed by and between the Confederate States and the Seminole Nation, that the United States of America, of which the Confederate States were heretofore a part, were, before the separation, indebted, and still continue to be indebted, to the Seminole Nation in the following sums, annually, and bound to the punct-

loms, in respect to slavery, declared binding.

No *ex post facto* law, or law impairing the obligation of contracts, affect any other than its own people.

Rights of person and property secured to citizens of the C. S. and members of other Indian Nations.

Post-offices and mails

Seminole's not to pay expenses of present or any future war.

Representative in Congress.

Election of Delegate.

Annular interest and annual instalments and arrangements thereof due by the U. S. to the Seminole Nation.

tual payment thereof to them, on the thirteenth day of December, in each year, that is to say:

Perpetual annuities, amounting to the sum of twenty-five thousand dollars, being the annual interest at the rate of five per cent. per annum on the two sums of two hundred and fifty thousand dollars each, which were, by the eighth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, to be invested by the United States at that rate of interest, and the interest to be regularly paid over to the nation *per capita* as annuity; no part of which was ever invested.

And the sums of three thousand dollars, for the support of schools, two thousand dollars, for agricultural assistance, and two thousand two hundred dollars, for the support of smiths and smith-shops among the Seminoles, which were, by the same treaty, to be paid annually for ten years from and after the making of the said treaty.

And it is hereby further ascertained and agreed, that there was due to the Seminole Nation from the United States of America, on the thirtieth day of December, in the year of our Lord, one thousand eight hundred and sixty, on account of said annual payments, and the arrearages thereof, the sums following, that is to say:

For arrearages of the said sum of three thousand dollars, annually, for the support of schools, from the seventh day of August, A. D., one thousand eight hundred and fifty-six, until, and including the payment for, the thirtieth day of December, A. D., one thousand eight hundred and sixty, thirteen thousand dollars.

The sum of two thousand dollars, for agricultural assistance, and the sum of two thousand two hundred dollars, for the support of smiths and smith-shops, both payable on the day last mentioned.

And it not being desired by the Confederate States that the Seminole Nation should continue to receive these annual sums from the Government of the United States, or otherwise have any further connection or communication with that Government; and they being willing, for the benefit and improvement of the Seminole people, to extend the time during which the said annual sums of three thousand dollars, for the support of schools, and of two thousand two hundred dollars, for the support of smiths and smith-shops, shall be paid; therefore, the said Confederate States of America, do hereby assume the payment, for the future, of the above-recited annuity and annual payments, and do agree and bind themselves regularly and punctually to pay the same in manner following, that is to say:

The said annuity or annual interest of twenty-five thousand dollars, annually, forever, commencing with the thirtieth day of December next, five thousand dollars thereof, annually, to the treasurer of the nation, to be used and disbursed as the General Council shall direct for governmental and other purposes, and the residue of twenty thousand dollars, annually, *per capita*, to all the individuals of the Seminole Nation, equally and share and share alike: *Provided*, That after the restoration of peace, and the establishment and recognition of the independence of the Confederate States, and if it be required by the General Council of the Seminole Nation, the capital sum of five hundred thousand dollars, on which the said annual interest is hereby provided to be paid, shall be invested by the President in safe stocks, at their market value, bearing an annual interest of at least six per cent., so that the most advantageous investment possible shall be made for the Seminole Nation; which stocks shall be thereafter held in trust for the Seminole people, and the interest thereon collected by the Confederate States, and by them paid annually to the Seminoles, five thousand dollars in each year to the treasurer of the nation, to be applied

The C. S. assumes  
the payment of the  
annuities and an-  
nual payments.

to such governmental and other purposes as the General Council shall direct, and the whole residue, *per capita*, to all the individuals of the nation. The said sum of three thousand dollars, for the support of schools, annually, for twenty years from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year; to be expended and applied under the direction of the President of the Confederate States by the agent of the Seminoles.

The said sum of two thousand two hundred dollars, for the support of smiths and smith-shops, annually, for ten years from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year, to be expended and applied by, or under the direction of, the General Council for the support of smiths and smith-shops in the said nation.

The said sum of two thousand dollars, for agricultural assistance, annually, for five years, from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year, to be expended and applied, under the direction of the President, in the way of agricultural assistance, by the agent of the Confederate States for the said nation.

And the said Confederate States do also agree and bind themselves to appropriate and pay immediately after the complete ratification of this treaty, the sum of seventeen thousand two hundred dollars, the aggregate of the sums which were so due and payable as aforesaid, on the thirtieth day of December, A. D., one thousand eight hundred and sixty; the sums of thirteen thousand and two thousand dollars, part thereof, to be expended and disbursed by the agent, under the direction of the President, the former for the support of schools, and the latter in the way of agricultural assistance; and the sum of two thousand two hundred dollars, the residue thereof, to be paid to the treasurer of the nation, and applied by the General Council to the support of smiths and smith-shops: *Provided*, That the President shall not be required to expend the whole of said sum of thirteen thousand dollars at once; but shall apply the same judiciously, from time to time, and at such times and in such sums, as shall seem to him best calculated to diffuse the benefits of education and knowledge among the children of the Seminoles. And it is further agreed by the Confederate States that they will also add to the said sum the further sum of one thousand dollars, to be applied by the agent to the erection of two additional school houses, at suitable points in the Seminole country.

ARTICLE XXXIX. It being alleged by the Seminole people that certain persons among them are entitled to compensation for the loss sustained by them by being dispossessed of a large number of slaves about the year one thousand eight hundred and forty-seven, by an illegal order of General Thomas S. Jesup, and which were protected against the claims of the owners by order of that General, at Fort Gibson or elsewhere, for a long time, and until they were delivered up to the United States sub-agent, for the Seminoles, about the first of January, A. D., one thousand eight hundred and forty-nine, by virtue of an order from the President, promulgated by the Secretary of War, in an order dated fifth of August, one thousand eight hundred and forty-eight, to be by the sub-agent delivered to the Chiefs of the Seminoles, who were to decide the right of property in and to said slaves; and that this was done by a decree of the General Council, of the fifteenth day of May, one thousand eight hundred and forty-nine, by which decree all the slaves, and their increase, having formerly belonged

Claim for compensation for loss sustained by the Seminole people by being dispossessed of a large number of their slaves.

to King Payne, were decided to belong to and to be under the control of Micco Mut-cha-sa or Jem Jumper, the Principal Chief of the nation.

And it being also alleged by the Seminoles that the claims of the various owners of said slaves, so dispossessed of their property and deprived of the use of the same for three years or more, were made out before, and filed with, Marcellus Du Val, the sub-agent for the Seminoles, prior to the fifth of September, one thousand eight hundred and fifty-four;

And it being alleged by them, that fifty of said negroes belonged to Car-pit-cha Micco, now deceased, seven to Chilto, forty to Nelly Factor, and thirty to Eliza Chopeco, daughter of Billy Bowlegs;

And it being also alleged by the Seminoles, that they could never obtain any consideration or hearing of or for these claims from the Government of the United States, not even at the time of making the treaty of the year of our Lord, one thousand eight hundred and fifty-six, on account of the determination of northern members of the Cabinet and of Congress, not to admit any right of property in slaves or pay any claim on account of the seizure or detention of slaves, even to foreign governments;

And the said negroes being alleged to have been illegally seized and detained without warrant of law or color of right, of war or otherwise;

Investigation  
and adjudication  
of such claims.

Therefore, it is hereby further agreed by and on the part of the Confederate States, that the said claims shall, at the earliest convenient season, be examined and investigated by the Commissioner of Indian Affairs, who shall do so under the direction of the Secretary of War, and subject to an appeal to him and from him to the President, in such manner as shall be just and liberal under the circumstances and after such lapse of time, and shall adjudicate the same upon such principles as shall be just and equitable; and if it be upon such investigation ascertained and determined that the slaves in question were illegally detained, then the Confederate States will pay to the several owners or their heirs, within a reasonable time, such amounts of money as shall be determined to have been justly and equitably due to the said several owners, for the loss of service of said slaves during such times as they shall be found to have been so detained, according to the current value of such service in the Seminole country at the time.

The C. S. assume  
the payment of the  
money due for the  
loss of service of  
the slaves.

Payment to the  
heirs of Sally Fac-  
tor, deceased, for  
two slaves killed  
while in the ser-  
vice of the U. S.

ARTICLE XL. Whereas, during the war between the United States and the Seminoles, in Florida, in the years from one thousand eight hundred and thirty-six, to one thousand eight hundred and forty ———, inclusive, the United States military authorities, in Florida, compelled July and Murray, two slaves of Sally Factor, now deceased, to serve as interpreters, and retained them in such service and had them in possession for the space of nearly or quite four years, until both of them were killed, one by a soldier of the United States, and the other by the hostile Seminoles, whereby the owner lost both, and their services for four years; but her claim for compensation could never obtain a hearing or consideration at the hands of the United States, because to pay it would have been to admit the legality of property in slaves, and, therefore, even an examination of it was refused at the making of the treaty of the year one thousand eight hundred and fifty-six; therefore, the Confederate States do hereby agree to pay to the heirs of the said Sally Factor, deceased, in full satisfaction for said claim, the sum of five thousand dollars, immediately after the ratification of this treaty.

Payment of  
John Jumper, the  
Principal Chief,  
and others in full  
of their claims and  
in view of their  
loyalty and good  
faith.

ARTICLE XLI. It being urged, with much reason, by the authorities of the Seminole Nation, that the delegates, forty in number, who went with the Superintendent of Indian Affairs to Florida, in the year one thousand eight hundred and fifty-seven, to bring about the removal of the hostile Seminoles, received but an insufficient compensation from the

United States for their time and services, in the payment of the sum of two hundred dollars each, for four months absence from their homes; and the said Confederate States being desirous to leave no just and fair claim of the Seminoles, or any of them, unadjusted, or any of their friends among the Red Men justly dissatisfied, it is, therefore, hereby agreed on the part of the Confederate States, that they will pay upon the ratification of this treaty, to the Principal Chief, John Jumper, or Hi-na-ha Mico, for his services at that time and in consideration of his loyalty at the present time, the sum of five hundred dollars for himself, and the sum of twelve hundred and fifty dollars, to be equally divided by him among five of the principal men among the said delegates; and will also pay to him for each of the other thirty-four delegates the sum of one hundred dollars in full of all their claims, and in view of their present loyalty and good faith.

ARTICLE XLIII. It is hereby further agreed by the Confederate States, that they will pay, upon the complete ratification of this treaty, to the Principal Chief of the Seminole Nation, to be equally divided, by him among the commissioners appointed by the General Council, and who have negotiated this treaty, the sum of five hundred dollars, by way of compensation for their time and services therein.

Further payment to the Principal Chief, to be divided by him among the commissioners who have negotiated this treaty.

ARTICLE XLIII. To give the Seminoles full and entire assurance of the completeness of their title to their lands, the Confederate States hereby agree that there shall be executed and delivered to the Seminole Nation letters patent of conveyance and assurance of the same, whereby the same shall be guaranteed to them in fee simple forever, with power of disposition, in the language of article four of this treaty, under the Great Seal of the Confederate States, and signed by the President, upon parchment, so that it may not decay or its letters fade.

Letters patent of conveyance of the lands of the Seminoles and assurance, to be executed and delivered by the C. S. to the Seminole Nation.

ARTICLE XLIV. A general amnesty of all past offences against the laws of the United States and of the Confederate States, committed in the Indian country before the signing of this treaty, by any member of the Seminole Nation, as such membership is defined in this treaty, is hereby declared, and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offence, shall receive from the President full and free pardon, and be discharged.

General amnesty declared.

ARTICLE XLV. It is further agreed between the parties that all provisions of the treaties of the Seminole Nation with the United States which secure or guarantee to the Seminole Nation, or individuals thereof, any rights or privileges whatever, and the place whereof is not supplied by, and which are not contrary to the provisions of this treaty, and so far as the same are not obsolete or unnecessary, or repealed, annulled, changed or modified by subsequent treaties or laws, or by this treaty, are and shall be continued in force, as if made with the Confederate States.

Certain provisions of the treaties of the Seminole Nation with the U. S. continued in force as if made with the C. S.

ARTICLE XLVI. This treaty shall take effect and be obligatory upon the contracting parties from the first day of August, in the year of our Lord, one thousand eight hundred and sixty-one, whenever it shall be ratified by the provisional President and Congress, or the President and Senate of the Confederate States.

When this treaty to take effect.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary power, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms, and the undersigned chiefs, head men and warriors of the Seminole Nation, and commissioners with plenary powers thereof, on the part of the Seminole Nation, do hereunto set their hands and affix their seals.

SEAL.

## TREATY WITH THE SEMINOLE NATION.

Done in duplicate, at the place, and upon the day, in the year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States of America to the Indian Nations west of Arkansas.*

JOHN JUMPER,  
*Principal Chief of the Seminole Nation.*

PAS-CO-FA,

*Town Chief.*

GEORGE CLOUD,

*Town Chief.*

FOS-HUT-CHI TUS-TI-NUK-KI,

*Town Chief.*

TA-CO-SA FIC-SI-CO,

*Town Chief.*

HAL-PA-TA,

*Town Chief.*

I-M A-THLA,

*Town Chief.*

FOS-HUT-CHI HA-CHO-CHI,

*Town Chief.*

TA-LO-A HA-CHO,

*Town Chief.*

O-CHI-SI CHO-FO-TO-A,

*Town Chief.*

CHO-FO-TOP HACHO,

*Town Chief.*

SU-NUK MICCO,

*Town Chief.*

TUS-TI-NUK CO-CHO-CO-NI,

*Town Chief.*

Signed, sealed and mutually delivered in our presence.

WM. QUESENBURY,

*Secretary to the Commissioner.*

E. RECTOR,

*Superintendent of Indian Affairs for the Western Superintendency.*

SAMUEL M. RUTHERFORD,

*Agent of the Confederate States for the Seminoles.*

JAMES M. C. SMITH,

CHARLES B. JOHNSON,

W. WARREN JOHNSON,

W. L. PIKE,

W. H. FAULKNER.

To the Indian names are subjoined marks.

## A CONVENTION SUPPLEMENTARY

Aug. 1, 1861.

*To the treaty of friendship this day made and concluded at the Council House of the Seminole Nation, on the first day of August, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, of the one part, and the Seminole Nation of red men, by their Chiefs, head men and warriors in General Council assembled, of the other part.*

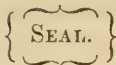
The Seminole Nation to furnish five companies of mounted men to serve in the army of the C. S.

In addition to the said treaty, and by way of separate convention and agreement, it is hereby agreed between the said parties, that in consideration of the common interests of the Confederate States and the Seminole Nation, and of the protection and rights secured and guaranteed to the latter by said treaty, the said Seminole Nation will raise and furnish, and the Confederate States will receive into their service not less than two nor more than five companies of mounted men, to serve in the armies of the Confederate States for twelve months. Each company shall be composed of not less than sixty-four nor more than one hundred men in all. The company officers shall be elected by the members of the



company; and the major commanding by a majority of the votes of all the members of the battalion. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country, west of Arkansas, without their consent.

In testimony whereof, the said Albert Pike, as such Commissioner of the Confederate States, doth hereunto set his hand and affix the seal of his arms, and Hin-i-ha Micoo or John Junper, Principal Chief of the Seminole Nation, Pas-co-fa, George Cloud, Fos-hut-chi Tas-ti-nuk-ki, Ta-co-sa Fic-si-co, Hal-pa-ta, I-ma-thla, Fos-hut-chi Ha-cho-chi, Sa-to-a Hacho, O-chi-si Cho-fo-to-a, Cho-fo-top Hacho, Su-nuk Micoo and Tus-ti-nuk Co-cho-co-ni Town Chiefs, Commissioners, with plenary powers thereof, on the part of the Seminole Nation, do hereunto set their hands and affix their seals.



Done in duplicate at the Seminole agency, in the Seminole Nation, on the second day of August, in the year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States of America to the Indian Nations west of Arkansas.*

JOHN JUMPER,

*Principal Chief of the Seminole Nation.*

PAS-CO-FA,

*Town Chief.*

GEORGE CLOUD,

*Town Chief.*

FOS-HUT-CHI TUS-TI-NUK-KI,

*Town Chief.*

TA-CO-SA FIC-SI-CO,

*Town Chief.*

HAL-PA-TA,

*Town Chief.*

I-MA-THLA,

*Town Chief.*

FOS-HUT-CHI HA-CHO-CHI,

*Town Chief.*

SA-TO-A HACHO,

*Town Chief.*

O-CHI-SI CHO-FO-TO-A,

*Town Chief.*

CHO-FO-TOP HACHO,

*Town Chief.*

SU-NUK MICOO,

*Town Chief.*

TUS-TI-NUK CO-CHO-CO-NI,

*Town Chief.*

Signed, sealed end mutually delivered in our presence.

WM. QUESENBURY,

*Secretary to the Commissioner.*

E. RECTOR,

*Superintendent of Indian Affairs for the Western Superintendency.*

SAMUEL M. RUTHERFORD,

*Agent of the Confederate States for the Seminoles.*

JAMES M. C. SMITH,

*Special Interpreter.*

CHARLES B. JOHNSON,

W. WARREN JOHNSON,

W. L. PIKE,

W. H. FAULKNER.

To the Indian names are subjoined marks.

### RATIFICATION.

Dec. 20, 1861.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, Commissioner

Ratification by Congress of treaty with the Seminole Nation.

of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and by the Seminole Nations of Indians, by its Chiefs, headmen and warriors, in General Council assembled, of the other part, concluded at the Seminole Council House in the Seminole Nation, on the first day of August, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

## Amendments.

## AMENDMENTS :

I. Add at the end of article xxx. the following words: "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article, in respect to suits and proceedings in their respective courts."

II. Strike out from article xxxvii. the following words: "the same rights and privileges as may be enjoyed by the delegates from any Territory of the Confederate States to the said House of Representatives," and insert, in lieu thereof, the following words; "a seat in the hall of the House of Representatives to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

III. Strike out from article xxxviii. the following words: "or in a State court," and insert, in lieu thereof, the following words: "or in a State court, subject to the laws of the State."

*Resolved further,* (two thirds of the Congress concurring,) That the Congress do also advise and consent to the ratification of the Convention, supplementary to the aforesaid treaty with the Seminoles, made by the same parties of each part, and concluded at the same time and place with the same.

NOTE.—The foregoing treaty, together with the amendments, was duly ratified by the Seminole Nation.

# TREATY WITH THE COMANCHES

AND OTHER TRIBES AND BANDS.

AUGUST 12<sup>TH</sup>, 1861.

## ARTICLES OF A CONVENTION

*Ent red into and concluded at the Wichita Agency, near the False Washita river, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an act of the Congress in that behalf, of the one part, and the Pen-e-tegh-ca Band of the Ne-um or Comanches, and the tribes and bands of Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, residing in the said leased country, by their respective Chiefs and Head Men, who have signed these articles, of the other part.*

ARTICLE I. The Pen-e-tegh-ca Band of the Ne-um or Comanches, and the tribes and bands of the Wich-i-tas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, now residing within the country north of Red river and south of the Canadian, and between the ninety-eighth and one hundredths parallels of west longitude, leased for them and other tribes from the Choctaw and Chickasaw Nations, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war forever.

The Comanches, &c., place themselves under the protection of the C. S.

ARTICLE II. The Confederate States of America do hereby promise and engage themselves to be, during all time, the friends and protectors of the Pen-e-tegh-ca Band of the Ne-um, and of the Wich-i-tas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, residing, or that may hereafter come to reside, in the said leased country; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever.

The C. S. assume the protectorates.

ARTICLE III. The reserves at present occupied by the said several tribes and bands may continue to be occupied by them, if they are satisfied therewith; and if any of them are not, the tribe or tribes, band or bands dissatisfied may select other reserves instead of those now occupied by them, in the same leased country, with the concurrence and assent of the agent of the Confederate States for the reserve Indians, at any time within two years from the day of the signing of these articles.

Occupation of reserves.

Extent of each reserve.

ARTICLE IV. Each reserve shall be of sufficient extent of good arable and grazing land, amply to supply the needs of the tribe or band that is to occupy it; and each shall have a separate reserve, unless two or more elect to settle and reside together, and hold their reserves in common.

Reserves, how defined.

The reserves shall, as far as practicable, be defined by natural boundaries that may be described, and so far as this is not practicable, by permanent monuments and definite courses and distances; and full and authentic descriptions of the reserves shall be made out and preserved by the Confederate States.

Right of property in reserve secured to each tribe or band.

ARTICLE V. Each tribe or band shall have the right to possess, occupy and use the reserve allotted to it, as long as grass shall grow and water run, and the reserves shall be their own property like their horses and cattle.

Hunting and killing of game.

ARTICLE VI. The members of all the said several bands and tribes of Indians shall have the right, henceforward forever, to hunt and kill game in all the unoccupied part of the said leased country, without let or molestation from any quarter.

Perpetual peace and brotherhood between the tribes and bands.

ARTICLE VII. There shall be perpetual peace and brotherhood between the Pen-c-tegh-ca Band of the Ne-nm or Comanches, and the tribes and bands of the Wich-i-tas, Ca-do-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, Ana-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, between each of them and each and all of the others; and every injury or act of hostility which either has heretofore sustained at the hands of the other shall be forgiven and forgotten.

Injuries, &c., forgiven.

Tribes and bands to be good neighbors to each other.

ARTICLE VIII. The said several tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by all, that the horses, cattle and other stock and property of each tribe or band and of every person of each, is his or its own, and that no tribe or band nor any person belonging to any tribe or band shall, or will hereafter, kill, take away or injure any such property of another tribe or band or of any member of any other tribe or band, or in any other way do them any harm.

Right of property in horses, cattle and stock.

ARTICLE IX. There shall be perpetual peace and brotherhood between each and all of said tribes and bands, and the Cherokee, Mus-ko-ki, Seminole, Choctaw and Chickasaw Nations; and the chiefs and head men of each of the said tribes and bands shall do all in their power to take and return any negroes, horses or other property stolen from white men or from persons who belong to the Cherokee, Mus-ko-ki, Seminole, Choctaw or Chickasaw Nation, and to catch and give up any person among them who may kill or steal or do any other very wrong thing.

Perpetual peace and brotherhood between the Comanches, &c., and certain other tribes.

Return of stolen property.

Apprehension and delivery of any wrong doer.

Laws of Choctaws and Chickasaws to have no force.

ARTICLE X. None of the laws of the Choctaws and Chickasaws shall ever be in force in the said leased country so as to affect any of the members of the said several tribes and bands, but only as to their own people who may settle therein; and they shall never interfere in any way with the reserves, improvements or property of the reserve Indians.

Hostilities and enmities between the said tribes and bands and State of Texas, forgotten and forgiven.

ARTICLE XI. It is distinctly understood by the said several tribes and bands, that the State of Texas is one of the Confederate States, and joins this Convention, and signs it when the Commissioner signs it, and is bound by it; and that all hostilities and enmities between it and them are now ended and are to be forgotten and forgiven on both sides.

No war to be waged or councils held except with the consent of the agent.

ARTICLE XII. None of the braves of the said tribes and bands shall go upon the war-path, against any enemy whatever, except with the consent of the agent, nor hold any councils or talks with any white men or other Indians without his knowledge and consent. And the Confederate States will not permit improper persons to live among them, but only such persons as are employed by the Confederate States and traders licensed by them, who shall sell to the Indians and buy from them at fair prices, under such regulations as the President shall make.

Who may live among them.

ARTICLE XIII. To steal a horse or other any article of property from an Indian or a white man, shall hereafter be considered disgraceful, and the chiefs will discountenance it by every means in their power. For if they should not, there never could be any permanent peace.

The stealing of property to be considered disgraceful.

ARTICLE XIV. The Confederate States ask nothing of the Pen-e-teg-cas, Wich-i-tas, Ca-do-Ha-da-chas, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, except that they will settle upon their reserves, become industrious, prepare to support themselves, and live in peace and quietness; and in order to encourage and assist them in their endeavors to become able to support themselves, the Confederate States agree to continue to furnish them rations of provisions in the same manner as they are now doing, to include, also, sugar and coffee, salt, soap and vinegar, for such time as may be necessary to enable them to feed themselves. They agree to furnish each tribe or band with twenty cows and calves for every fifty persons contained in the same, and one bull for every forty cows and calves; and also to furnish to all of said tribes and bands together two hundred and fifty stock hogs, all of which animals shall be distributed by the agent to such persons and families as shall, in his judgment, be most proper to receive them, and most likely to take care of them. And they also agree to furnish, for the use of the said tribes and bands, such number of draught oxen, wagons, carts, ploughs, shovels, hoes, pick-axes, spades, scythes, rakes, axes and seeds as may be necessary, in addition to their present supply, to enable them to farm successfully. They also agree to furnish each tribe or band, annually, with such quantities as the agent shall estimate for and the superintendent require, of all such articles as are mentioned and contained in the schedule hereunto annexed, marked A, to be issued and delivered to them by the agent.

Nothing asked by the C. S. of certain of the tribes, except that they will settle upon their reserves, live peaceably, &c.

The C. S. agree to furnish rations, stock, agricultural implements, &c.

ARTICLE XV. The Confederate States will maintain one agency for the said tribes and bands at the present agency house or some other suitable and convenient location, at which the agent shall continually reside; and they do promise the said tribes and bands that they shall never be abandoned by the agent, and that he shall not be often nor for any long time away from his agency.

Agency for the tribes and bands.

ARTICLE XVI. The Confederate States will also employ and pay an interpreter for each language spoken among the said tribes and bands, and also one blacksmith, who shall also be a gun-smith, one striker and one wagon-maker, for all; all of whom shall reside at the agency; and they will furnish, from time to time, such tools and such supplies of iron, steel and wood as may be needed for the work of the said tribes and bands; and will also furnish all the people of said tribes and bands who may be sick, with medicines and medical service, at the agency, where a physician shall be employed to reside, for their benefit exclusively. They will also employ for five years and as much longer as the President shall please, a farmer for each reserve, to instruct the Indians in cultivating the soil, so that they may soon be able to feed themselves; and will erect such a number of horse-mills, to grind their corn, as the superintendent shall consider to be necessary, in order to accommodate all. And the stock and animals to be given to the tribes and bands shall be in charge of the farmers, that they may not be foolishly killed or let to perish by neglect.

Interpreter, blacksmith, striker and wagon-maker.

Tools and supplies of iron, steel and wood.

Medicines and medical service.

Farmer for each reserve.

Grist mills.

Stock and animals given, to be in charge of the farmers.

Erection of buildings.

ARTICLE XVII. The Confederate States also agree to erect such buildings for the mills, and the blacksmith's shops, and houses for the farmers and interpreters, as have been erected among the other Indian tribes, and also to assist the said Indians in building houses for themselves, and in digging wells for water, and opening their lands.

ARTICLE XVIII. The said bands and tribes agree to remain upon their

Bands and tribes reserves, and not at any time to leave them in order to make crops elsewhere. And, if they should leave them, the Confederate States shall to remain on their reserves. not be bound any longer to feed them or make them presents, or give them any assistance.

Rifle and ammunition to be furnished each warrior. ARTICLE XIX. The Confederate States also agree to furnish each warrior of the said tribes and bands who has not a gun, with a flint-lock rifle and ammunition, which he agrees never to sell or give away, and the Confederate States will punish any trader or other white man who may purchase one from them.

Promises made by the C. S. to the Comanches, should they settle within the leased country, and atone for crimes committed. ARTICLE XX. The Confederate States invite all the other bands of the Ne-un or Comanches to abandon their wandering life and settle within the leased country aforesaid; and do promise them, in that case, the same protection and care as is hereby promised to said tribes and bands now residing therein; and that there shall be allotted to them reserves of good land, of sufficient extent, to be held and owned by them forever; and that all the other promises made by these articles shall be considered as made to them also, as well as to the tribes and bands now residing on reserves; and that the same presents shall be made them, and assistance given them, in all respects; and the same things in all respects are also hereby offered the Cai-a-was and agreed to be given them, if they will settle in said country, atone for the murders and robberies they have lately committed, and show a resolution to lead an honest life; to which end the Confederate States send the Cai-a-was, with this talk, the wampum of peace and the bullet of war, for them to take their choice, now and for all time to come.

Indemnity for horses or other property killed or stolen. ARTICLE XXI. The Confederate States hereby guarantee to the members of the aforesaid tribes and bands, full indemnity for any horses or any other property that may be killed or stolen from them by any citizen of the Confederate States or by Indians of any other tribe or band: *Provided*, That the property, if stolen, cannot be recovered and restored, and that sufficient proof is produced to satisfy the agent, that it was killed or stolen within the limits of the Confederate States.

Proviso. Settlement of difficulties between any of the bands or tribes on account of injuries to person or property. ARTICLE XXII. If any difficulty should hereafter arise between any of the bands or tribes, in consequence of the killing of any one, of the stealing or killing of horses, cattle or other stock, or of injury in any other way to person or property, the same shall be submitted to the agent of the Confederate States, who shall settle and decide the same equitably and justly, to which settlement all parties agree to submit, and such atonement and satisfaction shall be made as he shall direct.

No private revenge or retaliation to be taken for injuries. ARTICLE XXIII. In order that the friendship which now exists between the said several tribes and bands of Indians and the people of the Confederate States, and of the Choctaw and Chickasaw Nations may not be interrupted by the conduct of individuals, it is hereby agreed that if any white man or any Choctaw or Chickasaw injures an Indian of any one of said tribes and bands, or if any one of them injures a white man or a Choctaw or Chickasaw, no private revenge or retaliation shall take place, nor shall the Choctaws or Chickasaws try the person who does the wrong, and punish him, in their courts, but he shall be tried and punished by the Confederate States; and the life of every person belonging to said tribes and bands shall be of the same value as the life of a white man; and any Indian or white man who kills one of them without cause, shall be hung by the neck until he is dead.

Offenders to be tried and punished by the U. S. Punishment for killing without cause. Texan troops to be withdrawn. ARTICLE XXIV. It is further hereby agreed by the Confederate States, that all the Texan troops now within the limits of the said leased country shall be withdrawn across Red river, and that no Texan troops shall hereafter be stationed in forts or garrisons in the said country or be sent into the same, except in the service of the Confederate States,

and when on the war-path against the Cai-a-was or other hostile Indians.

ARTICLE XXV. This convention shall be obligatory on the tribes and bands whose Chiefs and headmen sign the same, from the day of its date, and on the Confederate States from and after its ratification by the proper authority.

When this Convention to take effect.

In perpetual testimony whereof, the said Albert Pike, as Commissioner, with plenary powers, of the Confederate States of America, to the Indian nations and tribes west of Arkansas, for and on behalf of the said Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned Chiefs and headmen for and on behalf of their respective tribes and bands, do now hereunto respectively set their hands affix their seals.

SEAL.

Done at the Wichita Agency, aforesaid, on this the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one.

ALBERT PIKE,

Commissioner of the Confederate States to the Indian Nations and Tribes west of Arkansas.

KE-KA-RE-WA,

Principal Chief of the Pen-e-tegh-ca Band of the Ne-um.

TE-ATS,

Sub. Chief of the Huc-cos.

TO-SA-WI,

Second Chief of the Pen-e-tegh-ca Band of the Ne-um.

O-CHI-RAS,

Principal Chief of the Ta-hua-ca-ros.

PA-IN-HOT-SA-MA,

War Chief of the Pen-e-tegh-ca Band of the Ne-um.

SAM HOUSTON,

Second Chief of the Ta-hua-ca-ros.

I-SA-DO-WA,

Principal Chief of the Wich-i-tas.

CA-SHAO,

Principal Chief of the Ai-o-nais.

A-WA-HE,

Second Chief of the Wich-i-tas.

JOSE MARIA,

Principal Chief of the An-a-dagh-cos.

A-SA-CA-RA,

Chief of the Wich-i-tas.

CO-SE-MU-SO,

Second Chief of the An-a-dagh-cos.

TA-NAH,

Principal Chief of the Cado-Hadachos.

KE-SE-MIRA,

Captain of the An-a-dagh-cos.

TAI-O-TUN,

Second Chief of the Cado-Hadachos.

JIM TON-CA-WE,

Captain of the Ton-ca-wes.

CHA-WIII-WIN,

Captain of the Cado-Hadachos.

KI-S-QUA,

Second Chief of the Ki-chais.

CHA-WAH-UN,

Captain of the Cado-Hadachos.

JOHN LINNY,

Chief of the Sha-mi-nos.

A-HE-DAT,

Principal Chief of the Huc-cos.

KEH-KA-TUSTUN,

Chief of the Delawares.

CA-CA-DIA,

Second Chief of the Huc-cos.

Signed, sealed and copies exchanged in presence of us.

WM. QUESENBURY,

Secretary to the Commissioner.

CHILLY McINTOSH,

ISRAEL G. VORE,

E. RECTOR,

Superintendent of Indian Affairs for the Confederate States.

W. WARREN JOHNSON,

W. L. PIKE,

M. LUPER,

Agent of the Confederate States for the Wich-i-tas and other Bands.

H. P. JONES,

CHARLES B. JOHNSON,

J. J. STURM,

MOTIEY KINNARD,

Principal Chief of the Mus-ko-kis.

WM. SHIRLEY,

JOHN JUMPER,

Principal Chief of the Seminoles.

W. H. FAULKNER,

To the Indian names are subjoined marks.

## SCHEDULE A.

## Schedule A.

Of articles of merchandize, &c., agreed to be furnished annually, under the foregoing convention to the Comanches, Wich-i-tas, Hue-cos, Cado-Hadachos, An-a-dagh-cos, Ta-hua-ca-ros, Ki-chais, Ai-o-nais, Shawnees and Delawares, living on reserves in the country leased from the Choctaws and Chickasaws:

Blue drilling, warm coats, calico, plaid check, regatta cotton shirts, socks, hats, woolen shirts, red, white and blue blankets, red and blue list cloth, shawls and handkerchiefs, brown domestic, thread, yarn and twine, shoes, for men and women, white drilling, ribbons, assorted colors, beads, combs, camp kettles, tin cups and buckets, pans, coffee pots and dippers, needles, scissors and shears, butcher knives, large iron spoons, knives and forks, nails, hatchets and hammers, augers, drawing knives, gimlets, chopping axes, fish-hooks, ammunition, including powder, lead, flints and percussion caps, tobacco.

This is schedule A, of the treaty with the Pen-e-tegh-ca Band of Ne um, and the Wich-i-tas and other bands, to which it is annexed as a part thereof.

{ SEAL }

ALBERT PIKE, *Commissioner, &c.*

## ARTICLE SUPPLEMENTARY

*To the Convention between the Confederate States of America and the Pen-e-tegh-ca Band of Ne-um or Comanches, Wich-i-tas, Cado-Ha-dachos, and other Bands settled upon reserves, made and concluded at the Wich-i-ta Agency, near the False Washita river, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one.*

## Preamble.

ARTICLE. It being well known to all surrounding tribes and universally acknowledged, that, from time immemorial, the Ta-wa-i-hash people of Indians, now called, by white men, the Wich-i-tas, and of whom the Hue-cos and Ta-hua-ca-ros are offshoots, possessed and inhabited, to the exclusion of all other tribes and bands of Indians, the whole country lying between the Red river and the False Washita, from their junction to the west of the Wich-i-ta mountains, and with the aid of the Ta-nei-weh Band of the Ne-um, held all that country against all comers, and had their villages and fields in the vallies of the Wich-i-ta mountains and upon the creeks, and there cultivated the soil, raised stock and led an industrious life; all which facts were known to the Commissioner of the Confederate States twenty-nine years ago.

And the United States of America, having, in the year eighteen hundred and twenty, and by subsequent renewals of the grant, ceded, the whole of that country to the Choctaws; and having afterwards, by patent, conveyed and assured the same to them in fee, and they having made the Chickasaws joint and equal owners of the same with themselves; whereby the same has been wholly lost to the Ta-wa-i-hash, except such small portion thereof as has been assigned to them by way of reserve; and no compensation whatever has been made them therefor, although they respectfully presented their claim on account of the same to the Commissioner of Indian Affairs of the United States, and appealed to that Government for payment of some reasonable price for their said country, to be paid them in such manner as should be most for their benefit and improvement;



And the Commissioner knowing that their claim to compensation is a just one, and seeing how poor and helpless they are, and being willing to save them from the necessity of employing persons to urge their claim, and of dividing with them what they may receive, but not deeming himself authorized to decide what amount shall be allowed them therefor, nor in what manner it shall be paid.

It is, therefore, hereby agreed by the Confederate States, that the claim of the Ta-wai-hash or Wich-i-tas to compensation for their country, between the Red river and the False Washita, shall be submitted to the President for his consideration, who, if he also agrees that it is just, shall determine what amount shall be paid or allowed them in satisfaction thereof, and in what manner that amount shall be paid; and that amount shall accordingly be paid them in such manner as he shall direct.

Claim of the Wich-i-tas to compensation for their country between the Red river and False Washita to be determined by the President.

In testimony whereof, the said Albert Pike, Commissioner of the Confederate States of America to the Indian Nations and Tribes west of Arkansas, doth hereunto set his hand, on behalf of the said Confederate States, and affix the seal of his arms.

{ SEAL. }

So done and signed and sealed, at Wich-i-ta Agency, near the False Wash-i-ta river, on the thirteenth day of August, in the year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations and Tribes west of Arkansas.*

WM. QUESENBURY,

*Secretary to the Commissioner.*

### RATIFICATION.

Dec. 21, 1861.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a convention, made by Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Pen-e-tegh-ca Band of Ne-um or Comanches, and the Tribes and Bands of the Wich-i-tas Cado-Ha-da-chos, Hue-cos, Ta-hau-ca-ros, An-a-dagh-cos, Ton-ca-wes, Ai-o-wais, Ki-chais, Shawnees and Delawares, residing in the country leased from the Choctaws and Chickasaws, each by its Chiefs and headmen, who signed the said articles, of the other part; concluded at the Wich-i-ta Agency, near the False Washita river, in the said leased country, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one. And that the Congress also advises and consents to the ratification of the supplementary article of the same Convention, made and concluded at the same time and place, by the said Commissioner in behalf the Confederate States, with the Ta-wai-hash or Wich-i-ta Band of Indians, with the amendments adopted, to wit:

Ratification of the foregoing treaty and supplementary article.

1st. Strike out all of article ninetecn.

2nd. Strike out all of article twenty-four.

# TREATY WITH THE COMANCHES

## OF THE PRAIRIES AND STAKED PLAIN.

AUGUST 12, 1861.

### ARTICLES OF A CONVENTION,

Aug 12, 1861. *Entered into and concluded at the Wichita Agency, near the False Washita river, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an act of the Congress in that behalf, of the one part, and the Ne-co-ni, Ta-ne-i-we, Co-cho-tih-ca and Ya-pa-rih-ca bands of the Ne-um or Comanches of the Prairies and Staked Plain, by their Chiefs and head men who have signed these articles, on the other part.*

The Comanches make peace with and place themselves under the protection of the U. S.

ARTICLE I. The No-co-ni, Ta-nei-weh, Co-cho-tih-ca and Ya-pa-rih-ca bands of the Ne-um, called by the white men the Comanches of the Prairies and the Staked Plain, do hereby make peace with the Confederate States of America, and do renew and continue the peace heretofore existing between them and the Cherokee, Mus-ko-ki, Seminole, Choctaw and Chickasaw Nations of red men, and do hereby take each and all of them by the hand of friendship, having smoked with them the pipe of peace, and received the wampum of peace; and do hereby place themselves under the laws and protection of the Confederate States of America, and agree to be true and loyal to them in peace and in war forever, and to hold them by the hand, and have but one heart with them always.

The C. S. assume the protection.

ARTICLE II. The Confederate States of America do hereby promise and engage themselves to be, during all time, the friends and protectors of the No-co-ni, the Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um, and that they will not allow them to be molested by any power or people, State or person whatever.

Settlement upon reserves.

ARTICLE III. The No-co-ni, Ta-ne-i-we, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um hereby agree that they will abandon their wandering mode of life and come in from the Prairies and Staked Plain, and settle upon reserves to be allotted to them in that country which lies north of the Red river and south of the Canadian, and between the ninety-eighth and one hundredth parallels of west longitude, and which has been leased for them and other tribes of red men, by the Confederate States from the Choctaws and Chickasaws, and in which the Confederate States have offered all the Ne-um homes.

ARTICLE IV. The No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um shall be allowed to choose their own homes, in any unoccupied part of the said leased country, on or near the Canadian or False Washita rivers, or near the Wich-i-ta mountains, as may best suit them, with the concurrence and assent of the agent of the Confederate States for the reserve Indians. Each reserve shall be of sufficient extent of arable and grazing lands, amply to supply their needs; and the bands may have one reserve together, or four separate reserves, as they may choose. The reserve or reserves shall, as far as practicable, be defined by the natural boundaries that may be described; and so far as this is not practicable, by permanent monuments and definite courses and distances; and full and authentic descriptions of the reserves shall be made out and reserved by the Confederate States.

Indians allowed to choose their own homes.

Extent of each reserve.

Reserves, how defined.

ARTICLE V. The said No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um shall have the right to possess, occupy and use the reserve or reserves allotted to them as long as grass shall grow or water run; and the reserves shall be their own property, like their horses and cattle.

Right of property in reserve.

ARTICLE VI. The members of the said No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um shall have the right, during all time, to hunt and kill game in all the unoccupied part of said leased country without let or molestation from any quarter.

Hunting and killing of game.

ARTICLE VII. There shall be perpetual peace and brotherhood between the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um, and between each of them and all the other tribes and bands of the Ne-um and of the Wich-i-ta, Ca-do-ha-da-chos, Hue co, An-a-dag-h-co, Ki-chai, Ai-o-nai, Ta-hua-ca-ro, Ton-ca-we, Shawnee and Delaware Indians, occupying reserves in the said leased country, and any other bands of the Ne-um that may hereafter settle in said leased country, and every injury or act of hostility which either has heretofore sustained at the hands of the other, shall be forgiven and forgotten forever.

Perpetual peace and brotherhood.

Injuries, &c., forgiven.

ARTICLE VIII. The said several tribes and bands of the Ne-um, and the said other tribes and bands, shall henceforth be good neighbors to each other, and there shall be free and friendly intercourse among them. And it is hereby agreed by the said four bands of the Ne-um, that the horses, cattle and other stock and property of every tribe or band, and every person of each, is his or its own, and that no one of said four tribes or bands, nor any person belonging to any one of them, shall or will hereafter kill, take away or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

Tribes and bands to be good neighbors to each other.

Right of property in horses, cattle and stock.

ARTICLE IX. There shall be perpetual peace and brotherhood between each and all of the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um, and the Cherokee, Mus-ko-ki, Seminole, Choctaw and Chickasaw Nations; and the chiefs and head men of each of the said bands shall do all in their power to take and return any negroes, horses or other property stolen from white men or from persons belonging to the Cherokee, Mus-ko-ki, Seminole, Choctaw or Chickasaw Nations, and to catch and give up any person among them who may kill or steal or do any other very bad thing.

Perpetual peace and brotherhood between certain tribes and bands.

Return of stolen property.

Apprehension and delivery of wrong doer.

ARTICLE X. It is distinctly understood by the said four bands of the Ne-um, that the State of Texas is one of the Confederate States, and joins in this Convention, and signs it when the Commissioner signs it, and is bound by it; and that all hostilities and enmities between it and them are now ended, and are to be forgotten and forgiven forever on both sides.

Hostilities and enmities between the Indians and State of Texas, forgotten and forgiven.

ARTICLE XI. None of the braves of the said four bands of the Ne-um

No war to be waged or councils held, except with the consent of the agent. shall go upon the war-path, after they are settled upon reserves, against any enemy whatever, or as guides to any war-party, except with the knowledge and consent of the agent, nor hold any councils or talks with any white men or other Indians without his knowledge and consent.

Who may live among them. And the Confederate States will not permit improper persons to live among them, but only such persons as are employed by the Confederate States and traders licensed by them, who shall sell to the Indians and buy from them at fair prices, under such regulations as the President shall make.

The stealing of property to be considered disgraceful. ARTICLE XII. To steal a horse or any other article of property from another Indian or white man, shall hereafter be considered disgraceful, and the chiefs will discountenance it by every means in their power. For if they should not, there never could be any permanent peace.

White prisoners to be delivered up. ARTICLE XIII. If there should be among the No-co-nis, Ta-ne-i-wez, Ya-pa-rih-eas or Co-cho-tih-eas, any white prisoner or prisoners, it is agreed that they shall be delivered up when they come in to settle; and that if they can peaceably procure possession of any that may be held by any other band of the Ne-um, or by the Cai-a-was, or any other Prairie tribe, they will also bring them in, to be restored to liberty. And the Confederate States agree that if any prisoners are so brought in and restored, suitable rewards shall be given the band that brings them in, for doing so. But this article creates no obligation to deliver up Mexicans who may be prisoners.

The C. S. to pay suitable rewards.

Comanches held as prisoners to be delivered up and restored to their bands. ARTICLE XIV. The Confederate States also agree, that if there be any person or persons held as prisoners in Texas or any other of the Confederate States, or in the Cherokee, Mus-ko-ki, Seminole, Choctaw or Chickasaw Nation who are of the Ne-um or Comanches, that all such persons shall be set free and delivered up and restored to their band without charge or expense to the Ne-um.

The C. S. ask nothing of the Comanches except that they will settle upon the reserves, live peaceably, &c., and agree to furnish them with rations, stocks, agricultural implements, &c. ARTICLE XV. The Confederate States ask nothing of the bands of the Ne-um, except that they will settle upon their reserves, become industrious, prepare to support themselves, and live in peace and quietness; and in order to encourage and assist them in their endeavors to become able to support themselves, the Confederate States agree to furnish them rations of provisions in the same manner as they are now doing for the Wichitas and other tribes and bands settled upon reserves, to include also sugar and coffee, salt, soap and vinegar, for such time as may be necessary to enable them to feed themselves. They agree to furnish each of the said bands of the Ne-um with twenty cows and calves for every fifty persons contained in the same, and one bull for every forty cows and calves; and also other stock at the discretion of the superintendent when they desire to have the same; all of which animals shall be distributed by the agent to such persons and families as shall, in his judgment, be most likely to take care of them. And they also agree to furnish for the use of the said bands of the Ne-um, such number of draught oxen, wagons, carts, ploughs, shovels, hoes, pick-axes, spades, scythes, rakes, axes and seeds as may be necessary to enable them to farm successfully. They also agree to furnish the said bands of the Ne-um, annually, with such quantities as the agent shall estimate for, and the superintendent require, of all such articles as are mentioned and contained in schedule herunto annexed, marked A, to be issued and delivered to them by the agent.

Agency for the tribes and bands. ARTICLE XVI. The Confederate States will maintain one agency for the tribes and bands now settled upon the reserves in the said leased country, and for the said four bands and all the other bands of the Ne-um that may settle therein; which agency shall be kept either at the present agency house or some other convenient location, at which the agent shall continually reside; and they do promise the said four bands and all the other

bands of the Ne-um that may settle in reserves, that they shall never be abandoned by the agent, and that he shall not be often nor for any long time away from his agency.

ARTICLE XVII. The Confederate States will employ and pay one interpreter for all the bands of the Ne-um settled upon the reserves; and an additional blacksmith, another striker, and another wagon-maker, shall be employed for the bands of the Ne-um alone, when the said four bands of the Ne-um shall have come in and settle upon reserves. The interpreter, blacksmith, striker and wagon-maker shall reside with some one of the bands. The Confederate States will also furnish, from time to time, such tools and such supplies of iron, steel and wood as may be needed for the work of the said bands; and will also furnish them with medicines and medical advice, at the agency, where a physician shall be employed to reside, for their benefit exclusively. And they will also employ, for five years and as much longer as the President shall please, a farmer for each reserve, to instruct them in cultivating the soil, so that they may soon be able to feed themselves; and will erect such a number of horse-mills, to grind their corn, as the superintendent shall consider to be necessary, in order to accommodate all.

Inter p r e t e r ,  
blacksmith, striker  
and wagon maker.

Tools and sup-  
plies of iron, steel  
and wood,  
Medicines and  
medical services.

Farmer for each  
reserve.

Grist mills.

ARTICLE XVIII. The Confederate States also agree to erect such buildings for the mills, and the blacksmith shops, and houses for the farmers, interpreters and physicians as have been erected among the other Indian tribes, and also to assist the said Indians in building houses for themselves, and in digging wells for water, and opening their lands.

Ere c t i o n o f  
buildings.

ARTICLE XIX. The said four bands agree to remain upon their reserves, when they shall have settled thereon, and not, at any time, to leave them in order to make crops elsewhere. And, if they should leave them, the Confederate States shall not be bound any longer to feed them or make them presents, or give them any assistance.

Bands agree to  
remain upon their  
reserves.

ARTICLE XX. The Confederate States also agree to furnish each warrior of the said four bands, who has not a gun, with a flint-lock rifle and ammunition, which he agrees never to sell or give away, and the Confederate States will punish any trader or other white man who may purchase one from them.

Rife and ammu-  
nition to be fur-  
nished each warrior.

ARTICLE XXI. The Confederate States will invite all the other bands of the Ne-um or Comanches to abandon their wandering life and settle within the leased country aforesaid; and do promise them, in that case, the same protection and care as is hereby promised to the tribes and bands now residing therein; and that there shall be allotted to them reserves of good land, of sufficient extent, to be held and owned by them forever; and that all the other promises made by these articles, shall be considered as made to them also, as well as to the tribes and bands now residing on reserves; and that the same presents shall be made to them, and assistance given them in all respects; and the same things, in all respects, are also hereby offered the Cai-a-was and agreed to be given them, if they will settle in said country, atone for the murders and robberies they have lately committed, and show a resolution to lead an honest life; to which end the Confederate States send the Cai-a-was, with this talk, the wampum of peace and the bullet of war, for them to take their choice, now and for all time to come.

Promises made  
by the C. S. to the  
Comanches, should  
they settle within  
the leased country  
and atone for  
crimes committed.

ARTICLE XXII. The Confederate States hereby guarantee to the members of the aforesaid four bands full indemnity for any horses or any other property that may be killed or stolen from them by any citizen of the Confederate States or by any other Indians: *Provided*, That the property, if stolen, cannot be recovered and restored, and that sufficient proof is produced, to satisfy the agent that it was killed or stolen within the limits of the Confederate States.

Indemnity for  
horses or other  
property killed or  
stolen.  
Proviso.

Payment to be made to the Seminoles for horses stolen, according to the annexed schedule.

ARTICLE XXIII. The Seminoles having asked the Confederate States to pay them for certain horses stolen from them by some of the Ne-um, two years ago, and which the United States were bound to pay for if they could not be recovered, the Confederate States have accordingly agreed to do so, at the time of making the treaty lately with the Seminoles; and they do hereby agree, in order that the Ne-um may not hereafter be troubled about the horses so taken, to pay for them the sums, and to the persons, mentioned in the schedule thereof hereunto annexed; but as the Seminoles allege that one or more of their horses is now here in the possession of some of the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca or Co-cho-tih-ca band of Ne-um, it is agreed that, if it be so, such horse or horses shall be given up, and the person in possession shall be compensated for the loss of the same. To this end, the Chiefs will let the Seminoles see all their horses; and, after this time, it is distinctly understood that no one can get any right to property by stealing it, and that no compensation will ever again be made to any one who has given up stolen property. And the Confederate States do hereby agree with the several persons from whom horses were stolen, and the heirs of such of them as are deceased, and whose names are found in the said schedule B, hereunto annexed, that they will pay, immediately upon the ratification of this treaty, through the agent for the Seminoles, the amount of loss sustained by each respectively, according to the said schedule, except for such horses as may be returned as above provided for and noted as returned on the said schedule.

Settlement of difficulties between the bands on account of injuries to persons or property.

ARTICLE XXIV. If any difficulty should hereafter arise between any of the said four bands or any of their members, or between any of them and any of the other tribes or bands settled on reserves, in consequence of the killing of any one, of the stealing or killing of horses, cattle or other stock, or of injury in any other way to person or property, the same shall be submitted to the agent of the Confederate States, who shall settle and decide the same equitably and justly, to which settlement all parties agree to submit, and such atonement and satisfaction shall be made as he shall direct.

No private revenge or retaliation to be taken for injuries.

ARTICLE XXV. In order that the friendship which now exists between the said several tribes and bands of Indians, now or hereafter settled in the said leased country, and the Choctaws and Chickasaws and the people of the Confederate States, may not be interrupted by the conduct of individuals, it is hereby agreed, that if any white man or any Choctaw or Chickasaw injures an Indian of any one of said tribes and bands, or if any one them injures a white man or a Choctaw or Chickasaw, no private revenge or retaliation shall take place, nor shall the Choctaws or Chickasaws try the person who does the wrong, and punish, him in their courts, but he shall be tried and punished by the Confederate States; and the life of every person belonging to said tribes and bands shall be of the same value as the life of a white man; and any Indian or white man who kills one of them without cause, shall be hung by the neck until he is dead.

Offenders to be tried and punished by the C. S.

Punishment for killing without cause.

Peace and friendship between the C. S. and such of the bands as continue to live as they have heretofore.

ARTICLE XXVI. In case either of the bands of the Ne-um, with whom this convention is made, should not consent to come in and settle, and should prefer to continue to live as they have heretofore, then there shall still be peace and friendship between them and the people of the Confederate States, and the Cherokees, Mus-ko-kis, Seminoles, Choctaws and Chickasaws, and all the tribes and bands settled upon reserves in the country aforesaid; and all of the same shall travel, without injury or molestation, through the hunting grounds of the Ne-um, and shall be treated with kindness and friendship.

Texan troops to be withdrawn.

ARTICLE XXVII. It is further hereby agreed by the Confederate States, that all the Texan troops now within the limits of said leased country shall be withdrawn across Red river, and that no Texan troops shall here-

after be stationed in forts or garrisons in the said country, or be sent into the same, except in the service of the Confederate States and when on the war-path against the Cai-a-was or other hostile Indians.

ARTICLE XXVIII. It is further agreed by the chiefs and head men of the bands of the Ne-um who have signed this convention, that upon their return to their bands they will take this talk and the wampum of peace from the Confederate States and from the Mus-ko-kis, Seminoles, Choc-taws and Chickasaws, to the bands of the Ne-um, and tell them what they have seen and heard, and persuade them also, if they can, to come in and settle upon reserves in the leased country, and at any rate to make peace by the time when the leaves fall before the next snows.

ARTICLE XXIX. It is agreed by the parties, that the making of this Convention shall in no wise interrupt the friendly relations between the Ne-um and the people of Mexico; and that the Confederate States desire that perfect peace should exist between the Ne-um and all the Mexicans.

ARTICLE XXX. This convention shall be obligatory on the bands whose chiefs and head men sign the same from the day of its date, and on the Confederate States from and after its ratification by the proper authority.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, of the Confederate States of America to the Indian nations and tribes west of Arkansas, for and on behalf of the said Confederate States, doth now hereunto set his hand and affix the seal of his arms; and Wi-na-li-hi or the Drinking Eagle, Chief of the No-co-ni band of the Ne-um, and the undersigned head men of the same, for and in behalf of that band; and the same Wi-na-li-wa, Chief of the No-co-nis, by special authorization and direction of Po-ho-wi-ti-quas-so, or Iron Shirt, the Chief of the Ta-ne-i-weh band of the Ne-um, who has been present but is now absent mourning for a relative deceased, with Ke-e-na-toh-pa a head man of the Ta-ne-i-weh band, for and on behalf of the same; and Te-hi-a-quah, Chief of the Ya-pa-rih-ca band of the Ne-um, with the undersigned head men of the same, for and on behalf of the Ya-rih-ca band; and Ma-a-we, Chief of the Co-cho-tih-ca band of the Ne-um, with the undersigned head men of the same, for and on behalf of the Co-cho-tih-ca band, do now hereunto respectively set their hands and affix their seals.

Done at the Wichita Agency aforesaid, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations and tribes west of Arkansas.*

QUI-NA-HI-WI,

*Principal Chief of the Noconi Band.*

O-TE,

*Sub-Chief of the Noconis.*

KE-PA-HE-WA,

*Sub-Chief of the Noconis.*

CHO-O-SHI,

*Retired Chief of the Noconis.*

PO-HO-WI-TI-QUAS-SO,

*Principal Chief of Ta-ne-i-weh Band, by*

QUI-NA-HI-WI,

*Principal Chief of the Noconi Band.*

KE-E-NA-TOH-PA,

*Sub-Chief of the Te-ne-wei Band.*

TE-III-A-QUAH,

*Chief of the Ya-pa-rih-ca Band.*

BIS-TE-VA-NA,

*Principal Chief of the Ya-pa-rih-ca Band.*

PE-HAI-E-CHI,

*Chief of the Ya-pa-rih-ca Band.*

MA-A-WE,

*Principal Chief of the Co-cho-tih-ca Band.*

CHO-CO-RA,

*Chief of the Co-cho-tih-ca Band.*

TE-CO-WE-WIH-PA,

*Chief of the Co-cho-tih-ca Band.*

Other bands of Indians to be persuaded to come in and settle upon reserves and to make peace.

Friendly relations between the Ne-um and the people of Mexico not interrupted by this treaty.

When this Convention to be obligatory.

{ SEAL. }

TREATY WITH COMANCHES OF THE PRAIRIES.

Signed, sealed and copies exchanged in presence of us.

WM. QUESENBURY,  
*Secretary to the Commission.*

E. RECTOR,  
*Superintendent of Indian Affairs for the Confederate States.*

M. LUPER,  
*Agent of the Wichita and affiliated bands of the Confederate States.*

MOTY KINNAIRD,  
*Principal Chief of the Mus-ko-ke.*

JOHN JUMPER,  
*Principal Chief of the Seminoles.*

CHILLY McINTOSH,  
ISRAEL G. VORE,  
W. WARREN JOHNSON,  
W. L. PIKE,  
JESSE CHISHOLM,  
H. P. JONES,  
CHARLES B. JOHNSON,  
J. J. STURM,  
WM. SHIRLEY,  
WM. H. FAULKNER.

The Indian names are subjoined marks.

Schedule A.

SCHEDULE A.

Of articles of merchandise, &c., agreed to be furnished annually, under the foregoing Convention, to the Comanches, Wichita, Huecos, Cado, Hadachos, Anadagheos, Tahuacaros, Kichais, Aionais, Shawnees and Delawares living in reserves in the country leased from the Choctaws and Chickasaws.

Blue drilling, warm coats, calico, plaid check, regatta cotton shirts, woolen shirts, beads, camp kettles, knives and forks, nails, augers, chopping axes, locks, hats, white drilling, brown domestic, thread, yarn and twine, ribbons, assorted colors, combs, butcher knives, large iron-spoons, hatchets and hammers, gimlets, fish-hooks, red, white and blue blankets, red and blue list cloth, shawls and handkerchiefs, shoes for men and women, tin-cups and buckets, coffee-pots and dippers, needles, scissors and shears, ammunition, including powder, lead, flints and percussion caps, tobacco.

This is schedule A, of the treaty with the four bands of the Ne-um, to which it is annexed as part thereof.

ALBERT PIKE, *Commissioner.*

Schedule B.

SCHEDULE B.

Of the citizens of the Seminole Nation who are to be paid under the 23d article of the foregoing treaty for the horses stolen from them by the Comanches and other tribes of Indians; and of the amounts to be paid for horses stolen by marauding bands of the Prairie Indians, in November, 1859, and November, 1860.

Names of claimants.	Number of horses stolen.	Value of horses stolen.	Amounts to be paid.
Pas-co-fa.....	6	2 at \$75 each,	\$150
		3 " 50 "	150
		1 " 70 "	70, \$370
Jenny.....	4	1 " 60 "	60
		1 " 50 "	50
		1 " 40 "	40
		1 " "	80, 230
Amount carried forward.....			\$600



## SCHEDULE B.—CONTINUED.

Schedule B.

Names of claimants.	Number of horses stolen.	Value of horses stolen.	Amounts to be paid.	
Amount brought forward, ..				\$600
O-i-cus Hacho.....	2	1 at	\$65	
		1 "	50,	115
Cho la Fic si-co.....	1		50,	50
Fos Hut-chi.....	6	1	75	
		1	55	
		2 " 40 each.	80	
		2 " 50 "	100,	290
Api-i-ca.....	2	1	50	
		1	35,	85
Ki-tis-ti a-ni.....	3	2 " 50 each.	100	
	1	20	20,	120
I-o-fa-la Fic-si-co.....	1	1		75
Ka-pit-cha Tust-i-nuc-ochi..	2	1 " 60	60	
		1 " 40	40,	100
A-i-ma-mi.....	3	1 " 30	30	
		2 " 16 each.	32,	62
	2	2 " 60 "		120
Fic-lum-mi.....	1			75
Hal-pa-ta Fic-si-co.....	2	2 at 50 each.		100
Toh-kul-ka.....	2	1 " 60		
Pa-ho-si.....	2	1 " 40		100
Mary.....	2	Mare and colt.		50
Kat cha Ha-cho-chi.....	2	1 at 50		
		1 " 40		90
Fos Hut-chi Hacho.....		1 " 40		40
Ni-ha Fic-si-co.....	2	2 " 40		80
Ta-co-sa Hacho.....	1	1 " 50		50
Kat-cho-chi.....	2	1 " 40	40	
		1 " 20	20	60
Nalth-ka-put Tus ti-nuk-ki..	6	1 " 30		
		1 " 35		
		1 " 40		
		1 " 25		
		2 " 20 each.	40,	170
Su-ho-tah-ki.....	8	3 " 30 "	90	
		3 " 25 "	75	
		1 " 20 "	20	
		1 " 10 "	10,	195
George Cloud.....	1			45
Fos-hut-chi Co-cho-ni.....	5	1 " 50		
		1 " 60		
		1 " 35		
		1 " 25		
		1 " 20		190
Sup-pa-ho-ho-yi.....	3	1 " 50		
		1 " 45		
		1 " 35		130
Kat-cha Fic-si-co.....	2	1 " 60		
		1 " 50		110
Oc-tai-ab-chi.....	2	1 " 50		
		1 " 30		80
Sen-wi-i-ca.....	4	2 " 40 ca.	80	
		1 " 35	35	
		1 " 20	20,	135
Pa-hos Hacho.....	1			45
Pa-lut-ho-ho-eyi.....	1			50
Tus-ti-nuk Chap-co.....	2	1 " 45	45	
		1 " 30	30,	75
				\$3,487.

Received of Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, the sum of forty dollars in full pay-

ment of the within mentioned amount of forty dollars agreed to be paid to me.

Witness:

W. WARREN JOHNSON.

FOS-HUT-CHI HACHO,

This and the two preceding folios are Schedule B, of the treaty with the four bands of the Ne-um, to which they are annexed as a part thereof.

ALBERT PIKE, *Commissioner.*

Dec. 21, 1861.

### RATIFICATION.

Ratification by  
Congress of the  
foregoing treaty.

*Resolved*, (two thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a Convention made by Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, in behalf of the Confederate States, of the one part, and the No-co-ni, Tanie-we, Co-cho-tih-ca and Ya-pa-rich-ca Bands of the Ne-um or Comanches of the Prairies and Staked Plain, by their Chiefs and head men, who signed the same articles, of the other part, concluded at the Wichita Agency, near the False Washita river, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one, with the following amendments, to-wit:

Amendments.

1st. In the last paragraph of article thirteen where occur the words, "but this article creates no obligation to deliver up Mexicans who may be prisoners." Strike out all after the words "up" and insert in lieu thereof the following words: other prisoners than inhabitants of the Confederate States or Territories thereof.

2d. Strike out all of article twenty.

3d. Strike out all of article twenty-seven.

# TREATY WITH THE OSAGES,

OCTOBER 2, 1861.

## ARTICLES OF A CONVENTION

*Entered into and concluded at Park Hill, in the Cherokee Nation, on the second day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an Act of the Congress in that behalf, of the one part, and the Great Osage Tribe of Indians, by its Chiefs and Headmen, who have signed these articles, of the other part.* October 2, 1861.

ARTICLE I. The Great Osage Tribe of Indians and all the persons thereof, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war, forever, and agree to be true and loyal to them under all circumstances. The Osage under the protection of the C. S.

ARTICLE II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Great Osage Tribe of Indians, and to defend and secure them in the enjoyment of all their rights; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever. The C. S. assume the protection.

ARTICLE III. The Confederate States of America do hereby assure and guarantee to the Great and Little Osage Tribes of Indians the exclusive and undisturbed possession, use and occupancy, during all time, as long as grass shall grow and water run, of the country heretofore secured to them by treaty with the United States of America, and which is described in the treaty of the second day of June, in the year of our Lord, one thousand eight hundred and twenty-five, as being thus bounded, that is to say: Beginning at a point due east of White Hair's Village, and twenty-five miles west of the western boundary line of the State of Missouri, fronting on a north and south line, so as to leave ten miles north and forty miles south of the point of said beginning, and extending west, with the width of fifty miles, to the western boundary of the lands ceded and relinquished by said nations by that treaty, which lands shall not be sold or ceded by the said tribes, nor shall any part thereof, to any nation or people, except to the Confederate States, or to any individuals whatever; and the same shall vest in the Confederate States, in case the said tribes become extinct or abandon the same. The Osages to have the possession and use of the country secured to them by the treaty with the U. S. Boundaries.

Reservation of lands for Indian agency.

ARTICLE IV. The right is hereby reserved to the Confederate States to select, in any unoccupied part of said country, a tract of two sections of land, as a reserve and site for an agency for the said tribes, which shall revert to the said tribes whenever it shall cease to be occupied for an agency.

Establishment of forts and military posts.

ARTICLE V. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post a tract of land one mile square, on which such fort or post shall be established: *Provided*, That if any person or persons have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

Proviso.

Persons not to settle upon the agency reserve, nor upon any reserve for forts, &c.

ARTICLE VI. No person whatever, shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by the permission of the agent; nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve, for the agency or the forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States.

Free navigation of water courses.

ARTICLE VII. The Confederate States shall forever have the right of free navigation of all navigable streams and water courses, within or running through the country hereby assured and guaranteed to said tribes.

The Osage country not to be included within the bounds of any State or Territory, or to be under the laws thereof.

ARTICLE VIII. The Confederate States hereby guarantee that the country hereby secured to said Great and Little Osage Tribes shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over, or put in force within, any part of the said country; and the President of the Confederate States will cause the said tribes to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

Protection against other tribes or persons.

Hunting and killing of game.

ARTICLE IX. The members of the said Great and Little Osage Tribes of Indians shall have the right, henceforward, of hunting and killing game, in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws and Chickasaws, without molestation from any quarter, being, while so engaged therein, under the protection of the Confederate States.

Perpetual peace and brotherhood between the Osages and other tribes.

ARTICLE X. There shall be perpetual peace and brotherhood between the Great and Little Osage Tribes of Indians, and the Cherokees, Muskogees, Seminoles, Choctaws and Chickasaws, and the bands of Wichitas, Cado Hadachos, Huecos, Tawacaros, Anadaghecos, Toncawes, Kichais, Aionais, Shawnees and Delawares, living in the country leased from the Choctaws and Chickasaws, and the Penetegheca, Noconi, Taneive, Yaparilica and Cochotilica bands of the Neun or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other, shall be forgiven and forgotten.

Injuries, &c, to be forgiven and forgotten.

The Osages and other nations to be good neighbors to each other.

ARTICLE XI. The Great and Little Osage Tribes of Indians, and the said several other nations, tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Great Osage Tribe, as has already been agreed by all the others except the Little Osage Tribe, that the horses, cattle and other stock and property of each nation, tribe or band, and of every person of each, is his or its own; and that no person belonging to the Great Osage Tribe shall, or will hereafter, kill, take away or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

Right of property in horses, cattle and stock.

Perpetual peace

ARTICLE XII. Especially there shall be perpetual peace and friendship

between said Great Osage Tribe and the Cherokees, Mus-ko-kies, Seminoles, Choctaws and Chickasaws, and the Chiefs and headmen of the said Great Osage Tribe shall do all in their power to take and restore any negroes, horses or other property stolen from white men, or from persons belonging to either of said five nations, and to catch and give up any person among them, who may kill or steal, or do any other evil act.

ARTICLE XIII. In order that the friendship now established between the said Great Osage Tribe of Indians and the Confederate States and the other Indian nations, tribes and bands aforesaid, may not be interrupted by the misconduct of individuals, or bands of individuals, it is hereby agreed that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaint shall be made by the said Great Osage Tribe of Indians, when any individual thereof is injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and, if he finds it well-founded, shall report the same to the Superintendent, who will cause the wrong to be redressed, and the person or persons doing the wrong to be arrested, whether he be a white man or an Indian: and he or they shall be tried for the same agreeably to the laws of the Confederate States or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity as if the injury had been done to a white man. And it is also agreed, that if any member of the Great Osage tribe shall do any injury to the person or property of any white man or of a member of any other Indian nation or tribe under the protection of the Confederate States, the offender shall be given up to the agent, upon complaint made to him and on his demand, the wrong shall be redressed by him, and the offender be tried for the offence agreeably to the laws of the Confederate States, or of the State, Territory or nation against which he may have offended: *Provided*, That he shall be punished in no other manner nor with any greater severity than a citizen of the Confederate States, or of such State, Territory or nation would be, if he had committed the same offence.

ARTICLE XIV. It is hereby further agreed that the Chiefs of the Great Osage tribe shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States or from any member of any other Indian tribe under the protection of the Confederate States by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If in any case the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be retained or delivered up accordingly. Either party may appeal from his decision to the superintendent, whose decision shall be final in all cases, the property, in the meantime, remaining in the custody of the agent. If in any case the exertions of the Chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Great Osage tribe, he shall so report to the superintendent, with a copy of the testimony; which shall for that purpose be always reduced to writing; and the superintendent shall, if satisfied from the testimony, deduct from the annuity of the tribe a sum equal to the value of the property stolen.

ARTICLE XV. The Confederate States hereby guarantee full and fair payment to the owner, of the actual and full value of all horses and other property stolen from any person or persons belonging to the Great Osage tribe, by any citizen of the Confederate States, or by any Indian of any

and friendship with the Cherokees and other Indian nations. Return of stolen property.

No private revenge or retaliation to be taken for injuries done to the Osages.

Mode of redress.

Trial and punishment of wrong doer.

Redress for injuries done by the Osages.

Proviso.

Horses or other property stolen to be returned to owner.

Proceeding where right to property is contested.

Appeal.

When restitution cannot be made the value of the property stolen to be deducted from the annuity of the tribe.

When the value of the property stolen will be paid by the C. S. to the owner.

other nation or tribe under their protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the superintendent or any agent of the Confederate States for any of such nations or tribes, that such property was actually stolen by a citizen, or citizens of the Confederate States, or by an Indian or Indians of any nation or tribe under their protection.

**Agent and interpreter.** ARTICLE XVI. An agent for the Great and Little Osage tribes, the Quapaws, Senecas and Senecas and Shawnees shall be appointed by the President, and an interpreter for the Great and Little tribes of Osages, for their protection and that their complaints may be heard by, and their wants made known to the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside among either the Great or Little Osages; and neither of them shall ever be absent from their posts, except by the permission of the superintendent.

**Where to reside.** **Not to be absent without leave.** **No war to be waged or councils held, except with the consent of the agent.** ARTICLE XVII. None of the braves of the Great Osage tribe shall go upon the war-path, against any enemy whatever, except with the consent of the agent, or unless it be to pursue hostile bands of white men or Indians entering their country and committing murder, robbery, or other outrage when immediate pursuit is necessary; nor shall hold any talks or councils with any white men or Indians without his knowledge and consent. And they especially agree to attend no councils or talks in the country of any people, or with the officers or agents of any people, with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease.

**Who may live in the Osage country.** ARTICLE XVIII. The Confederate States will not permit any improper persons to reside or be in the Great or Little Osage country, but only such persons as are employed by them, their officers or agents, and traders licensed by them, who shall sell to the Osages and buy from them, at fair prices, under such regulations as the President shall make from time to time.

**The stealing of property regarded as disgraceful.** ARTICLE XIX. To steal a horse or any other article of property from a white man or an Indian not at war with the Confederate States, shall always be regarded as disgraceful, and the Chiefs of the Osages will discomentenance and prevent it by every means in their power. For if they should not there never could be any permanent peace.

**The C. S. wish the Osages to settle upon their lands, build houses, &c., and agree to furnish them with stock, farming implements, &c.** ARTICLE XX. The Confederate States wish the Osages to settle upon and cultivate their land, build houses and dig wells, and by industry become enabled to support themselves; and in order to encourage and assist them and because of the chattels and articles promised to the Great Osages and and Little Osages by the treaty of the eleventh day of January, A. D., one thousand eight hundred and thirty-nine, a considerable portion never was furnished them, to-wit: twelve hundred hogs, seven hundred ploughs, seven hundred sets of horse-gear, eight hundred axes, and eight hundred hoes, the Confederate States agree to give them twelve hundred breeding hogs, fifty yoke of oxen with ox-wagons, horse-gear, ploughs, yokes, axes, spades and hoes, and other useful implements, to the value of fifteen thousand dollars, at the first cost in the place in the Confederate States where the same shall be purchased; of which stock, nine hundred hogs, forty yoke of oxen, and such implements as aforesaid to the value of eleven thousand dollars shall be given to the Great Osages, and the residue to the Little Osages if they unite in this treaty. But such stock and implements shall only be issued from time to time, and to such persons as shall be reported by the agent to the superintendent to be engaged or ready to engage in farming, and who will take care of and profitably use the same, and be benefitted by them, and not sell, waste or destroy the same; upon which reports, and so only, the superinten

dent shall cause the issue to such persons only, of so much of said stock, and so many of said implements as he would be entitled to upon a distribution of all *per capita*; and it shall be the duty of the Chiefs and of the agent to see that what is so issued is not destroyed or wasted; and if waste or destruction can in no otherwise be prevented, to reclaim the same and issue them elsewhere.

ARTICLE XXI. The Confederate States also agree to build and put in running order a grist and saw mill, at some suitable point in the Osage country, and to employ a miller for each mill for the term of nine years from the date of this treaty, and an assistant to each for the same time; the latter to be selected from the Osage Nation, and each of them to receive two hundred and twenty-five dollars per annum as his compensation; and each miller shall be furnished with a dwelling house; this article being agreed to by the Confederate States because the mill erected by the United States, under the treaty of the year one thousand eight hundred and thirty-nine, was burned down after being in operation only six years.

Building of grist and saw mills and the employment of millers and assistants.

Compensation of millers and assistants.

ARTICLE XXII. The Confederate States also agree, that the agent for the Osages shall be authorized to employ, for and during the term of ten years from the day of the signing of this treaty, ten agricultural and other laborers, to assist the Great and Little Osages in opening and preparing for cultivation their fields, and building their houses, who shall be, at all times, under the control and direction of the agent.

Agent to employ agricultural and other laborers.

ARTICLE XXIII. For the same purpose, the Confederate States will also provide, furnish and support for and during the term of twenty years from the date of this treaty, for the Great Osages upon and after the ratification of this treaty, and for the Little Osages when they shall become parties to this treaty, to each a blacksmith and an assistant who shall be one of their own people, and for each, annually, a sufficient supply of coal, with five hundred pounds of iron and sixty pounds of steel to the blacksmith for the Great Osages, and two hundred and fifty pounds of iron and twenty-five pounds of steel to the blacksmith for the Little Osages, that their farming utensils, tools and arms may be seasonably repaired; and also one wagon-maker for each; and will furnish each smith and wagon-maker with the necessary tools and with a shop, and the wagon-maker with the necessary wood and other materials from time to time.

Blacksmith and assistant.

Coal, iron and steel.

Wagon-maker.

Tools and shop to smith and wagon-maker, and wood, &c., for the latter.

Medicines and medical service.

ARTICLE XXIV. The Confederate States will also furnish, at proper places, the Great and Little Osages with such medicines as may be necessary, and will employ a physician for each, who shall reside among them, during the pleasure of the President.

ARTICLE XXV. The Confederate States also agree to furnish each warrior of said Great Osage tribe, who has not a gun, with a good rifle and a supply of powder and lead and percussion caps or flints, as soon as it may be found practicable. The arms and ammunition are never to be given away, sold or exchanged, and the Chiefs will punish any one who so disposes of either; and the Confederate States will severely punish any trader or other white man who may purchase either from them.

Rifle, ammunition, caps, &c., to be furnished each warrior.

ARTICLE XXVI. No State or Territory shall ever pass laws for the government of the Osage people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves, and to punish offences committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another, without good cause or justification, he shall suffer death, but only by the sentence of the Chiefs, and after a fair trial, all private revenge being strictly forbidden.

The Osages left free to govern themselves.

Proviso.

ARTICLE XXVII. Every white man who marries a woman of the

White man who marries a woman of the Osages deemed to be an Osage, so far as to be subject to the laws of the tribe.

Negroes and mulattoes in like manner subject to the laws of the tribe.

Military and other roads.

Compensation for property used or injured.

Granting of right of way for railroads.

Intrusions and settlement upon the lands of the Osages to be prevented.

Purchasers from the Osages of articles given them by the U. S., to be punished.

The Osages may allow other Indians to settle among them.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

Fugitives from justice to be surrendered.

Laws declared to be in force in the Osage country.

Osages, and resides in the Osage country, shall be deemed and taken, even after the death of his wife, to be an Osage and a member of the tribe in which he resides, so far as to be subject to the laws of the tribe in respect to all offences committed in its country against the person or property of another member of the tribe, and as not to be considered a white man committing such offences against the person or property of an Indian, within the meaning of the acts of the Congress of the Confederate States. And all negroes and mulattoes, bond or free, committing any such offence in said country shall, in like manner, be subject to the laws of the tribe.

ARTICLE XXVII. The Confederate States shall have the right to establish, open and maintain such military and other roads through any part of the Osage country, as the President may deem necessary, without making any compensation for the right of way, or for the land, timber or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made.

ARTICLE XXIX. The Confederate States may grant the right of way for any railroad through any part of the said country; but the company to which any such right may be granted shall pay the tribe therefor such sum as shall, in the opinion of the President, be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property to such amount in each case as commissioners appointed by the President shall determine.

ARTICLE XXX. The agent of the Confederate States for the Osages and other bands shall prevent all intrusions by hunters and others, upon the lands of the Osages, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts in that country shall be required to afford him such aid upon his requisition.

ARTICLE XXXI. If any trader or other person should purchase from any Osage any of the cattle or other chattels or articles given him by the Confederate States, he shall be severely punished.

ARTICLE XXXII. The Great and Little Osages may allow persons of any other tribe of Indians to settle among them, and may receive from them for their own benefit compensation for such lands as they may sell or assign to such persons.

ARTICLE XXXIII. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians shall pasture stock on the lands of the Osages; but all such persons shall have full liberty, at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other.

ARTICLE XXXIV. Any person duly charged with a criminal offence against the laws of the Confederate States, or of any State, or Territory, or of any Indian nation or tribe under the protection of the Confederate States, escaping into the Osage country, shall be promptly taken and delivered up by the Chiefs of the Osages, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation or tribe within whose jurisdiction the offence shall be alleged to have been committed.

ARTICLE XXXV. In addition to the laws of the Confederate States expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law



or by statute against their laws, authority or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality laws, and resistance to the process of the Confederate States; and all the acts of the provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves shall be in force in the Osage country; and the district court for the Chalahki district, when established, shall have exclusive jurisdiction to try, condemn and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

Jurisdiction of the district court of the Chalahki district.

ARTICLE XXXVI. Whenever any person who is a member of the Great or Little Osage tribe shall be indicted for any offence in any court of the Confederate States, or in a State court, he shall be entitled as of common right to subpoena, and if necessary to compulsory process for all such witnesses in his behalf as his counsel may think material for his defence; and the costs of process for such witnesses, and of the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

Any member of the Osage tribe indicted in any court of the C. S. or State court entitled to process for witnesses.

Costs of process and fees and mileage of witnesses.

When accused may be assigned counsel.

ARTICLE XXXVII. It is hereby declared and agreed that the institution of slavery in the said Great and Little Osage tribes is legal, and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in the said tribes is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of the said tribes, shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said tribes, which may be proved by oral evidence, and shall everywhere be held valid and binding within the scope of their operations. And if any slaves escape from any of said tribes, the laws of the Confederate States for the capture and delivery of fugitive slaves shall apply to such cases, whether they escape into a State or Territory or into any Indian nation or tribe under the protection of the Confederate States; the obligation upon each such State, Territory, nation or tribe to deliver up the same, being in every case as complete as if they had escaped from a State, and the mode of procedure the same.

Existing laws, usages and customs in regard to slavery, declared binding.

Laws of the C. S. for the capture and delivery of fugitive slaves, to apply.

ARTICLE XXXVIII. The Great Osage Tribe of Indians hereby makes itself a party to the existing war between the Confederate States and the United States of America, as the ally and ward of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests hereby agrees to raise and furnish, whenever they shall be called on, a force of five hundred men for the service of the Confederate States, or any less number, who shall receive the same pay and allowances as other troops of the same class in that service, and remain in the service as long as the President shall require; and, also, to furnish any number of young men for scouts and runners, required by any general or other commanding officer of the Confederate States in the Indian country, who shall receive such compensation as such officer shall fix.

The Great Osage Tribe makes itself a party to the existing war and agrees to furnish men for the service.

Pay and allowances of the men.

How long to serve. Scouts and runners. Compensation.

ARTICLE XXXIX. In consideration of the loyalty of the Great

The C. S. agree to expend for said tribe \$15,000 annually for twenty years.

How fund to be applied.

Osage Tribe, and of their readiness to place themselves under the protection of the Confederate States, and of their poverty, and of the great losses in horses and other property, sustained by them at the hands of lawless persons for many years, the Confederate States do hereby agree to expend for the benefit of the Great and Little Osage Tribes, for the full term of twenty years from the date of this treaty, the sum of fifteen thousand dollars annually, of which sum five thousand dollars per annum shall be added to the interest on the school fund of the nation, hereinafter provided for, and ten thousand dollars shall be divided fairly in each year, after the Little Osage Tribe shall have united in this convention, between the two tribes in proportion to the number of souls in each; and the said sum of ten thousand dollars shall, in each year, be applied by the Superintendent to the purchase of such articles of clothing household utensils, blankets and other articles, as shall tend to the comfort of the Osages, and encourage them in their endeavors to improve, and which articles the agent shall distribute among them, in the same manner, and nearly as possible, as moneys would be distributed *per capita*: *Provided*, That in the distribution any person may be excluded by him, if reported by the chiefs to be worthless, idle or dissolute, or a bad and mischievous person; and that he may do the same upon his own knowledge, taking care, as far as may be, that only the good and worthy shall be the recipients of the bounty of the Government of the Confederate States.

Proviso.

Reservation and sale of land of the Osages for the support of schools.

ARTICLE XL. It is hereby agreed and ascertained, that by the sixth article of the treaty with the Great and Little Osages, of the second day of June, A. D., one thousand eight hundred twenty-five, it was agreed that from the lands ceded and relinquished by the Osages by that treaty, a reservation should be made of fifty-four tracts of land, of a mile square each, to be laid off under the direction of the President of the United States, and sold for the purpose of raising a fund to be applied to the support of schools, for the education of the Osage children, in such manner as the President might deem advisable for the attainment of that end; that fifty-four sections of land were accordingly selected, and afterwards sold, and the proceeds of the same amounted to thirty-one thousand seven hundred and twenty-four dollars and two cents, which sum remains invested as follows, that is to say:

Proceeds of sale; how invested.

In six per cent. stock of the State of Missouri, seven thousand dollars;

In United States six per cent. loan of one thousand eight hundred and forty-two, twenty-four thousand six hundred and seventy-nine dollars and fifty-six cents;

And in United States six per cent. loan, of one thousand eight hundred and forty-seven, forty-four dollars and forty-six cents;

And as it will be useless for the Osages hereafter to expect anything from the justice of the United States, and the Confederate States do not desire that they should hereafter look to that quarter for any moneys;

Annual interest on said sums to be paid by the C. S.

it is, therefore, further hereby agreed, that the Confederate States will hereafter pay, annually, on the first day of January in each year, perpetually, commencing with the year one thousand eight hundred and sixty-two, for the benefit of the Great and Little Osage Tribes, the sum of one thousand nine hundred and three dollars and forty-four cents, being the annual interest on said sums of money so as aforesaid in United States stocks and stocks of the State of Missouri, at the rate of six per cent. per annum, and will look to the State of Missouri for the payment of the principal and interest of said sum of seven thousand dollars, as invested in stocks of that State. To which sum shall be

annually added, on the same day, commencing with the same year, the sum of five thousand dollars, part of the annuity provided for in the xxxix. article of this treaty, and the whole shall be applied by the agent to the support and maintenance of the Osage manual labor school, now in operation at the mission on the Neosho river, as the said interest has heretofore been applied.

Additional payment under article xxxix. of this treaty.

Whole to be applied to support of Osage manual labor school.

ARTICLE XLI. A tract of land of the quantity of two sections, or two tracts of one section each, to be selected by the agent of the Confederate States for the Osages and other tribes, and in which or one of which, the present site of the mission and its buildings is to be included, is hereby forever dedicated to the use of the Osage manual labor school, to be under the exclusive control of those who have charge of that institution, and for its exclusive use; and not to be sold or disposed of, or applied to any other use or purpose whatsoever.

Dedication of land to the school.

ARTICLE XLII. All just claims and demands against the United States, of the Great Osage Tribe, or of any individual or individuals thereof, not herein specified, arising or due under former treaties with the United States, are hereby assumed, and shall, after the restoration of peace, be investigated by the President, and so far as they are found to be just, shall be paid in full by the Confederate States; and all provisions of the several treaties with the United States, made by the Osages, under which any rights or privileges were secured or guaranteed to the Great Osage Tribe, or to any individual or individuals of the same, and the place whereof is not supplied by any provision of this treaty, and the same not being obsolete or no longer necessary, and so far as they are not annulled, repealed, changed or modified by subsequent treaties or statutes, or are not so by this treaty, are hereby continued in force, as if the same had been made with the Confederate States.

Claims of the Great Osage Tribe against the C. S., under former treaties continued in force as if the treaties were made with the C. S.

ARTICLE XLIII. A general amnesty of all past offences against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Great Osage Tribe, as such membership is defined by this treaty, is hereby declared; and all such persons, if any, charged with any such offence, shall receive from the President full and free pardon, and if imprisoned, or held to bail, before or after conviction, shall be discharged.

General amnesty declared.

ARTICLE XLIV. The Confederate States of America hereby tender to the Little Osage Tribe the same protection and guarantees as are hereby extended and given to the Great Osage Tribe, and the other benefits offered them specifically by this treaty; and if the said Little Osage Tribe shall give no aid to the enemies of the Confederate States, and shall, within one year from the day of the signing of this treaty, enter into a convention whereby they shall unite in this treaty, and accept and agree to all the terms and conditions of the same, then it shall, to all intents and purposes, be regarded as having been made with them originally, and they be deemed and taken to be parties thereto, as if they were now to sign the same.

The C. S. tender to the Little Osage Tribe the same protection and guarantees as are extended and given to the Great Osage Tribe.

How the Little Osage Tribe may become a party to this treaty.

ARTICLE XLV. This convention shall be obligatory on the Great Osage Tribe of Indians from the day of its date, and on the Confederate States from and after its ratification by the Senate or provisional Congress.

When this treaty to take effect.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and, the undersigned Chiefs and headmen of the Great Osage Tribe of Indians, do hereunto set their hands and affix their seals.

SEAL

## TREATY WITH THE OSAGES.

Thus done in duplicate, at the place and upon the day, in the month and year first aforesaid.

ALBERT PIKE,  
*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

KA-HI-KE-TUNG-KA,  
*Chief of Clermont Band Great Osages.*  
PA-HIU-SKA,  
*Chief of White Hair's Band.*  
CHI-SHO-HUNG-KA,  
*Chief of Big Hill Band.*  
HON-TAS-SAP-PE or BLACK DOG,  
*Chief of Black Dog's Band*  
SHA-PE-SHING-KA or BEAVER,  
*Second Chief of White Hair's Band.*  
WA-SH-KA CHIE,  
*Second Chief of Clermont's Band.*  
TA-WAN-CHE-HE, or TALL CHIEF,  
*Second Chief of Big Hill Band.*  
WA-HO PEK-EH,  
*Second Chief of Black Dog's Band.*  
WA-TA-EN-KA, or DRY FEATHER,  
*Councillor of Clermont's Band.*  
KAN SE-KA-HRI,  
*Councillor of Big Hill Band.*  
KA HI-KE WA TA-EN KA,  
KA HI-KE HING-KA,  
CHI-SHO-WATA-ENG-KA,  
E E SHI KA-HRI,  
SRO-MEH-KAS-SI,  
NI-HI-KA WI-PA-NA,  
SA-PEH-KU-YEH,  
WA-A-HAN-HA,  
HA-KA-SHE,  
WA-NO-PAH-SHE,  
SHING-KAKA-HU-KE,  
WA-CHE-WA-HE,

NA-HIN-TA-PI,  
AH-KIH-TA-TUNG-KA,  
WAH-KAN-TA-C-SI-LEH,  
NI-KA-KA-HRI,  
SHA-A KE-TO-PA,  
TO-TI NA-HE,  
O-LO ING KA-SHI,  
KA-WA-SI,  
WA-SHA-SHI WA-SHA-ON-CHI,  
WA-HU-OMP-I,  
WA-AK-AN-CHI-LE,  
O-KI-PA-HRA,  
TRE-NOM-PA-SHI,  
A-KI-KO-SHA,  
WA-TO-KI-KA,  
O-SHANG-KE-TUNG-KA,  
CHE-E-SE-TUNG-KA,  
WA-TA-SHO-WE,  
I-KA-SHA-PE,  
A-NO-HRA-PI,  
MIN-CHE-EN-PA,  
WA-CHE-NA-SHI,  
MA-HING-KA-HE,  
T-N-WA-SHING-KA,  
MIINK-SHES-KA,  
TO-TA-NA-SHE,  
KA-WA-KA-HI-KI,  
MU KA KE-SHANG KA,  
GESSO CHOUTAU,  
AUGUSTUS C PTAIN,  
LOUIS J. CHOUTEAU.

Signed, sealed and delivered in presence of us.

WM. QUESENBURY,  
*Secretary to the Commissioner.*  
E. RECTOR,  
*Superintendent of Indian Affairs,  
Confederate States.*  
ANDREW J. LORN,  
*Agent for Osages and other tribes,  
Confederate States.*  
LOUIS P. CHOUTEAU,  
*Confederate States Interpreter for  
Osages.*  
JOHN DREW,  
GEORGE M. MURRELL,  
J. W. WASHBOURNE,  
W. WARREN JOHNSON,

To the Indian names are subjoined marks.

## RATIFICATION.

Dec. 20, 1861.

Ratification by  
Congress of the  
foregoing treaty  
with the Great  
Osage Tribe.

*Resolved,* (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Great

Osage Tribe of Indians, by its Chiefs and headmen, who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the second day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following amendment:

## AMENDMENT.

In article thirty-six, at the end of the words "or in a State Court," **Amendment.** insert the following words: "Subject to the laws of the State."

# TREATY WITH THE SENECA AND SENECA AND SHAWNEES.

OCTOBER 4TH, 1861.

## ARTICLES OF A CONVENTION

*Entered into and concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an act of Congress in that behalf, and the Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, each tribe for itself, by its Chiefs and warriors, who have signed these articles, of the other part.*

The Senecas and Shawnees under the protection of the C. S.

ARTICLE I. The Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees and all the persons of each, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war forever, and agree to be true and loyal to them under all circumstances.

The C. S. assume the protectorate.

ARTICLE II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown or the mixed bands of Senecas and Shawnees, and to secure and defend them in the enjoyment of all their rights, possessions and property; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever.

Guarantee to the tribes of the country secured to them by treaties with and patents from the U. S.

ARTICLE III. The Confederate States of America do hereby assure and guarantee to the Seneca tribe aforesaid, and to the Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown or the mixed bands of Senecas and Shawnees, in case the Senecas thereof should hereafter unite in this treaty, by a convention for that purpose made and concluded, or to the Shawnees thereof aforesaid alone, in case the said Senecas thereof should refuse so to unite herein, to each tribe or band respectively, the title in fee simple, as long as each, res-

pectively, shall exist as a nation and remain thereon, and the exclusive possession and undisturbed use, occupancy and enjoyment, as long as grass shall grow and water run, of the country heretofore secured to each respectively, by treaties with, and patents from, the United States of America; and which countries are thus described and ascertained, that is to say:

By the treaty with the Senecas of Sandusky made and concluded on the twenty-eighth day of February, A. D., one thousand eight hundred and thirty-one, a country was ceded and granted to that tribe, therein described as "a tract of land situate on and adjacent to the northern boundary of the lands heretofore granted to the Cherokee Nation of Indians, and adjoining the boundary of the State of Missouri, which tract shall extend fifteen miles from east to west, and seven miles from north to south, containing about sixty-seven thousand acres, be the same more or less."

By the treaty made and concluded with the mixed bands of Senecas and Shawnee Indians residing at and around Lewistown, on the twentieth day of July, in the same year, a country was ceded and granted to these bands therein described as "a tract of land to contain sixty thousand acres, to be located under the direction of the President of the United States, contiguous to the lands granted to the Senecas of Sandusky by the treaty made with them at the city of Washington, on the twenty-eighth of February, eighteen hundred and thirty-one, and the Cherokee settlements; the east line of said tract shall be within two miles of the west lines of the lands granted to the Senecas of Sandusky, and the south line shall be within two miles of the north line of the lands held by the Cherokees;" and by the treaty made and concluded on the twenty-ninth day of December, A. D., one thousand eight hundred and thirty-two, with the united nation or tribe of Senecas and Shawnees, by which that united tribe ceded, relinquished and quit—claimed to the United States all their lands west of the Neosho or Grand river, the United States agreed to grant by patent, in the manner hereinafter mentioned, the country therein described as follows, that is to say: "The following tract of land lying on the east side of Neosho or Grand river, viz: Bounded on the east by the west line of the State of Missouri; south by the present established line of the Cherokee Indians; west by Neosho or Grand river; and north by a line running parallel with said south line, and extending so far from the present north line of the Seneca Indians from Sandusky, as to contain sixty thousand acres, exclusive of the land now owned by said Seneca Indians, (which said boundaries include, however, all the land heretofore granted said Senecas of Sandusky, on the east side of Grand river;" and which country included within said boundaries, the United States thereby agreed to grant, by two letters patent; the north half, in quantity, to the mixed bands of the Senecas and Shawnees of Ohio, or of Lewistown, and the south half to the Senecas from Sandusky; the whole to be occupied, in common, so long as the said tribes or bands should desire the same, and the grant to be in fee simple, but the lands not to be sold or ceded without the consent of the United States; which lands shall not be sold or ceded by the said tribes or bands, nor shall any part thereof to any nation or people, except to the Confederate States, or to any individuals whatever, except as hereinafter provided; and the same shall vest in the Confederate States, in case the said tribes or bands, respectively, become extinct or abandon the same.

ARTICLE IV. The Seneca tribe of Indians aforesaid, and the Senecas and Shawnees alone, aforesaid, as the case may be, may respectively, by a majority vote of the whole people of each, respectively, receive and settle upon their

Lands not to be sold or ceded except to the U. S.

May receive as members of the tribe or permit to settle upon their

lands, the Indians incorporate, each in itself, as members of the tribe, or permit to settle of certain other and reside upon the lands of the tribe, such Shawnees of Kansas, or tribes. Indians of any other tribe, in amity with the Confederate States, as to it

May sell or lease may seem good; and may sell such Indians portions of land, in fee or by land to such In- less estate, or lease them portions thereof for years or otherwise, and dians. and receive to its own use the price and consideration of such sales or leases; and

Who entitled to vote, held office, share in annuities or the common lands: *Provided*, That when persons of another tribe or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of either of said tribes, they shall not be disfranchised or subjected to any other restrictions upon the right of voting, than such as shall apply to the Senecas and Senecas and Shawnees respectively, themselves. But no Indians of any other tribe or band than these shall be permitted to come within their country to reside without the consent and license of the people of each tribe respectively.

*Proviso.*

Reservation of land for Indian agency. ARTICLE V. The right is hereby reserved to the Confederate States to select in any unoccupied part of the country of either of said tribes or bands, if they should desire to do so, a tract of land one mile square as a reserve and site for an agency, for the said tribes and for the Quapaws and Osages, which shall revert to the tribe in whose country it is selected with the buildings thereon, whenever it shall cease to be occupied as an agency.

Forts and military posts. ARTICLE VI. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post a tract of land one mile square, on which such fort or post shall be established: *Provided*, That if any person have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

*Proviso.*

No settlement permitted upon the agency reserve or the reserve for forts, &c. ARTICLE VII. No person whatever shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by the permission of the agent, nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve, for the agency, or for forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States.

The country of the tribes not to be included within the bounds of any State or Territory or to be under the laws thereof. ARTICLE VIII. The Confederate States hereby guarantee that the country hereby secured to the said Senecas and Shawnees shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over, or put in force within any part of the said country; and the President of the Confederate States will cause the said tribes to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person or persons whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

Protection against other tribes or persons.

Hunting and killing of game. ARTICLE IX. The members of the said Seneca tribe and the said Seneca and Shawnee mixed bands shall have the right, henceforward, of hunting and killing game, in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws and Chickasaws, without molestation from any quarter, being while so engaged therein under the protection of the Confederate States.

Perpetual peace and brotherhood between the Senecas and Shawnees and other tribes. ARTICLE X. There shall be perpetual peace and brotherhood between the Seneca tribe and the Shawnees aforesaid, and the Osages, Cherokees, Muskokis, Seminoles, Choctaws and Chickasaws and the bands of the Wichitas, Cado Hadachos, Inecos, Ta-na-ca-ros, Ana-dagh-cos, Ton-ca-wes, Ki-chais, Ai-nais, Shawnees and Delawares living in the country leased from the Choctaws and Chickasaws, and the Pen-e-tegh-ca, No-co-ni, Fa-



nei-we, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other, shall be forgiven and forgotten.

Injuries, &c., to be forgiven and forgotten.

ARTICLE XI. The Seneca tribe and the Shawnees aforesaid, and the said several other nations, tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Seneca tribe and the said Shawnees, as has already been agreed by all the others, that the horses, cattle and other stock and property of each nation, tribe or band, and every person of each, is his or its own; and that no person belonging to the Senecas or Shawnees aforesaid, shall or will hereafter kill, take away or injure any such property of another tribe or band or of any member of any other tribe or band, or in any other way do them any harm.

The Senecas and Shawnees and other tribes to be good neighbors to each other.

Right of property in horses, cattle, &c.

ARTICLE XII. Especially there shall be perpetual peace and friendship between said Senecas and Shawnees aforesaid, and the Osages, Quapaws, Cherokees, Muskokis, Seminoles, Choctaws and Chickasaws; and the Chiefs and headmen of the said Seneca tribe and Shawnees shall do all in their power to take and restore any negroes, horses or other property stolen from white men or from persons belonging to either of said five nations; and to catch and give up any person among them who may kill or steal or do any other evil act.

Perpetual peace and friendship with the Osages and other Indian nations.

Return of stolen property.

ARTICLE XIII. In order that the friendship now established between the Seneca tribe and Shawnees, the Confederate States and the other Indian nations, tribes and bands aforesaid, may not be interrupted by the misconduct of individuals, or bands of individuals, it is hereby agreed that for injuries done by individuals no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the said Seneca tribe and Shawnees when any individual thereof is injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and if he finds it well founded shall report the same to the superintendent, who will cause the wrong to be redressed, and the person doing the wrong to be arrested, whether he be a white man or an Indian; and he or they shall be tried for the same agreeably to the laws of the Confederate States or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity, as if the injury had been done to a white man. And it is also agreed that if any member of the Seneca tribe or any one of the Shawnees shall do any injury to the person or property of any white man or of a member of any other Indian nation or tribe under the protection of the Confederate States, the offender shall be given up to the agent upon complaint made to him, and on his demand, the wrong shall be redressed by him, and the offender be tried for the offence, agreeably to the laws of the Confederate States or of the State, Territory or nation against which he may have offended: *Provided*, That he shall be punished in no other manner nor with any greater severity than a citizen of the Confederate States or of such State, Territory or nation would be, if he had committed the same offence.

No private revenge or retaliation to be taken for injuries.

Mode of redress.

Trial and punishment of wrong doer.

Redress for injuries done by the Senecas and Shawnees.

Proviso.

ARTICLE XIV. It is hereby further agreed that the Chiefs of the Senecas and of the Shawnees shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States or from any member of any other Indian nation or tribe under the protection of the Confederate States, by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If in any case the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be retained or delivered up

Horses or other property stolen to be returned to owner.

Proceeding where right to property is contested.

Appeal.

accordingly. Either party may appeal from his decision to the superintendent, whose decision shall be final in all cases, the property, in the meantime, remaining in the custody of the agent. If, in any case, the exertions of the Chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Seneca tribe or by any one of the Shawnees, he shall so report to the superintendent, with a copy of the testimony, which shall for that purpose be always reduced to writing; and the superintendent shall, if satisfied from the testimony, deduct from the annuity of the tribe a sum equal to the value of the property stolen.

Where restitution cannot be made the value of the property stolen to be deducted from the annuity of the tribe.

When the value of the property stolen will be paid by the C. S. to the owner.

ARTICLE XV. The Confederate States hereby guarantee full and fair payment to the owner of the actual and full value of all horses and other property stolen from any person or persons belonging to the Seneca tribe, or being of the Shawnees aforesaid, by any citizen of the Confederate States or by any Indian of any other nation or tribe under the[ir] protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the superintendent or any agent of the Confederate States for any such nations or tribes, that such property was actually stolen by a citizen or citizens of the Confederate States or by an Indian or Indians of any nation or tribe under their protection.

Agent and interpreter.

ARTICLE XVI. An agent for the Great and Little Osage tribes, the Quappaws, Senecas and Senecas and Shawnees shall be appointed by the President, and an interpreter for the Seneca tribe and one for the Shawnees for their protection, and that their complaints may be heard by, and their

Where to reside.

wants made known to the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside continually among the people for whom he is employed, and neither of them shall ever be absent from their posts, except by the permission of the superintendent.

Not to be absent without leave.

ARTICLE XVII. The Senecas and the Senecas and Shawnees shall hold no talks or councils with any white men or Indians without the knowledge and consent of the agent of the Confederate States. And they especially agree to attend no councils or talks in the country of any people or with the officers or agents of any people with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease.

No councils to be held except with the consent of the C. S.

Who may live in the country of the tribes.

ARTICLE XVIII. The Confederate States will not permit any improper persons to reside or be in the country of the Senecas, or in that of the Senecas and Shawnees, but only such persons as are employed by them, their officers or agents, and traders licensed by them, who shall sell to the said Indians and buy from [them] at fair prices, under such regulations as the President shall make from time to time.

Tribes left free to govern themselves.

ARTICLE XIX. No State or Territory shall ever pass laws for the government of the Seneca tribe or of the Seneca and Shawnee people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves, and to punish offences committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another, without good cause or justification, he shall suffer death, but only by the sentence of the Chiefs, and after a fair trial, all private revenge being strictly forbidden.

Proviso.

White man who marries a woman of the Senecas or the Shawnees deemed to be a member of such tribe, so far as to

ARTICLE XX. Every white man who marries or has married a woman of the Senecas or of the Shawnees and resides in the Seneca or Seneca and Shawnee country, respectively, shall be deemed and taken even after the death of his wife, to be a member of the tribe in which he marries or has married, so far as to be subject to its laws in respect to all offences committed in its country against the person or property of another member of

the tribe and as not to be considered a white man committing such offence against the person or property of an Indian, within the meaning of the act of Congress of the Confederate States. And all negroes and mulattoes, bond or free, committing any such offence in said country shall, in like manner, be subject to the laws of the tribe.

be subject to its laws.  
Negroes and mulattoes in like manner subject to the laws.  
Military and other roads.

ARTICLE XXI. The Confederate States shall have the right to establish, open and maintain such military and other roads through any part of the Seneca or Seneca and Shawnee country as the President may deem necessary, without making any compensation for the right of way, or for the land, timber or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made.

ARTICLE XXII. The Confederate States may grant the right of way for any railroad through any part of the Seneca or Seneca and Shawnee country; but the company to which any such right of way may be granted shall pay the tribe therefor through whose country any part of the road runs such sums as in the opinion of the President be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property to such amount in each case as commissioners appointed by the President shall determine.

Right of way for railroads.

Payment of damages to individuals.

ARTICLE XXIII. The agent of the Confederate States for the Osages and other tribes shall prevent all intrusions by hunters and others upon the lands of the Senecas and of the Senecas and Shawnees, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts in that or the adjoining country shall be required to afford him such aid upon his requisition.

Intrusions and settlement upon the land of the Senecas and Shawnees to be prevented.

ARTICLE XXIV. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians shall pasture stock on the lands of the Senecas or Senecas and Shawnees, but all such persons shall have full liberty, at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

ARTICLE XXV. Any person duly charged with a criminal offence against the laws of the Confederate States, or of any State or Territory, or of any Indian nation or tribe, under the protection of the Confederate States, escaping into the Seneca or Seneca and Shawnee country, shall be promptly taken and delivered up by the Chiefs of the Senecas or Senecas and Shawnees, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation or tribe within whose jurisdiction the offence shall be alleged to have been committed.

Surrender of fugitives from justice.

ARTICLE XXVI. In addition to the laws of the Confederate States, expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law, or by statute against their laws, authority or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality law, and resistance to the process of the Confederate States; and all the acts of the provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves, shall be in

Laws declared to be in force.

Jurisdiction of force in the Seneca and the Seneca and Shawnee country; and the district court for the Seneca and Shawnee country, when established, shall have exclusive jurisdiction to try, condemn and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

Any Seneca or Shawnee indicted in any court of the C. S. entitled to process for witnesses.

ARTICLE XXVII. Whenever any person, who is a member of the Seneca or Seneca and Shawnee tribe, shall be indicted for any offence in any court of the Confederate States, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think material for his defence; and the costs of process for such witnesses and of the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid, by the Confederate States, a reasonable compensation for his services, to be fixed by the court and paid up on the certificate of the judge.

Costs of process and fees and mileage of witnesses.

When accused may be assigned counsel.

Existing laws, usages and customs in regard to slavery declared binding.

ARTICLE XXVIII. It is hereby declared and agreed that the institution of slavery in the said Seneca and Seneca and Shawnee Tribes is legal, and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in either of the said tribes is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of either of the said tribes shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said tribes, which may be proved by oral evidence, and shall everywhere be held valid and binding within the scope of their operations. And if any slaves escape from either of the said tribes, the laws of the Confederate States for the capture and delivery of fugitive slaves shall apply to such cases, whether they escape into a State or Territory, or into any Indian nation or tribe under the protection of the Confederate States; the obligation upon each such State, Territory, nation or tribe to deliver up the same being, in every case, as complete as if they had escaped from a State, and the mode of procedure the same.

The tribes made a party to the existing war, and agree to furnish aid.

Pay of the warriors.

How long to serve.

Debts due by the U. S. to the Seneca tribe.

ARTICLE XXIX. The Seneca Tribe and the Shawnees of the Seneca and Shawnee Tribe, hereby make themselves parties to the existing war between the Confederate States and the United States of America, as the allies and wards of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests, hereby agree to aid in defending their country against any invasion thereof by the common enemy; and it is agreed that all warriors furnished by them for the service of the Confederate States, and which shall be mustered into that service, shall receive the same pay and allowances as other troops of the same class therein, and remain in the service as long as the President shall require.

ARTICLE XXX. It is further agreed and ascertained, by and between the Confederate States and the said Seneca Tribe of Indians, formerly known as the Senecas of Sandusky, that the United States of America were, while the several States of the Confederacy were members of the same, and still remain indebted to the said Seneca Tribe, and had and still have in their hands moneys in trust for the said tribes, as follows, that is to say:

By the fourth article of the treaty made with the Wyandot, Seneca and other tribes of Indians, on the twenty-ninth day of September, A. D., one thousand eight hundred and seventeen, the United States agreed and bound themselves to pay annually, forever, to the Seneca tribe, the sum of five hundred dollars, in specie, at Lower Sandusky;

By the fourth article of the treaty made the seventeenth day of September, A. D., one thousand eight hundred and eighteen, with the Wyandot, Seneca, Shawnee and Ottawa tribes of Indians, the United States agreed and bound themselves to pay, to the Senecas of Sandusky, an additional annuity of five hundred dollars forever ;

By the eighth article of the treaty with the Seneca Tribe of Sandusky, made on the twenty-eighth day of February, A. D., one thousand eight hundred and thirty-one, the United States agreed to sell the land thereby ceded to them by the said tribe, by that treaty ; and it was that, after certain deductions therefrom to be made, as therein specified, any balance that might remain, of the proceeds of sale of such lands, should constitute a fund for the future exigencies of the tribe, on which the United States would pay to the Chiefs of the tribe, for the use and general benefit of the tribe, annually, five per centum as annuity ; which sales being accordingly effected, the fund thus created amounted to five thousand dollars, which was invested by the United States, and yet remains invested, in five per cent. stock of the State of Kentucky, now held by the United States ;

It is further hereby agreed and ascertained, by and between the Confederate States and the Shawnees, of the said Senecas and Shawnees of Lewistown, that the United States of America were, while the several States of the Confederacy were members of the same, and still remain, indebted to the mixed bands of Senecas and Shawnees, and had and still have in their hands moneys in trust for the said tribe, as follows, that is to say :

Debts due by the U. S. to the mixed bands of Senecas and Shawnees.

By the fourth article of the treaty, made with the Wyandot, Seneca, Shawnee and Ottawa tribes, on the seventeenth day of September, A. D., one thousand eight hundred and eighteen, the United States agreed and bound themselves to pay, "to the Shawnees and to the Senecas of Lewistown," an additional annuity of one thousand dollars forever ;

By the eighth article of the treaty made with the mixed band of Seneca and Shawnee Indians, residing at and around Lewistown in the State of Ohio, on the twentieth day of July, A. D., one thousand eight hundred and thirty-one, the United States agreed to sell the lands ceded to them, by the Senecas and Shawnees, by that treaty ; and it was also agreed that, after certain deductions, therein provided for, any balance of the proceeds of such lands that might remain should constitute a fund for the future necessities of the tribes, on which the United States would pay the Chiefs, for the use and general benefit of the said tribes, annually, five per centum, as an annuity, which sales being accordingly effected, the fund thus created amounted to sixteen thousand four hundred and sixty-six dollars and ten cents, which was invested by the United States, and yet remains invested, as follows, that is to say :

Six thousand dollars in five per cent. stock of the State of Kentucky ;

Seven thousand dollars in five and a half per cent. stock of the State of Missouri ;

Three thousand dollars in six per cent. stock of the State of Missouri ;

And four hundred and sixty-six dollars and ten cents in the United States six per cent. loan of the year 1847.

Which stocks are held by the United States, and the annual interest thereon amounted to the sum of eight hundred and ninety-two dollars and ninety-six cents.

Therefore, and as the said Senecas and the Shawnees aforesaid are indigent, and have nothing to expect from the justice of the northern States, and will be greatly distressed if the annual payments are not promptly made, and as the Confederate States do not wish them any longer to look

Annual payments agreed to be made by the C. S. to the Seneca and Shawnees.

to the northern States or receive any moneys from them, and are willing to make the necessary advances for the States of Missouri and Kentucky; Therefore it is further agreed by the said Confederate States of America, that they will pay annually forever, in each and every year after the day of the signing of this treaty, on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, in money;

To the Seneca tribe, formerly known as the Senecas of Sandusky, to the chiefs, for the use and general benefit of the people, one thousand two hundred and fifty dollars;

And to the Shawnees, of the mixed bands of the Senecas and Shawnees, formerly of Lewistown, or to the Senecas and Shawnees together, when the Senecas shall have united in this treaty, but until then, to the Shawnees alone, to the Chiefs, for the use and general benefit of the people, one thousand eight hundred and ninety-two dollars and ninety-six cents.

And it is further agreed by the Confederate States that they will look to the States of Missouri and Kentucky for re-payment of the principal and interest of the said sums so invested in their stocks.

Annuity due by the State of New York to the Cayuga tribe accepted as members of the Seneca tribe.

ARTICLE XXXI. Whereas, by the treaty made between the State of New York and the Cayuga tribe of Indians, in the month of June, in the year of our Lord, one thousand eight hundred and fifty, it was agreed that the said State should pay annually thereafter forever, on the first day of June in each year, to that portion of the Cayuga tribe which resided west, the sum of eleven hundred and forty-six dollars, which has been regularly paid until the present year, and the check of the Treasurer of the State of New York on the Commercial Bank of Albany, in that State, for the payment of the year eighteen hundred and sixty-one is in the hands of Andrew J. Dorn, the agent of the Osages and other tribes; and whereas, the Cayugas of the west, to whom the said annuity is payable, reside among and are fully accepted as members of the Seneca tribe aforesaid, with the exception of a few who reside among the Senecas and Shawnees, and the said annuity has, therefore, been in each year, by the consent of all, distributed by the agent among all, the Senecas, formerly known as the Senecas of Sandusky, and such Cayugas as reside among the Senecas and Shawnees, and the Cayugas as are willing it shall forever continue to be distributed; and whereas, by placing themselves under the protection of the Confederate States, the Senecas and Cayugas so entitled to said annuity will forfeit the same, and, in all probability, forever:

The C. S. agree to pay the said annuity.

Therefore, it is hereby further agreed by the Confederate States, that they will pay hereafter annually forever, on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, to the said Seneca tribe of Indians, including the Cayugas, and to the Cayugas residing among the Senecas and Shawnees jointly, the said sum of eleven hundred and forty-six dollars, in money; and that, if the said check should not be paid, they will also pay the amount thereof, to be in like manner distributed, on the first day of January, A. D., one thousand eight hundred and sixty-two: *Provided*, That if the State of New York should, at any time hereafter, resume the regular payment of the said annuity, then the Confederate States shall no longer, while it continues to do so, be bound to pay the same.

Proviso.

Annuity to be paid by the C. S. to the Seneca tribe including certain of the Cayugas, Mohawks, Wyandots, and Senecas

ARTICLE XXXII. Inasmuch as the Seneca tribe and the Senecas and Shawnees have received among them persons of the Wyandot tribe, to the number of one hundred and thirteen, and have given them land to live on, without charge, and in consideration of the loyalty of the Seneca tribe, including the Cayugas and Mohawks, who are members of the tribe of the

Senecas aforesaid, and of the Wyandots who reside among them, and of their great necessities, the Confederate States do hereby further agree that they will expend in each and every year hereafter, for the term of twenty years from the day of the signing of this treaty, commencing with the year one thousand eight hundred and sixty-two, and in the early part of each year, the sum of two thousand four hundred dollars, for the benefit of the Seneca tribe, including the Cayugas and Mohawks, who form part of the tribe of the Shawnees aforesaid, forming part of the mixed bands of Senecas and Shawnees, of the Wyandots residing among each, and of the Senecas of the said mixed bands, if they shall unite in this treaty, but not otherwise, which sum of money shall be annually expended in the purchase by the superintendent, at first cost at the place of purchase in the Confederate States, of such articles of clothing, blankets, utensils, and other useful articles as he shall, aided by the report and recommendation of the agent in each year, judge to be most desirable, and as will conduce to the health and comfort of the Indians; and which articles shall be annually distributed by the agent as equally as possible among the persons composing the Seneca tribe as aforesaid, the Shawnees and Wyandots aforesaid, and the Senecas of the said mixed bands of Senecas and Shawnees; in which distribution, however, regard may be had by the agent, by the advice of the Chiefs, to the character and circumstances of the recipients, and the needy who are industrious and worthy be especially provided for, and the idle and disolute not be encouraged.

How expended.

Distribution of articles purchased.

ARTICLE XXXIII. The Senecas and the Shawnees not being able to maintain schools among them, and being anxious their children should not grow up in ignorance, the Confederate States hereby agree to build a comfortable school-house in each tribe, and that they will employ, during the term of twenty years, a competent male teacher and a competent female teacher, pay their salaries and furnish the schools with the necessary stationery and such books as are needed for instruction in common schools. The repairs of school-houses shall be made, and fuel furnished, by the Senecas the Senecas and Shawnees and Wyandots themselves; and the schools shall be open to the children of all alike.

School houses.

Teachers; their salaries.

Stationery and books.

Repairs of school houses and fuel.

ARTICLE XXXIV. Whenever it shall be desired either by the Senecas or the Shawnees of the mixed bands, after the said Senecas shall have united in this treaty, a division of their joint annuity of one thousand eight hundred and ninety-two dollars and ninety-six cents shall be made between them, in the ratio of their numbers, and each band shall thereafter receive to its sole use the share of the said annuity belonging to it, as thus determined, whatever their respective numbers may afterwards be.

Division of joint annuity between the Senecas and the Shawnees of the mixed bands.

ARTICLE XXXV. The Confederate States will also furnish the Senecas, formerly of Sandusky, and the Shawnees aforesaid, and the Senecas of the mixed bands when they shall have united in this treaty, with such medicines as may be necessary, and will employ a physician for them and for the Quapaws, who shall reside at a convenient place in the country of one or the other tribe, during the pleasure of the President; and any physician employed shall be discharged by the superintendent and another be employed in his place, in case of incompetency or inattention to his duties.

Medicines and medical services.

ARTICLE XXXVI. The Confederate States also agree to employ a blacksmith for the Senecas, and one for the Senecas and Shawnees for, and during the term of, twenty years from the date of this treaty, and an assistant for each, who shall be one of the Seneca or Shawnee people, and receive a compensation of two hundred and fifty dollars per annum. And they will also furnish each blacksmith a dwelling house, shop and

Blacksmith and assistant.

Compensation. Shop and tools, and coal, iron and steel.

tools, and supply each shop with coal and with six hundred pounds of iron and one hundred pounds of steel annually.

**Wagon-maker and wheelwright.** ARTICLE XXXVII. The Confederate States will also employ one wagon-maker and wheelwright for the Senecas, and one for the Senecas and Shawnees for, and during the term of, twenty years from the date of this treaty, and furnish each with a dwelling house, shop, tools, and the necessary materials.

**Grist and saw mills.** ARTICLE XXXVIII. The Confederate States also hereby agree to build and put in running order for the Senecas and the Senecas and Shawnees, at some suitable point in their country, convenient to both, to be selected by the agent, a good grist and saw mill, and to deliver the same, when completed, to the Seneca and Seneca and Shawnee people, whose joint, absolute property it shall at once become. And the Confederate States will also employ, for the term of ten years, an experienced miller for each mill, to be selected, if possible, from among the Senecas or Shawnees, and if such millers can be had at a compensation not exceeding six hundred dollars for each per annum.

**Rifle and ammunition for each warrior.** ARTICLE XXXIX. The Confederate States hereby agree to furnish each warrior of the Seneca Tribe, and of the Shawnees, aforesaid, and of the Senecas of the mixed bands, aforesaid, when they shall have united in this treaty, who has not a gun, with a good rifle, and also to furnish each warrior of the same, with a sufficient supply of ammunition during the war.

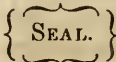
**Trader to be punished for purchasing articles given by the C. S. General amnesty declared.** ARTICLE XL. If any trader or other person should purchase from the Senecas or Shawnees, aforesaid, any of the articles given them by the Confederate States, he shall be severely punished.

ARTICLE XLI. A general amnesty of all past offences against the laws of the United States, or of the Confederate States, committed before the signing of this treaty, by any person of the Seneca Tribe, or by any Shawnee of the mixed bands, is hereby declared; and all such persons, if any, charged with any such offence, shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, shall be discharged.

**Protection and guarantees extended to the Senecas of the mixed bands of Senecas and Shawnees.** ARTICLE XLII. The Confederate States of America hereby tender to the Senecas, of the mixed bands of Senecas and Shawnees, the same protection and guarantees as are hereby extended and given to the Seneca Tribe, and to the Shawnees aforesaid, and the other benefits offered to the said Senecas specifically by this treaty; and if the said Senecas, of the mixed bands, shall give no aid to the enemies of the Confederate States, and shall, within one year from the day of the signing of this treaty, enter into a convention whereby they shall unite in this treaty, and shall accept and agree to all the terms and conditions of the same, then it shall, to all intents and purposes, be regarded as having been originally made with them also, and they be deemed and taken to be parties hereto as if they were now to sign the same.

**When this treaty to take effect.** ARTICLE XLIII. This convention shall be obligatory on the Seneca Tribe, and on the Shawnees, aforesaid, of the mixed bands, from the day of its date, and on the Confederate States from and after its ratification by the Senate or provisional Congress.

*In testimony whereof,* the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned, Chiefs and headmen of the Seneca Tribe of Indians, and of the Shawnees of the mixed bands of Senecas and Shawnees, do hereunto set their hands and affix their seals.





Thus done in duplicate, at the place and upon the day, in the month and year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

LITTLE TOWN SPICER,  
*Principal Chief of Seneca Tribe.*

SMALL CLOUD SPICER,  
*Second Chief of Seneca Tribe.*

MOSES CROW,  
*Councillor of Seneca Tribe.*

JOHN MUSH,  
*Councillor of Seneca Tribe.*

GEORGE SPICER,  
*Councillor of Seneca Tribe.*

JOHN SMITH,

JAMES KING,

ISAAC WARRIOR,

JIM BIG-BONE,

BUCK ARMSTRONG,

JO CROW,

DAVID SMITH,  
GEORGE KERON,

*C. S. Interpreter for the Seneca Tribe.*  
[*Warriors of the Seneca Tribe.*]

LEWIS DAVIS,  
*Principal Chief of the Senecas and Shawnees.*

JOSEPH MOHAWK,  
*Second Chief of the Shawnees.*

JOHN TOMAHAWK,

WHITE DEER,  
*Councillor of the Shawnees.*

SILAS DOUGHERTY,  
*Councillor of the Shawnees.*

WILLIAM BARBEE,  
*C. S. Interpreter for the Shawnees.*

Signed, sealed and delivered in presence of us.

WM. QUESENBURY,  
*Secretary to the Commissioner.*

E. RECTOR,  
*Superintendent of Indian Affairs C. S.*

ANDREW J. DORN,  
*C. S. Agent for Osages, Senecas, etc.*

W. WARREN JOHNSON,

LUTHER H. PIKE,

J. W. WASHBOURNE,

To the Indian names are subjoined marks.

### RATIFICATION.

*Resolved*, (two-thirds of Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a convention, made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Seneca Tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, each tribe for itself, by the chiefs and warriors who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following amendment: Dec. 21, 1861.

### AMENDMENT.

In article twenty-seven, at the end of the words "or in a State court," add the following words: "subject to the laws of the State." Amendment.

NOTE.—The amendment was agreed to and ratified by the Senecas and Shawnees as a part of the treaty.

# TREATY WITH THE QUAPAWS.

OCTOBER 4TH, 1861.

## ARTICLES OF A CONVENTION

Oct. 4, 1861. *Entered into and concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an Act of the Congress in that behalf, of the one part, and the Quapaw Tribe of Indians, by its Chiefs and warriors, who have signed these articles, of the other part.*

The Quapaws under the protection of the C. S.

ARTICLE I. The Quapaw Tribe of Indians, and all the persons thereof, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and in war, forever, and agree to be true and loyal to them under all circumstances.

The C. S. assume the protectorate.

ARTICLE II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Quapaw Tribe of Indians, and to defend and secure them in the enjoyment of all their rights; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever.

Guarantee to the Quapaws of the country secured to them by treaty with the U. S.

ARTICLE III. The Confederate States of America do hereby assure and guarantee to the Quapaw Tribe of Indians, the exclusive and undisputed possession, use and occupancy, during all time, as long as grass shall grow and water run, of the country heretofore secured to them by treaty with the United States of America, and which is described in the treaty of the thirteenth day of May, A. D., one thousand eight hundred and thirty-three, as follows, that is to say: "One hundred and fifty sections of land, west of the State of Missouri, and between the lands of the Senecas and Shawnees, not heretofore assigned to any other tribe of Indians;" and as the same was afterwards selected and assigned to said Quapaw Tribe, and is now held and occupied by them; which lands shall not be sold or ceded by said tribe, nor shall any part thereof, to any nation or people, except to the Confederate States, nor to any individuals whatever, except as hereinafter provided, and the same shall vest in the Confederate States, in case the said tribe becomes extinct or abandons the same.

Lands not to be sold or ceded except to the C. S.

Reservation of land for Indian agency.

ARTICLE IV. The right is hereby reserved to the Confederate States to select, in any unoccupied part of said country, if they shall desire to do so, a tract of land, one mile square, as a reserve and site for an agency for the said tribe, which shall revert to the said tribe, with all the buildings thereon, whenever it shall cease to be occupied for an agency.

Forts and military posts.

ARTICLE V. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post, a tract of land, one mile square, on which such fort or post shall be established:

*Provided*, That if any person have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

ARTICLE VI. No person whatever shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by permission of the agent; nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve for forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States.

No settlement permitted upon the agency reserve or the reserve for forts, &c.

ARTICLE VII. The Confederate States hereby agree that the country hereby secured to the said tribe shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over, or put in force within, any part of the said country; and the President of the Confederate States, will cause the said tribe to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person or persons whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

The country of the Quapaws not to be included within the bounds of any State or Territory or to be under the laws thereof. Protection against other tribes or persons.

ARTICLE VIII. The members of the said Quapaw Tribe of Indians shall have the right, henceforward, of hunting and killing game in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws and Chickasaws, without molestation from any quarter, being, while so engaged therein, under the protection of the Confederate States.

Hunting and killing of game.

ARTICLE IX. There shall be perpetual peace and brotherhood between the Quapaw Tribe of Indians and the Osages, Senecas, Senecas and Shawnees, Mus-ko-kis, Seminoles, Choctaws and Chickasaws, and the bands of Wichitas, Cado-ha-da-chos, Hue-cos, Ta-wa-caros, An-a-dagh-cos, Ton-cawes, Ki-chais, Ai-o-nais, Shawnees and Delawares, living in the country leased from the Choctaws and Chickasaws, and the Pen-e-tegh-ca, No-co-ni, Ta-nei-we, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-um or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other, shall be forgiven and forgotten.

Perpetual peace and brotherhood between the Quapaws and other tribes. Injuries, &c., to be forgiven and forgotten.

ARTICLE X. The Quapaw Tribe of Indians, and the said several other nations, tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Quapaw Tribe, as has already been agreed by all the others that the horses, cattle and other stock and property of each nation, tribe or band, and of every person of each, is his or its own; and that no person belonging to the Quapaw Tribe, shall or will hereafter kill, take away or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

The Quapaws and other tribes to be good neighbors to each other. Right of property in horses, cattle, &c.

ARTICLE XI. Especially there shall be perpetual peace and friendship between said Quapaw Tribe and the Osages, Senecas, Senecas and Shawnees, Cherokees, Mus-ko-kis, Seminoles, Choctaws and Chickasaws, and the Chiefs and headmen of the said Quapaw Tribe, shall do all in their power to take and restore any negroes, horses or other property stolen from white men or from persons belonging to either of said nations and tribes; and to catch and give up any person among them who may kill or steal or do any other evil act.

Perpetual peace and friendship with the Osages and other Indian nations. Return of stolen property.

ARTICLE XII. In order that the friendship now established between the said Quapaw Tribe of Indians and the Confederate States and the other Indian nations, tribes and bands aforesaid, may not be interrupted by the misconduct of individuals or bands of individuals, it is hereby agreed that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaint shall be made by the said Quapaw Tribe of Indians, when any individual thereof is

No private revenge or retaliation to be taken for injuries done to the Quapaws. Mode of redress.

injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and if he finds it well-founded, shall report the same to the Superintendent, who shall cause the wrong to be redressed, and the person doing to be arrested whether he be a white man or an Indian; and he or they shall be tried for the same agreeably to the laws of the Confederate States, or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity, as if the injury had been done to a white man. And it is also agreed that if any member of the Quapaw Tribe shall do any injury to the person or property of any white man or of a member of any other nation or tribe, under the protection of the Confederate States, the offender shall be given up to the agent, upon complaint made to him, and on his demand, the wrong shall be redressed by him, and the offender be tried for the offence, agreeably to the laws of the Confederate States, or of the State, Territory or nation against which he may be offended: *Provided*, That he shall be punished in no other manner, nor with any greater severity, than a citizen of the Confederate States, or of such State, Territory or nation would be, if he had committed the same offence.

**ARTICLE XIII.** It is hereby further agreed that the Chiefs of the Quapaw Tribe shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States, or from any member of any other Indian nation or tribe under the protection of the Confederate States, by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If, in any case, the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and, upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be detained or delivered up accordingly. Either party may appeal from his decision to the Superintendent, whose decision shall be final in all cases, the property in the meantime remaining in the custody of the agent. If, in any case, the exertions of the Chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Quapaw Tribe, he shall so report to the Superintendent, with a copy of the testimony, which shall, for that purpose, be always reduced to writing; and the Superintendent shall, if satisfied from the testimony, deduct from the annuity of the Tribe a sum equal to the value of the property stolen.

**ARTICLE XIV.** The Confederate States hereby guarantee full and fair payment, to the owner, of the actual and full value of all horses and other property stolen from any person or persons belonging to the Quapaw Tribe, by any citizen of the Confederate States, or by any Indian of any other nation or tribe under their protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the Superintendent, or any agent of the Confederate States, for any such nations or tribes, that such property was actually stolen by a citizen or citizens of the Confederate States, or by an Indian or Indians of any nation or tribe under their protection.

**ARTICLE XV.** An agent for the Great and Little Osage Tribes, the Quapaws, Senecas, and Senecas and Shawnees shall be appointed by the President, and an Interpreter for the Quapaw Tribe for their protection, and that their complaints may be heard by and their wants made known to the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside

Trial and punishment of wrong doer.

Redress for injuries done by the Quapaws.

Proviso.

Horses or other property stolen to be returned to owner.

Proceeding where right to property is contested.

Appeal.

Where restoration cannot be made, the value of the property stolen to be deducted from the annuity of the tribe.

When the value of the property stolen will be paid by the C. S. to the owner.

Agent and Interpreter.

Where to reside.

continually amongst the Quapaws, and neither of them shall ever be absent from their posts, except by permission of the Superintendent. Not to be absent without leave.

ARTICLE XVI. None of the braves of the Quapaw Tribe shall go upon the war path, against any enemy whatever, except with the consent of the agent, or unless it be to pursue hostile bands of white men or Indians entering their country and committing murder, robbery or other outrage, when immediate pursuit is necessary; nor shall hold any talks or councils with any white men or Indians without his knowledge and consent. And they especially agree to attend no councils or talks in the country of any people, with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease. No war to be waged or councils held, except with the consent of the agent.

ARTICLE XVII. The Confederate States will not permit any improper person to reside or be in the Quapaw country, but only such persons as are employed by them, their officers or agents, and traders, licensed by them, who shall sell to the Quapaws and buy from them, at fair prices, under such regulations as the President shall make from time to time. Who may live in the Quapaw country.

ARTICLE XVIII. No State or Territory shall ever pass laws for the government of the Quapaw people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves, and to punish offences committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another, without good cause or justification, he shall suffer death, but only by the sentence of the Chiefs, and after a fair trial, all private revenge being strictly forbidden. The Quapaws left free to govern themselves.

ARTICLE XIX. Every white man who marries a woman of the Quapaws, and resides in the Quapaw country, shall be deemed and taken, even after the death of his wife, to be a Quapaw and a member of the tribe, so far as to be subject to its laws in respect to all offences committed in its country against the person or property of another member of his tribe, and as not to be considered a white man committing such offence against the person or property of an Indian, within the meaning of the acts of the Congress of the Confederate States. And all negroes or mulattoes, bond or free, committing any such offence in said country, shall in like manner be subject to the laws of the tribe. White man who marries a woman of the Quapaws deemed to be a Quapaw so far as to be subject to the laws of the tribe.

ARTICLE XX. The Confederate States shall have the right to establish, open and maintain such military and other roads through any part of the Quapaw country, as the President may deem necessary, without making any compensation for the right of way, or for the land, timber or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made. Negroes and mulattoes in like manner subject to the laws of the tribe.

ARTICLE XXI. The Confederate States may grant the right of way for any railroad through any part of the Quapaw country; but the company to which any such right may be granted shall pay to the tribe therefor such sum as shall, in the opinion of the President, be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property, to such amount in each case as commissioners appointed by the President shall determine. Military and other roads.

ARTICLE XXII. The agent of the Confederate States, for the Osages and other tribes, shall prevent all intrusions, by hunters and others, upon the lands of the Quapaws, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts, in that or the adjoining country, shall be required to afford him such aid upon his requisition. Right of way for railroads.

Payment of damages to individuals.

Intrusions and settlement upon the land of the Quapaws to be prevented.

The Quapaws may allow other Indians to settle among them.

ARTICLE XXIII. The Quapaws may allow persons of any other tribe of Indians to settle among them, and may receive from them for their own benefit, compensation for such lands as they may sell or assign to such persons.

Who not to pasture stock on their lands.

ARTICLE XXIV. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians, shall pasture stock on the lands of the Quapaws, but all such persons shall have full liberty,

Liberty given to travel in their country, and drive stock through the same.

at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and no other.

Surrender of fugitives from justice.

ARTICLE XXV. Any person duly charged with a criminal offence against the laws of the Confederate States, or of any State or Territory, or of any Indian nation or tribe under the protection of the Confederate States, escaping into the Quapaw country, shall be promptly taken and delivered up by the Chiefs of the Quapaws, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation or tribe within whose jurisdiction the offence shall be alleged to have been committed.

Laws declared to be in force in the Quapaw country.

ARTICLE XXVI. In addition to the laws of the Confederate States, expressly applying to the Indian country, so much of their laws as provide for the punishment of crimes amounting to felony at common law, or by statute against their laws, authority or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States, or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality laws, and resistance to the process of the Confederate States; and all the acts of the provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves, shall be in force in the Quapaw country; and the district court for Chalahki district, when established, shall have exclusive jurisdiction to try, condemn and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

Jurisdiction of district court for the Chalahki district.

Any of the Quapaws indicted in any court of the C. S. or State court entitled to process for witnesses.

ARTICLE XXVII. Whenever any person, who is a member of the Quapaw Tribe, shall be indicted for any offence in any court of the Confederate States, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think material for his defence; and the costs of process for such witnesses, and of the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

Costs of process paid by C. S.

When accused may be assigned counsel.

Existing laws, usages and customs in regard to slavery, declared binding.

ARTICLE XXVIII. It is hereby declared and agreed that the institution of slavery in the said Quapaw Tribe is legal and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in the said tribe is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of said tribe shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said tribe, which may be proved by oral

evidence, and shall everywhere be held valid and binding within the scope of their operation. And if any slave escape from said tribe, the laws of the Confederate States, for the capture and delivery of fugitive slaves, shall apply to such cases, whether they escape into a State or Territory or into any Indian nation or tribe, under the protection of the Confederate States; the obligation upon each such State, Territory, nation or tribe to deliver up the same being in every case as complete as if they had escaped from a State, and the mode of procedure the same.

ARTICLE XXIX. The Quapaw Tribe hereby makes itself a party to the existing war between the Confederate States and the United States of America, as the ally and ward of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests, hereby agrees to aid in defending its country against any invasion thereof by the common enemy; and it is agreed that all warriors furnished by it for the service of the Confederate States, and which shall be mustered into that service, shall receive the same pay and allowances as other troops of the same class therein, and remain in the service as long as the President shall require.

ARTICLE XXX. The Confederate States hereby agree to furnish each warrior of the Quapaw Tribe, who has not a gun, with a good rifle, and also to furnish each warrior with a sufficient supply of ammunition during the war.

ARTICLE XXXI. The Confederate States will also furnish the Quapaws, at a proper place, with such medicines as may be necessary, and will employ a physician for them and for the Senecas and Shawnees, who shall reside at a convenient place in the country of one or the other tribe, during the pleasure of the President; and any physician employed shall be discharged by the Superintendent, and another be employed in his place, in case of incompetency or inattention to his duties.

ARTICLE XXXII. In consideration of the uniform loyalty and good conduct of the Quapaw Tribe, and of their necessities, arising from the sale by them of their lands in Arkansas for a grossly inadequate price, by the treaty of the year one thousand eight hundred and twenty-four, the Confederate States hereby agree to expend, for the benefit of the Quapaws, in each year, for and during the term of twenty years from the day of the signing of this treaty, commencing with the year one thousand eight hundred and sixty-two, the sum of two thousand dollars, which shall be applied each year by the Superintendent to the purchase of articles costing that sum at the place of purchase in the Confederate States, to consist of blankets, clothing, tobacco, household and kitchen furniture and utensils, and other articles of ease and comfort for the Quapaws, which shall be distributed among them by the agent, as equally as possible, regard being had in the distribution to the character for industry or idleness, and good or bad conduct, on the part of the recipient, as well as the necessities of each, so that the good and the needy shall be preferred; and in determining which, the agent shall pay due respect to the opinions and judgment of the chiefs.

ARTICLE XXXIII. The Confederate States also agree to employ a blacksmith for the Quapaws, for and during the term of twenty years from the date of this treaty, and an assistant, who shall be one of the Quapaw people, and receive a compensation of two hundred and fifty dollars per annum. And they will also furnish the blacksmith with a dwelling house, shop and tools, and supply the shop with coal, and with six hundred pounds of iron, and one hundred pounds of steel, annually.

ARTICLE XXXIV. The Confederate States will also employ one wagon-maker and wheelwright for the Quapaws, for and during the term of

The Quapaw Tribe makes itself a party to the existing war and agrees to furnish aid.

Pay of warriors.

How long to serve.

Rifle and ammunition for each warrior.

Medicines and medical services.

The C. S. agree to expend for the Tribe. \$2,000 annually, for twenty years.

How fund to be applied.

Blacksmith and assistant.

Compensation.

Shop and tools. Coal, iron and steel.

Wagon maker and wheelwright.

Shop, tools and materials. twenty years from the date of this treaty, and furnish him with a dwelling house, shops, tools and the necessary materials.

Grist and saw mills. ARTICLE XXXV. The Confederate States hereby agree to build and put in running order for the Quapaws, at some suitable point in their country, to be selected by the agent, a good grist and saw mill, and to deliver the same, when completed, to the Quapaw people, whose absolute property it shall at once become. And the Confederate States will also employ, for the term of ten years, an experienced miller for each mill, to be selected, if possible, from among the Quapaws, and if such millers can be had at a compensation not exceeding six hundred dollars per annum for each.

Millers.

Compensation.

Wagons and harness, oxen and horse gear. ARTICLE XXXVI. The Confederate States also further agree to purchase, for the Quapaws, four good wagons and harness for four horses for each wagon, ten yoke oxen, and ten sets of horse gear complete, to be delivered to the chiefs, and used for the general benefit of their people.

Annual payment for the education of the Quapaw children. ARTICLE XXXVII. The Confederate States also further agree perpetually to pay regularly and annually hereafter, the sum of one thousand dollars for education of their children, provided by the treaty of the thirteenth day of May, A. D., one thousand eight hundred and thirty-three, and also to add to that sum in each and every year the further sum of one thousand five hundred dollars; which sums shall be payable on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, and shall be applied by the agent to the education of Quapaw children and youths in the Osage Manual Labor School, until an institution of learning can be, with the aid of this perpetual fund, established in the country of the Quapaws.

Annuity to the Chiefs. ARTICLE XXXVIII. Inasmuch as the Quapaws have no fund out of which to pay the salaries of their Chiefs, or the expenses of their government, the Confederate States further agree to pay to each of the present Chiefs, Wat-ti-shi-nek Kat-eh-de, the first Chief, and Ka-hi-keh-tih-te, the second Chief, for each year, and during his natural life, an annuity of one hundred dollars in money per annum, payable on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two.

Trader purchasing articles given to Quapaws, to be punished. ARTICLE XXXIX. If any trader or other person should purchase from any Quapaw any of the chattels or articles given him by the Confederate States, he shall be severely punished.

General amnesty. ARTICLE XL. A general amnesty of all past offences against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Quapaw Tribe, as such membership is defined in this treaty, is hereby declared; and all such persons, if any, charged with such offence, shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, shall be discharged.

When this treaty to take effect. ARTICLE XLI. This convention shall be obligatory on the Quapaw Tribe of Indians from the day its date, and on the Confederate States from and after its ratification by the Senate or provisional Congress.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned, Chiefs and headmen of the Quapaw Tribe of Indians, do hereunto set their hands and affix their seals.

{ SEAL. }

This done in duplicate, at the place, and upon the day, in the year first aforesaid.

ALBERT PIKE,

Commissioner of the Confederate States to the Indian nations west of Arkansas.



WAT-TI-SHU-NEK-KAT-EH-DE, MOS-KA-ZI-KA,  
*Principal Chief of the Quapaws.* A-HI-SUT-TA,  
 GEORGE LANE, NIK-KAT-TOH,  
 ELIJAH H. FIELDS, MO-ZEK-KA-NE,  
 NOT-TET-TU, S. G. VALLAR,  
 KA-NI, R. P. LOMBARO.

Signed, sealed and delivered in presence of us.

WM. QUESENBURY,  
*Secretary to the Commissioner.*  
 E. RECTOR,  
*Superintendent Indian Affairs Confederate States.*  
 ANDREW J. DORN,  
*Confederate States Agent for the Quapaws, etc.*  
 W. WARREN JOHNSON,  
 R. H. BEAN,  
 J. W. WASHBOURNE.

To the Indian names are subjoined marks.

### RATIFICATION.

Dec. 21, 1861.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a convention, made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, of the one part, and the Quapaw Tribe of Indians, by its Chiefs and warriors, who signed the same articles of the other part, concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

Ratification by Congress of the foregoing treaty with the Quapaws.

### AMENDMENT:

Amendment.

Strike out from article twenty-seven, the following words: "or in a State court," and insert in lieu thereof the following words: "or in a State court, subject to the laws of the State."

NOTE.—The amendment was agreed to and ratified by the Quapaws as a part of the treaty.

# TREATY WITH THE CHEROKEES.

OCTOBER 7TH, 1861.

## A TREATY OF FRIENDSHIP AND ALLIANCE,

Oct. 7, 1861.

*Made and concluded at Tahlequah, in the Cherokee Nation, on the seventh day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, Commissioner with plenary powers, of the Confederate States, of the one part, and the Cherokee Nation of Indians, by John Ross, the Principal Chief, Joseph Verner, Assistant Principal Chief, James Brown, John Drew and William P. Ross, Executive Councilors, constituting with the Principal and Assistant Principal Chiefs the Executive Council of the Nation, and authorized to enter into this treaty by a General Convention of the Cherokee People, held at Tahlequah, the seat of Government of the Cherokee Nation, on the twenty-first day of August, in the year of our Lord, one thousand eight hundred and sixty-one; together with Lewis Ross, Thomas Pegg and Richard Fields, Commissioners selected and appointed by the Principal Chief with the advice and consent of the Executive Council to assist in negotiating the same, of the other part.*

Preamble.

The Congress of the Confederate States of America, having by an "act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guarantees with each of said nations and tribes under treaties made with them by the United States of America; and the Cherokee Nation of Indians having assented thereto upon certain terms and conditions:

Now, therefore, the said Confederate States of America, by Albert Pike their Commissioner, constituted by the President, under authority of the act of Congress in that behalf, with plenary powers for these purposes, and the Cherokee Nation by the Principal Chief, Executive Council and Commissioners aforesaid, has agreed to the following articles, that is to say:

Perpetual peace and friendship.

ARTICLE I. There shall be perpetual peace and friendship, and an alliance offensive and defensive, between the Confederate States of America and all of their States and people, and the Cherokee Nation and all the people thereof.

The Cherokees acknowledge themselves to be under the protection of the C. S.

ARTICLE II. The Cherokee Nation of Indians acknowledges itself to be under the protection of the Confederate States of America, and of no other power or sovereign whatever; and does hereby stipulate and agree with them that it will not hereafter contract any alliance, or enter into any

compact, treaty or agreement with any individual, State or with a foreign power; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Cherokee Nation as their ward; and by the consent of the said nation now here freely given, the country whereof it is proprietor in fee, as the same is hereinafter described, is annexed to the Confederate States in the same manner and to the same extent as it was annexed to the United States of America before that Government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles and guarantees with or in favor of the said nation, under treaties made with it, and under the statutes of the United States of America. And in consequence of the obligations imposed on the Cherokee people by this article, it is agreed on the part of the Confederate States, that they will not at any time enter into any compact, treaty or agreement with any individuals or party in the Cherokee Nation, but only with the constitutional authorities of the same, that will in any way interfere with or affect any of the national rights of the Cherokee people.

The C. S. assume the protectorate.

Cherokee country annexed to the C. S.

C. S. not to enter into compacts, except with the Constitutional authorities of the Cherokee Nation.

ARTICLE III. The Confederate States of America, having accepted the said protectorate, hereby solemnly promise the said Cherokee Nation never to desert or to abandon it, and that under no circumstances will they permit the Northern States or any other enemy to overcome them and sever the Cherokees from the Confederacy; but that they will, at any cost and all hazards, protect and defend them and maintain unbroken the ties created by identity of interests and institutions, and strengthened and made perpetual by this treaty.

Protection promised.

ARTICLE IV. The boundaries of the Cherokee country shall forever continue and remain the same as they are defined by letters patent therefor given by the United States to the Cherokee Nation on the thirty-first day of December, in the year of our Lord, one thousand eight hundred and thirty-eight; which boundaries are therein defined as follows:

Boundaries of the Cherokee country.

Beginning at a mound of rocks four feet square at base, and four and a half feet high, from which another mound of rocks bears south one chain, and another mound of rocks bear west one chain, on what has been denominated the old western Territorial line of Arkansas Territory, twenty-five miles north of Arkansas river; thence south twenty one miles and twenty-eight chains, to a post on the northeast bank of the Verdigris river, from which a hackberry, fifteen inches diameter, bears south sixty one degrees thirty-one minutes east, forty-three links, marked C. H. L. and a cotton-wood forty-two inches diameter, bears south twenty-one degrees, fifteen minutes, east, fifty links, marked C. R. R. L.; thence down the Verdigris river, on the north east bank, with its meanders to the junction of Verdigris and Arkansas rivers; thence from the lower bank of Verdigris river; on the north bank of Arkansas river, south, forty-four degrees, thirteen minutes, east, fifty-seven chains, to a post on the south bank of Arkansas, opposite the eastern bank of Neosho river, at its junction with Arkansas, from which a red oak thirty-six inches diameter, bears south seventy-five degrees, forty-five minutes, west, twenty-four links, and a hickory twenty-four inches diameter bears south eighty-nine degrees, east, four links; thence south fifty-three degrees west, one mile, to a post from which a rock bears north fifty-three degrees east, fifty links, and a rock bears south, eighteen degrees, eighteen minutes west, fifty links; thence south eighteen degrees, eighteen minutes west, thirty-three miles, twenty-eight chains, and eighty links, to a rock, from which another rock bears north eighteen degrees, eighteen minutes east, fifty links, and another rock bears south fifty links; thence south four miles, to a post on the lower bank of the north fork of Canadian river, at its junction with Canadian river, from

which a cotton wood, twenty-four inches diameter bears north eighteen degrees east, forty links, and a cotton wood fifteen inches diameter, bears south nine degrees east, fourteen links; thence down the Canadian river on its north bank to its junction with Arkansas river; thence down the main channel of Arkansas river to the western boundary of the State of Arkansas at the northern extremity of the eastern boundary of the lands of the Choctaws, on the south bank of Arkansas river, four chains and fifty-four links east of Fort Smith; thence north seven degrees twenty-five minutes west with the western boundary of the State of Arkansas, seventy-six miles, sixty-four chains and fifty links to the southeast corner of the State of Missouri; thence north, on the western boundary of the State of Missouri eight miles, forty-nine chains and fifty links, to the north bank of Cowskin or Seneca river, at a mound six feet square at base and five feet high, in which is a post marked on the south-side Cor. Ch. Ld.; thence west on the northern boundary of the lands of the Senecas, eleven miles and forty chains, to a post on the east bank of Neosho river, from which a maple eight eighteen inches diameter bears south thirty-one degrees east, seventy-two links; thence up Neosho river, with its meanders, on the east bank, to the southern boundary of Osage lands, thirty-six chains and fifty links, west of the southeast corner of the lands of the Osages, witnessed by a mound of rocks on the west bank of Neosho river; thence west on the southern boundary of the Osage lands to the line dividing the Territory of the United States from that of Mexico, two hundred and eighty-eight miles, thirteen chains and sixty-six links, to a mound of earth six feet square at base, and five and a half feet high in which is deposited a cylinder of charcoal, twelve inches long and four inches diameter; thence south along the line of the Territory of the United States and of Mexico, sixty miles and twelve chains to a mound of earth six feet square at base and five and a half feet high, in which is deposited a cylinder of charcoal, eighteen inches long and three inches diameter; thence east, along the northern boundary of Creek lands, two hundred and seventy-three miles, fifty-five chains and sixty-six links, to the beginning; containing within the survey thirteen millions five hundred and seventy-four thousand one hundred and thirty-five acres and fourteen hundredths of an acre.

Title of the U.  
S. in the Cherokee  
country vested in  
the C. S.

ARTICLE V. The Cherokee Nation hereby gives its full, free and unqualified assent to those provisions of the act of Congress of the Confederate States of America, entitled "An act for the protection of certain Indian tribes," approved the twenty-fourth day of May, in the year of our Lord, one thousand eight hundred and sixty-one, whereby it was declared that all reversionary, and other interest, right, title and proprietorship of the United States in, unto and over the Indian country, in which that of the said Cherokee Nation is included, should pass to and vest in the Confederate States, and whereby the President of the Confederate States was authorized to take military possession and occupation of all said country; and whereby all the laws of the United States with the exception thereafter made, applicable to and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Cherokee Nation were enacted, continued in force, and declared to be in force in said country, as laws and statutes of the Confederate States: *Provided, however,* And it is hereby agreed between the said parties, that whatever in the said laws of the United States contained, is or may be contrary to or inconsistent with any article or provision of this treaty, is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent, as thus qualified and conditioned, shall relate to and be taken to have been given upon the said day of the approval of the said act of Congress.

Proviso.

ARTICLE VI. The Confederate States of America do hereby solemnly guarantee to the Cherokee Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in article four of this treaty; to be held by the people of the Cherokee Nation in common as they have heretofore been held, if the said nation shall so please, but with power of making partition thereof and dispositions of parcels of the same by virtue of laws of said nation duly enacted, and approved by a majority of the Cherokee people in general convention assembled; by which partition or sale, title in fee simple absolute shall vest in parceners and purchasers whenever it shall please said nation, of its own free will and accord and without solicitation from any quarter, to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nation is and shall be subject to no other restrictions, reservations or conditions, whatever, than such as are hereinafter specially expressed.

Partition and sale of lands.

ARTICLE VII. None of the lands hereby guaranteed to the Cherokee Nation shall be sold, ceded or otherwise disposed of to any foreign nation or to any State or government whatever; and in case any such sale, cession or disposition should be made without the consent of the Confederate State, all the said lands shall thereupon revert to the Confederate States.

Lands not to be sold or ceded to any foreign nation, or to any State or government.

ARTICLE VIII. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Cherokee Nation; and that no portion of the lands guaranteed to it shall ever be embraced or included within or annexed to any Territory or Province; nor shall any attempt ever be made, except upon the free, voluntary and unsolicited application of said nation, to erect its said country, by itself or with any other, into a State or any other territorial or political organization, or to incorporate it into any State previously created.

No State or Territory to pass laws for the Cherokees.

Not to be incorporated into any other territorial or political organization.

ARTICLE IX. All navigable streams of the Confederate States and of the Indian country shall be free to the people of the Cherokee Nation, who shall pay no higher toll or tonnage duty or other duty than the citizens of the Confederate States; and the citizens of that nation living upon the Arkansas river shall have, possess and enjoy upon that river, the same ferry privileges, to the same extent in all respects, as citizens of the Confederate States on the opposite side thereof, subject to no other or a different tax or charge than they.

Navigable streams free to the Cherokees.

Ferry privileges upon the Arkansas river.

ARTICLE X. The Cherokee Nation may by act of its legislative authorities receive and incorporate in the nation as members thereof, or permit to reside and settle upon the national lands, such Indians of any other nation or tribe as to it may seem good; and may sell them portions of its land, and receive to its own use the consideration therefor; and the nation alone shall determine who are members and citizens of the nation entitled to vote at elections and share in annuities: *Provided*, That when persons of another Indian nation or tribe shall once have been received as members of the nation, they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Cherokees themselves. But no Indians not settled in the Cherokee country shall be permitted to come therein to reside, without the consent and permission of the legislative authority of the nation.

Indians of other nations or tribes may be received as members.

Who entitled to vote at elections and share in annuities.

Proviso.

ARTICLE XI. So far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are modified by this treaty, the Cherokee nation shall possess the otherwise unrestricted right of self-government and full jurisdiction, judicial and otherwise, over persons and property within its limit, excepting only such white persons as are not by birth, adoption or otherwise, mem-

Right of self-government and full jurisdiction over persons and property.

Exception.

White person who marries a Cherokee woman, or is permanently domiciled in the Cherokee country, taken to be a member of the nation.

members of the Cherokee Nation; and that there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who, having married a Cherokee woman, resides in said Cherokee country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offences committed in the Indian country, to the effect that they shall not extend or apply to offences committed by one Indian against the person or property of another Indian, shall be so extended and enlarged by virtue of this article when ratified and without further legislation, as that none of said laws shall extend and apply to any offence committed by any Indian, or negro, or mulatto, or by any white person, so by birth, adoption or otherwise a member of the Cherokee Nation against the person or property of any Indian, negro, or mulatto, or any such white person when the same shall be committed within the limits of the said Cherokee Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Cherokee Nation, and to prosecution and trial before its tribunals, and punishment according to such laws, in all respects like native members of the said nation.

Exception in the law for the punishment of offences committed in the Indian country, extended and enlarged.

Intruders to be removed.

ARTICLE XII. All persons not members of the Cherokee Nation, as such membership is hereinbefore defined, who may be found in the Cherokee country, shall be considered as intruders, and be removed and kept out of the same either by the civil officers of the nation under the direction of the executive or legislature, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to say: Such individuals with their families as may be in the employment of the Government of the Confederate States; all persons peaceably travelling, or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the legislative authority of the Cherokee Nation to reside within its limits without becoming members of the said nation.

Exceptions.

Reservation of land for Indian agency.

ARTICLE XIII. A tract of two sections of land in the said nation, to be selected by the President of the Confederate States, or such officer or person as he may appoint, in conjunction with the authorities of the Cherokee Nation, at such a point as they may deem most proper, is hereby ceded to the Confederate States, for the purpose of an agency; and when selected shall be within their sole and exclusive jurisdiction, except as to offences committed therein by one member of the Cherokee Nation against the person or property of another member of the same: *Provided*, That whenever the agency shall be discontinued, the tract so selected therein shall revert to the said nation, with all the buildings that may be thereupon: *And provided also*, That the President, conjointly with the authorities of the nation may at any time select in lieu of said reserve, any unoccupied tract of land in the nation, and in any other part thereof, not greater in extent than two sections, as a site for the agency of the nation, which shall in such case constitute the reserve, and that first selected shall thereupon revert to the Cherokee Nation.

Proviso.

Further proviso.

Forts and military posts, and military and post roads.

ARTICLE XIV. The Confederate States shall have the right to build, establish and maintain such forts and military posts, temporary or permanent, and such military and post roads as the President may deem necessary in the Cherokee country; and the quantity of one mile square of land, including each fort or post, shall thereby vest as by cession in the Confederate States and be within their sole and exclusive jurisdiction, except as to offences committed therein by members of the Chero-

kee Nation against the persons or property of other members of the same, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post or road, or of the agency, the property of any individual member of the Choctaw Nation, other than land, timber, stone and earth, be taken, destroyed or impaired, just and adequate compensation shall be made by the Confederate States.

ARTICLE XV. No person shall settle or raise stock within the limits of any post or fort or of the agency reserve, except such as are or may be in the employment of the Confederate States, in some civil or military capacity; or such as, being subject to the jurisdiction and laws of the Cherokee Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so upon the agency reserve.

No person to settle or raise stock within certain limits.

ARTICLE XVI. An agent of the Confederate States for the Cherokee Nation, and an interpreter shall continue to be appointed, both of whom shall reside at the agency. And whenever a vacancy shall occur in either of the said offices, the authorities of the nation shall be consulted as to the person to be appointed to fill the same; and no one shall be appointed against whom they in good faith protest, and the agent may be removed, on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause for such removal.

Agent and interpreter.

Vacancy in either of said offices, how filled.

ARTICLE XVII. The Confederate States shall protect the Cherokees from hostile invasion and from aggression by other Indians and white persons, not subject to the laws and jurisdiction of the Cherokee Nation; and for all injuries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

Protection from invasion and aggression.

Indemnity for injuries.

ARTICLE XVIII. It is further agreed between the parties that the agent of the Confederate States, upon the application of the authorities of the Cherokee Nation, will not only resort to every proper legal remedy, at the expense of the Confederate States, to prevent intrusion upon the lands of the Cherokees, and to remove dangerous or improper persons, but he shall call upon the military power if necessary; and to that end all commanders of military posts in the said country shall be required and directed to afford him, upon his requisition, whatever aid may be necessary to effect the purposes of this article.

Prevention of intrusion upon the lands of the Cherokees, and removal of improper persons.

ARTICLE XIX. If any property of any Cherokees be taken by citizens of the Confederate States, by stealth or force, the agent, on complaint made to him in due form by affidavit, shall use all proper legal means and remedies in any State where the offender may be found to regain the property or compel a just remuneration; and on failure to procure redress, payment shall be made for the loss sustained, by the Confederate States upon the report of the agent, who shall have power to take testimony and examine witnesses in regard to the wrong done and the extent of the injury.

Property taken by stealth or force. Remedy.

ARTICLE XX. No person shall be licensed to trade with the Cherokees except by the agent, and with the advice and consent of the National Council. Every such trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the bureau of Indian affairs. The authorities of the Cherokee Nation may, by a general law, duly enacted, levy and collect on all licensed traders in the nation, a tax of not more than one

License to traders.

Bond.

Tax on licensed traders.

half of one per cent. on all goods, wares and merchandise brought by them into the Cherokee country for sale, to be collected whenever such goods, wares and merchandise are introduced, and estimated upon the first cost of the same at the place of purchase, as the same shall be shown

Appeal from decision refusing license.

Who may trade, and what articles may be sold without license.

What goods are forfeited when exposed to sale without license.

Restrictions on the right of the Cherokees to sell and dispose of personal property, removed.

May take, hold and pass lands, by purchase or descent.

Cherokee country erected into a judicial district to be called the Chalah-ki district.

District court for such district; where to be held.

Jurisdiction co-extensive with the limits of the district.

Laws declared to be in force in the Cherokee country.

by the copies of the invoices filed with the agent. No appeal shall hereafter lie from the decision of the agent or council, refusing a license, to the Commissioner of Indian Affairs, or elsewhere, except only to the superintendent, in case of a refusal by the agent. And no license shall be required to authorize any member of the Cherokee Nation to trade in the Cherokee country; nor to authorize any person to sell flour, meats, fruits and other provisions, or stock, wagons, agricultural implements or arms brought from any of the Confederate States into the country; nor shall any tax be levied upon such articles or the proceeds of the sale thereof. And all other goods, wares and merchandise, exposed to sale by a person not qualified, without a license, shall be forfeited, and be delivered and given to the authorities of the nation, as also shall all wines and liquors illegally introduced.

ARTICLE XXI. All restrictions contained in any treaty made with the United States, or created by any law or regulation of the United States, upon the limited right of any member of the Cherokee Nation to sell and dispose of, to any person whatever, any chattel or other article of personal property, are hereby removed; and no such restrictions shall hereafter be imposed, except by their own legislation.

ARTICLE XXII. It is hereby further agreed by the Confederate States, that all the members of the Cherokee Nation, as hereinbefore defined, shall be henceforward competent to take, hold and pass, by purchase, or descent, lands in any of the Confederate States, heretofore or hereafter acquired by them.

ARTICLE XXIII. In order to secure the due enforcement of so much of the laws of the Confederate States in regard to criminal offences and misdemeanors as is or may be in force in the said Cherokee country, and to prevent the Cherokees from being further harrassed by judicial proceedings had in foreign courts and before juries not of the vicinage, the said country is hereby erected into and constituted a judicial district, to be called the Chalah-ki district, for the special purposes and jurisdiction hereinafter provided; and there shall be created and semi-annually held, within such district at Tah-le-quah, or in case of the removal of the seat of Government of the nation, then at such place as may become the seat of Government, a district court of the Confederate States, with the powers of a circuit court, so far as the same shall be necessary to carry out the provisions of this treaty, and with jurisdiction co-extensive with the limits of such district, in such matters, civil and criminal, to such extent and between such parties as may be prescribed by law, and in conformity to the terms of this treaty.

ARTICLE XXIV. In addition to so much and such parts of the acts of Congress of the United States enacted to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States, as provides for the punishment of crimes amounting to felony at common law or by statute, against the laws, authority or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or the securities of the Confederate States, and so much of the said laws as provides for punishing violators of the neutrality laws, and resistance to the process of the Confederate States, and all the acts of the provis-



ional Congress, providing for the common defence and welfare, so far as the same are not locally inapplicable shall hereafter be in force in the Cherokee country, and the said district court shall have exclusive jurisdiction to try, condemn and punish offenders against any such laws, to adjudge and pronounce sentence, and cause execution thereof to be done in the same manner as is done in any other district court of the Confederate States.

ARTICLE XXV. The said district court of the Confederate States of America for the district of Cha-lah-ki shall also have the same admiralty jurisdiction as other district courts of the Confederate courts against any person or persons residing or found within the district; and in all civil suits at law or in equity when the matter in controversy is of greater value than five hundred dollars, between a citizen or citizens of any State or States of the Confederate States or any Territory of the same, or an alien or aliens and a citizen or citizens of the said district, or person or persons residing therein; and the Confederate States will, by suitable enactments, provide for the appointment of a judge and other proper officers of the said court, the clerk and marshal being members of the Cherokee Nation, and make all necessary enactments and regulations for the complete establishment and organization of the same, and to give full effect to its proceedings and jurisdiction.

Admiralty jurisdiction of the district for the Cha-lah-ki district.

Jurisdiction in civil cases.

Appointment of judge and other officers of the court.

ARTICLE XXVI. The said district court shall have no jurisdiction to try and punish any person for any offence committed prior to the day of the signing of this treaty; nor shall any action in law or equity be maintained therein, except by the Confederate States or one of them, when the cause of action shall have accrued before the same day of the signing hereof.

The court to have no jurisdiction in cases where the offence was committed, or the course of action accrued prior to the signing of this treaty.

ARTICLE XXVII. If any citizen of the Confederate States or any other person, not being permitted to do so by the authorities of said nation or authorized by the terms of this treaty, shall attempt to settle upon any lands of the Cherokee Nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual or excessive, as may have been previously prescribed by law of the nation.

Punishment of person for attempting, without authority, to settle on the lands of the Cherokees.

ARTICLE XXVIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Cherokee Nation, under the penalty of one dollar per head, for all so pastured, to be collected by the authorities of the Nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Cherokee country; and to drive their stock to market or otherwise through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

ARTICLE XXIX. It is also further agreed that the members of the Cherokee Nation shall have the same right of travelling, driving stock and halting to recruit the same, in any of the Confederate States, as is given citizens of the Confederate States by the preceding article.

Cherokees may travel, drive stock, &c., in any of the C. S.

ARTICLE XXX. If any person hired or employed by the agent or by any other person whatever, within the agency reserve, or any post or fort, shall violate the laws of the nation in such manner as to become an unfit person to continue in the Cherokee country, he or she shall be removed by the superintendent, upon the application of the executive of the nation, the superintendent being satisfied of the truth and sufficiency of the charges preferred.

How persons employed within the agency reserve may be removed.

ARTICLE XXXI. Any person duly charged with a criminal offence against the laws of either the Creek, Seminole, Choctaw or Chickasaw Nations, and escaping into the jurisdiction of the Cherokee Nation, shall

Surrender of fugitives from justice.

be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offence shall be alleged to have been committed; and in like manner, any person duly charged with a criminal offence against the laws of the Cherokee Nation, and escaping into the jurisdiction of either of the said nations, shall be promptly surrendered upon the demand of the proper authority of the Cherokee Nation.

ARTICLE XXXII. The Cherokee Nation shall promptly apprehend and deliver up all persons duly charged with any crime against the laws of the Confederate States, or of any State thereof, who may be found within its limits, on demand of any proper officer of the State or of the Confederate States; and in like manner any person duly charged with a criminal offence against the laws of the Cherokee Nation, and escaping into the jurisdiction of a State, shall be promptly surrendered, on demand of the executive of the nation.

Any of the Cherokees indicted in any court of the C. S. or State court entitled to process for witnesses.

ARTICLE XXXIII. Whenever any person, who is a member of the Cherokee Nation, shall be indicted for any offence in any court of the Confederate States, or of a State, he shall be entitled, as of common right to subpoena, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think necessary for his defence; and the cost of process for such witnesses and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterwards made, if practicable, in case of conviction, of the property of the accused. And whenever the accused is not able to employ counsel the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

Costs of process, and fees and mileage of witnesses.

When accused may be assigned counsel.

Redelivery of fugitive slaves.

ARTICLE XXXIV. The provisions of all such acts of the Congress of the Confederate States as may now be in force, or as may hereafter be enacted for the purpose of carrying into effect the provisions of the Constitution in regard to the redelivery or return of fugitive slaves, or fugitives from labor and service, shall extend to and be in full force within the said Cherokee Nation; and shall also apply to all cases of escape of fugitive slaves from the said Cherokee Nation into any other Indian nation, or into one of the Confederate States; the obligation upon each such nation or State to redeliver such slaves being in every case as complete as if they had escaped from another State and the mode of procedure the same.

Cherokees competent as witnesses in the courts of the C. S.

ARTICLE XXXV. All persons, who are members of the Cherokee Nation, shall hereafter be competent as witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

Faith and credit given to official acts of judicial officers.

ARTICLE XXXVI. The official acts of all judicial officers in the said nation shall have the same effect and be entitled to the like faith and credit everywhere, as the like acts of judicial officers of the same grade and jurisdiction in any of the Confederate States; and the proceedings of the courts and tribunals of the said nation and copies of the laws and judicial and other records of the said nation shall be authenticated like similar proceedings of the courts of the Confederate States, and the laws and office records of the same, and be entitled to like faith and credit.

Authentication of records, laws, &c.

Existing laws, usages and customs in regard to slavery, declared binding.

ARTICLE XXXVII. It is hereby declared and agreed that the institution of slavery in the said nation is legal and has existed from time immemorial; that slaves are taken and esteemed to be personal property; that the title to slaves and other property having its origin in the said nation shall be determined by the laws and customs thereof; and that

the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death in accordance with the laws, usages and customs of the said nation, which may be proved like foreign laws, usages and customs, and shall everywhere be held binding within the scope of their operations.

ARTICLE XXXVIII. No *ex post facto* law, or law impairing the obligation of contracts shall ever be enacted by the legislative authority of the Cherokee Nation; nor shall any citizen of the Confederate States, or member of any other Indian [nation.] or tribe be disseized of his property or deprived or restrained of his liberty, or fine, penalty, or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the Constitution of the Confederate States.

ARTICLE XXXIX. It is further agreed that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Cherokee Nation, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rates of postages and in the same manner as in the Confederate States; and the postmasters shall be appointed from among the citizens of the Cherokee Nation.

ARTICLE XL. In consideration of the common interest of the Cherokee Nation and the Confederate States, and of the protection and rights guaranteed to the said nation by this treaty, the Cherokee Nation hereby agrees that it will raise and furnish a regiment of ten companies of mounted men, with two reserve companies, if allowed, to serve in the armies of the Confederate States for twelve months; the men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country west of Arkansas without their consent.

ARTICLE LXI. The Cherokee Nation hereby agrees to raise and furnish, at any future time, upon the requisition of the President, such number of troops for the defence of the Indian country, and of the frontier of the Confederate States, as he may fix, not out of fair proportion to the number of its population, to be employed for such terms of service as the President may determine; and such troops shall receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

ARTICLE XLII. It is further agreed by the said Confederate States that the said Cherokee Nation shall never be required or called upon to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ARTICLE XLIII. It is further agreed that after the restoration of peace, the Government of the Confederate States will defend the frontiers of the Indian country, of which the Cherokee country is a part, and hold the forts and posts therein, with native troops, recruited among the several Indian nations included therein, under the command of officers of the Confederate States, in preference to other troops.

ARTICLE XLIV. In order to enable the Cherokee Nation to claim its rights and secure its interests without the intervention of counsel or agents, it shall be entitled to a delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a native born citizen of the Cherokee Nation, over twenty-one years of age, and laboring under no legal disability by the law of the said nation; and each delegate shall be entitled to the same rights and privileges as may be enjoyed by delegates from any territories of the Confederate States to the said House of Representa-

No *ex post facto* law, or law impairing the obligation of contracts to be enacted.

Rights of personal liberty and private property, secured.

Post-offices.

Appointment of postmasters.

Cherokees to furnish a regiment, &c., to serve in the army of the C. S.

Arms.

Pay and allowances.

Troops for the defence of the Indian country and frontier of the C. S.

Pay and allowances.

Cherokees to pay no part of expenses of present or any future war.

C. S. to defend frontiers of the Indian country and hold the forts and posts.

Delegate to Congress.

tives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for delegate shall be held at such time and places, and shall be conducted in such manner as shall be prescribed by the Principal Chief of the Cherokee Nation, to whom returns of such elections shall be made, and who shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the time, places and manner of holding them, and ascertaining and certifying the result, shall be prescribed by the Confederate States.

ARTICLE XLV. It is hereby ascertained and agreed between the parties to this treaty, that the United States of America, of which the Confederate States of America were heretofore a part, were, before the separation, indebted, and still continue to be indebted to the Cherokee Nation, and bound to the punctual payment to them of the following sums annually on the first day of \_\_\_\_\_ in each year, that is to say: It was agreed by the tenth article of the treaty of the twenty-ninth day of December, A. D., one thousand eight hundred and thirty-five that the sum of two hundred thousand dollars should be invested by the President of the United States, in some safe and most productive public stocks of the country for the benefit of the whole Cherokee Nation, in addition to the annuities of the nation theretofore payable, to constitute a permanent general fund, and that the nett income of the same should be paid over by the President annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them, the same interest to be applied annually by the council of the nation to such purposes as they might deem best for the general interests of their people; and it was agreed by the eleventh article of the same treaty, that the permanent annuity of ten thousand dollars of the Cherokee Nation should be commuted for the sum of two hundred and fourteen thousand dollars, and that the same should be invested by the President of the United States, as a part of the said general fund of the nation, which thus became four hundred and fourteen thousand dollars. And it was agreed by the tenth article of the same treaty, that the President of the United States should invest in some safe and most productive public stocks of the country, the further sum of fifty thousand dollars, to constitute a permanent orphan's fund; and that he should pay over the nett income of the same annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them; which nett annual income should be expended towards the support and education of such orphan children of the Cherokees as might be destitute of the means of subsistence. And it was agreed by the tenth article of the same treaty, that the further sum of one hundred and fifty thousand dollars should be invested by the President of the United States in some safe and most productive public stocks of the country for the benefit of the whole Cherokee Nation, which should constitute, in addition to the existing school fund of the nation, a permanent school fund, the nett income whereof the President should pay over annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them; and that the interest should be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as might be established in the Cherokee country; and it was estimated by the eleventh article of the same treaty that the then existing school fund of the nation amounted to about fifty thousand dollars.

which, it was thereby agreed, should constitute a part of the permanent school fund aforesaid. And it is also further agreed between the said parties to this treaty, that the United States of America while the said Confederate States were States of the said United States, did invest the whole of the said several principal sums of money, except the sum of five thousand dollars, in stocks of the States hereinafter named, and of the United States, to the amount hereinafter named in each, that is to say:

Investment of  
the principal sums  
in stocks.

*The Permanent General Fund of the Nation.*

Permanent gen-  
eral fund.

In seven per cent. stock of the State of Florida, seven thousand dollars, (\$7,000.)

In six per cent. stock of the State of Georgia, one thousand and five hundred dollars, (\$1,500)

In five per cent. stock of the State of Kentucky, ninety-four thousand dollars, (\$94,000.)

In six per cent. stock of the State of Louisiana, seven thousand dollars, (\$7,000.)

In six per cent. stock of the State of Maryland, seven hundred and sixty-one [dollars] and thirty-nine cents, (\$761 39.)

In six per cent. stock of the State of Missouri, fifty thousand dollars, (\$50,000.)

In six per cent. stock of the State of North Carolina, twenty thousand dollars, (\$20,000.)

In six per cent. stock of the State of South Carolina, one hundred and seventeen thousand dollars, (\$117,000.)

In five per cent. stock of the State of Tennessee, one hundred and twenty-five thousand dollars, (\$125,000.)

In six per cent. stock of the State of Tennessee, five thousand dollars, (\$5,000.)

And in six per cent. stock of the State of Virginia, ninety thousand dollars, (\$90,000.)

Making the whole capital so invested, five hundred and seventeen thousand two hundred and sixty-one dollars and twenty-nine cents; the nett annual income whereof was and is twenty-eight thousand nine hundred and fourteen dollars and ninety-one cents.

*The Permanent Orphan Fund.*

Permanent or-  
phan fund.

In six per cent. stock of the State of Virginia, forty-five thousand dollars, (\$45,000.)

The nett annual income whereof was and is two thousand and seven hundred dollars; leaving the sum of five thousand dollars uninvested and which still so remains.

*The Permanent School Fund.*

Permanent scho-  
l fund.

In seven per cent. stock of the State of Florida, seven thousand dollars, (\$7,000.)

In six per cent. stock of the State of Louisiana, two thousand dollars, (\$2,000.)

In five and a half per cent. stock of the State of Missouri, ten thousand dollars, (\$10,000)

In six per cent. stock of the State of Missouri, five thousand dollars, (\$5,000.)

In six per cent. stock of the State of North Carolina, twenty-one thousand dollars, (\$21,000.)

In five per cent. stock of the State of Pennsylvania, four thousand dollars, (\$4,000.)

In six per cent. stock of the State of the South Carolina, one thousand dollars, (\$1,000.)

In six per cent. stock of the State of Tennessee, seven thousand dollars, (\$7,000.)

In the United States six per cent. loan of 1847, five thousand eight hundred dollars, (\$5,800.)

And in six per cent. stock of the State of Virginia, one hundred and thirty-five thousand dollars, (\$135,000.)

Making the whole capital so invested, of the said permanent school fund, one hundred and ninety-seven thousand eight hundred dollars, the nett annual income of whereof was and is eleven thousand eight hundred and forty-eight dollars.

All of which stocks the said United States now and do still continue to hold, or ought to have, in their hands.

Interest due on the principal sums and arrearages thereof.

And it is also hereby ascertained and agreed between the parties to this treaty, that there will be due to the Cherokee Nation on the first day of January, in the year of our Lord, one thousand eight hundred and sixty-two, for and on account of the said annually accruing interest on the said principal sums, and of arrearages thereof, the sum of sixty-five thousand six hundred and forty-four dollars and thirty-six cents, as follows, that is to say :

For the instalments of interest on the permanent general fund, as invested, for July, 1860, and January and July, 1861, forty-three thousand three hundred and seventy-two dollars and thirty-six cents, (\$43,372 36.)

For the instalments of interest on the permanent orphan fund, as invested and uninvested, for July, 1860, and January and July, 1861, four thousand five hundred dollars, (\$4,500.)

For the instalments of interest on the permanent school fund, as invested, for July, 1860, and January and July, 1861, seventeen thousand seven hundred and seventy-two dollars, (\$17,772.)

The C. S. assume the payment for the future, of the interest and arrearages.

And it not being desired by the Confederate States that the Cherokee Nation should continue to receive these annual sums of interest or the said arrearages, from the Government of the United States or otherwise have any further connection with that Government : therefore, the said Confederate States of America do hereby assume the payment for the future of the annual interest on the said sum of five thousand dollars, part of the permanent orphan fund, which was never invested, and on so much and such parts of said principal sums as, having once been invested, may now be in the hands of the United States uninvested ; and also of the annual interest on so much and such parts of the said several principal sums as may have been invested in stocks of the United States or in the bonds or stocks of any of the States other than the said Confederate States ; and do agree and bind themselves regularly and punctually hereafter, on the first day of July in each and every year, to pay the same ; and they do also agree and bind themselves to pay to the treasurer of the Cherokee Nation immediately upon the complete ratification of this treaty the said sum of sixty-five thousand six hundred and forty-four dollars and thirty-six cents for such interest and arrearages now due and which will be due on the first day of January, A. D., one thousand eight hundred and sixty-two, as are above stated.

Also the duty of collecting and paying over the money accruing from the bonds of the States of this Confederacy

And the said Confederate States of America do hereby assume the duty and obligation of collecting and paying over as trustees to the said Cherokee Nation all sums of money not hereby agreed to be assumed and paid by them, accruing whether from interest or capital of the bonds of the several States of the Confederacy now held by the Government of the

United States as trustee for the Cherokee Nation; and the said interest and capital, as collected, shall be paid over to the said Cherokee Nation.

And the said Confederate States will request the several States of the Confederacy whose bonds are so held, to provide by legislation or otherwise that the capital and interest of such bonds shall not be paid to the Government of the United States, but to the Government of the Confederate States in trust for the said Cherokee Nation.

And the said Confederate States of America do hereby guarantee to the said Cherokee Nation the final settlement and full payment, upon and after the restoration of peace and recognition of their independence, as of debts in good faith and conscience as well as in law due and owing on good and valuable consideration by the said Confederate States and other of the United States jointly before the secession of any of the States, of any and all parts of the said several principal sums of money which may have remained uninvested in the hands of the United States, or which may have been again received by them after investment and may now be held by them; and do also guarantee to the said Cherokee Nation the final settlement and full payment, at the same period, of the capital of any and all bonds or stocks of any State not a member of the Confederacy and of any and all stocks of the United States in which any of the Cherokee funds may have been invested.

ARTICLE XLVI. All the said annual payments of interest and the arrearages shall be applied under the exclusive direction of the legislative authority of the Cherokee Nation to the support of their Government, to the purposes of education, to the maintenance of orphanas, and to such other objects for the promotion and advancement of the improvement, welfare and happiness of the Cherokee people and their descendants, as shall to the legislature seem good, the same being in accordance with treaty stipulations and maintaining unimpaired the good faith of the Cherokee Nation to those persons and in regard to those objects for whom and which it has become trustee. And the capital sums aforesaid shall be invested or reinvested with any other moneys hereby guaranteed, after the restoration of peace, in stocks of the States of the Confederacy at their market price and in such as bear the highest rate of interest, or shall be paid over to the Cherokee Nation, after reasonable notice, to be invested by its authorities as its legislature may request. And no department or officer of the Government of the Confederate States shall hereafter have power to impose any conditions, limitations or restrictions on the payment to the said nation of any [of] said annual sums of interest, or of any arrearages, or in any wise to control or direct the mode in which such moneys when received by the authorities of the nation, shall be disposed of or expended.

ARTICLE XLVII. Whereas, by the treaty of the twentieth-ninth day of December, A. D., one thousand eight hundred and thirty-five, the United States of America, in consideration of the sum of five hundred thousand dollars, part of the of the sum of five millions of dollars agreed by that treaty to be paid to the Cherokee Nation for the cession of all their lands and possessions east of the Mississippi river, did covenant and agree to convey to the Cherokees and their descendants by patent in fee simple the certain tract of land between the State of Missouri and the Osage reservation, the boundary line whereof it was provided should begin at the southeast corner of the said Osage reservation and run north along the east line of the Osage lands fifty miles to the northeast corner thereof; thence east to the west line of the State of Missouri; thence with that line south fifty miles; and thence west to the place of beginning: which tract of country was estimated to contain eight hundred thousand acres of land; and whereas, the same has been seized and settled upon by lawless intruders from the northern States and may become totally lost to the Cherokees:

er held by the U. S. as trustee.

Request to the States of this Confederacy to pay their said bonds to the C. S., in trust for the Cherokee Nation.

The C. S. guarantees to the Cherokee Nation final settlement and full payment of all the principal sums of money due from the U. S.

How the annual payments of interest and the arrearages to be applied.

Investment of the capital sums.

No conditions or restrictions to be imposed on the payment of interest, &c., to the Cherokees.

Land sold by the U. S. to the Cherokees.

Boundaries.

Settled on by intruders from the northern States

Payment for the land, should it be lost to the Cherokees, guaranteed to them by the C. S.

Now, therefore, it is further hereby agreed between the parties to this treaty, that in case the said tract of country should be ultimately lost to the Cherokees by the chances of war, or the terms of a treaty of peace or otherwise, the Confederate States of America do assure and guaranty to the Cherokee Nation the payment therefor of the said sum of five hundred thousand dollars, with interest thereon at the rate of five per cent. per annum from the said twenty-ninth day of December, A. D., one thousand eight hundred and thirty-five, and will either procure the payment of the same by the United States, or pay the same out of their own treasury, after the restoration of peace.

Advancement to the Cherokee Nation after the ratification of this treaty.

ARTICLE XLVIII. At the request of the authorities of the Cherokee Nation, and in consideration of the unanimity and promptness of their people in responding to the call of the Confederate States for troops, and of their want of means to engage in any works of public utility and general benefit, or to maintain in successful operation their male and female seminaries of learning, the Confederate States do hereby agree to advance to the said Cherokee Nation, immediately after the ratification of this treaty, on account of the said sum to be paid for the said lands mentioned in the preceding article, the sum of one hundred and fifty thousand dollars, to be paid to the treasurer of the nation, and appropriated in such manner as the legislature may direct; and to hold in their hands as invested for the benefit of the said nation, the further sum of fifty thousand dollars, and to pay to the treasurer of said nation interest thereon, annually, on the first day of July in each year, at the rate of six per cent. per annum, which shall be sacredly devoted to the support of the said two seminaries of learning, and to no other purpose whatever.

Treaty of the 5th Aug. 1846, with the U. S. negotiated and concluded with three parties, to wit: the Cherokee Nation, the "treaty party" and the "western Cherokees" or "old settlers."

ARTICLE XLIX. It is further ascertained and agreed by and between the Confederate States and the Cherokee Nation that the treaty of the sixth day of August, A. D., one thousand eight hundred and forty-six, was negotiated and concluded with the United States, by three several parties, that is to say, the Cherokee Nation, by delegates appointed by its constituted authorities; that portion of the nation known as "the treaty party," being those who made and those who agreed to the treaty of the year one thousand eight hundred and thirty-five; and "the western Cherokees," or "old settlers," being those who had removed west prior to the date of that treaty, and were then residing there. That the said three parties, by their delegates, after the making of the said treaty, of the year one thousand eight hundred and forty-six, borrowed from Corcoran and Riggs, bankers in the city of Washington, the sum of sixty thousand dollars, upon agreement endorsed by the Secretary of War, by which the same was to be repaid, with interest, when the moneys payable under said treaty should be appropriated, as follows, that is to say; twenty-five thousand dollars by the treaty party, twenty thousand dollars by the western Cherokees or old settler party, and fifteen thousand dollars by the Cherokee Nation.

Money borrowed by the three parties from Corcoran and Riggs, bankers of Washington city.

Appropriation of moneys paid under the treaty.

That at the session of Congress next after the making of that treaty, the sum of twenty-seven thousand dollars, for the Cherokee Nation, was appropriated under the eighth article of the same, and the sum of one hundred thousand dollars, under the sixth article, for the treaty party; but no appropriation was made for the western Cherokees or old settler party, under the fourth article, (whereunder only any moneys were payable to them,) the amount due them, and which was to be wholly paid *per capita*, under that article, not having as yet been ascertained; that consequently the sum borrowed as aforesaid, with the accrued interest, was repaid out of the two appropriations aforesaid, one half of the principal and interest which should have been paid by the western Cherokees or old settler party, being deducted from and paid out of the appropriation made for each of the others; and there being thus paid, out of the moneys so appropriated under



the eighth article, for various purposes, for the whole nation, over and above its proportion, the sum of ten thousand three hundred dollars; and out of the moneys appropriated under the sixth article, for those of the treaty party who had sustained losses and damage in consequence of the treaty of the year one thousand eight hundred and thirty-five, over and above the proportion of that party, a like sum of ten thousand three hundred dollars. That when afterwards the amount ascertained to be due to the western Cherokees or old settlers, under the fourth article, was appropriated, the whole amount was paid to and distributed among them *per capita*, and no part of the sum so advanced for them, out of the other and previous appropriations, was reserved, nor has any part thereof whatever hitherto been re-imbursed to those entitled to receive the same, by the western Cherokees, or by the United States, or otherwise howsoever.

Therefore, it is further hereby agreed that the Confederate States will pay, upon the ratification of this treaty, to the Cherokee Nation, the sum of ten thousand three hundred dollars; and will also appropriate and place in the hands of the agent for the Cherokees the further sum of ten thousand three hundred dollars, to be distributed among the claimants of the treaty party, provided for by the sixth article of the said treaty, or their legal representatives under the laws of the nation, in such proportions as it shall be certified to him by Stand Watie, the only surviving member of the committee of five, appointed under that article to audit such claims, that it ought, in accordance with the allowances made by the committee, to be distributed among them.

And it was agreed by the said eighth article of the said treaty of the year one thousand eight hundred and forty-six, that of the sum of twenty-seven thousand dollars, provided thereby to be paid to the Cherokee Nation, the sum of five thousand dollars should be equally divided among all those whose arms were taken from them previous to their removal west, by order of an officer of the United States, and of that sum of five thousand dollars, three thousand three hundred dollars was applied to the payment in part of the proportion of the money borrowed as aforesaid, due by the Western Cherokees or Old Settler party; and as the authorities of the nation declined to receive the residue of said sum of five thousand dollars, it being but one thousand seven hundred dollars, and that residue never was paid by the United States, and still remains due by them,—

Therefore, it is hereby further agreed, that the Confederate States will also pay, upon the ratification of this treaty, to the treasurer of the Cherokee Nation, the further sum of one thousand seven hundred dollars; making, with the said sum of ten thousand three hundred dollars, the sum of twelve thousand dollars; and that out of the same, the sum of five thousand dollars shall, by the authorities of the nation, be distributed among those persons, and their legal representatives, whose arms were taken from them as aforesaid: and that any part of that sum finally remaining undistributed, together with the residue of seven thousand dollars, shall be used and appropriated in such manner as the national council shall direct.

ARTICLE L. It is hereby further agreed that all claims and demands against the Government of the United States in favor of the Cherokee Nation or any part thereof, or of any individuals thereof, and which have not been satisfied, released or relinquished, arising or accruing under former treaties, shall be investigated upon the restoration of peace, and be paid by the Confederate States, which do hereby take the place of the United States and assume their obligations in that regard.

ARTICLE LI. It is further agreed between the parties that all provisions of the treaties of the Cherokee Nation with the United States,

Payments agreed to be made by the C. S. to be distributed among the claimants of the treaty party.

Payment for arms taken from the Cherokees.

The C. S. to assume the payment, upon the ratification of peace, of all claims and demands of the Cherokees against the U. S.

Certain provisions of the treaties

of the Cherokee Nation with the U. S. continued in force.

which secure or guarantee to the Cherokee Nation or individuals thereof any rights or privileges whatever, and the place whereof is not supplied by, and which are not contrary to the provisions of this treaty, and so far as the same are not obsolete or unnecessary, or repealed, annulled, changed or modified by subsequent treaties or laws, or by this treaty, are and shall be continued in force, as if made with the Confederate States.

One youth, a native of the Cherokee Nation, may be selected annually, to be educated at any military school of the C. S.

Extension of the privilege to the Choctaw and Chickasaw and the Creek and Seminole nations.

General amnesty declared.

When this treaty to take effect.

ARTICLE LIII. In further evidence of the desire of the Confederate States to advance the individual interests of the Cherokee people, it is further agreed, that the delegate in Congress from the Cherokee Nation may, with the approbation of the President, annually select one youth, a native of the nation, who shall be appointed to be educated at any military school that may be established by the Confederate States, upon the same terms as other cadets may be appointed. And the Confederate States also agree that the same privilege shall be exercised by the delegate from the Choctaw and Chickasaw Nations, and the Creek and Seminole Nations, respectively.

ARTICLE LIII. A general amnesty of all past offences against the laws of the United States, and of the Confederate States, committed in the Indian country before the signing of this treaty, by any member of the Cherokee Nation, as such membership is defined by this treaty, is hereby declared; and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offence, shall receive from the President full and free pardon, and be discharged.

ARTICLE LIV. A general amnesty is hereby declared in the Cherokee Nation; and all offences and crimes committed by a member or members of the Cherokee Nation against the Nation, or against an individual or individuals, are hereby pardoned; and this pardon and amnesty shall extend as well to members of the nation now beyond its limits, as to those now resident therein.

ARTICLE LV. This treaty shall take effect and be obligatory upon the contracting parties, from the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-one, whenever it shall be ratified by the General Council of the Cherokee Nation, and by the provisional President and Congress, or the President and Senate of the Confederate States; and no amendment shall be made thereto by either, but it shall be wholly ratified or wholly rejected.

*In perpetual testimony whereof,* the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the said Principal and assistant Principal Chiefs, Executive Councillors and Special Commissioners, on the part of the Cherokee Nation, do hereunto set their hands and affix their seals.

Thus done and interchanged in duplicate, at the place, in the year and on the day in the beginning hereof mentioned.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

JNO. ROSS,  
*Principal Chief.*

J. VANN,  
*Assistant Chief.*

JAMES BROWN,  
*Executive Councillor.*

JOHN DREW,  
*Executive Councillor.*

WILL P. ROSS,  
*Executive Councillor.*

LEWIS ROSS,  
*Commissioner C. N.*

THOMAS PEGG,  
*Commissioner C. N.*

RICHARD FIELDS,  
*Commissioner C. N.*



Signed, sealed and delivered in presence of us.

WM. QUESENBURY,

*Secretary to the Commissioner.*

E. RECTOR,

*Superintendent Indian Affairs Confederate States.*

W. WARREN JOHNSON,

GEO. M. MURRELL,

### RATIFICATION.

Dec. 11, 1861.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, Commissioner of Confederate States to the Indian Nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Cherokee Nation of Indians, by its Principal and Assistant Principal Chiefs, Executive Councilors and Commissioners, for that purpose only, authorized and empowered, of the other part, concluded at Tablequah, in the Cherokee Nation, on the seventh day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

Ratification by Congress.

### AMENDMENTS :

Amendments.

I. Add at the end of article xxxv. the following words: "And the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article, in respect to suits and proceedings in their respective courts."

II. Strike out from article xlv. the following words: "The same rights and privileges as may be enjoyed by delegates from any Territories of the Confederate States to the said House of Representatives," and insert in lieu thereof the following words: "A seat in the hall of the House of Representatives, to propose and introduce measures for the benefit of the said nation, and to be heard in regard thereto, and on other questions in which the nation is particularly interested; with such other rights and privileges as may be determined by the House of Representatives."

III. Strike out from article xxxiii. the following words: "or of a State," and insert in lieu thereof the following words: "or of a State, subject to the laws of the State."

NOTE.—The foregoing amendments were subsequently concurred in and adopted by the Cherokee Nation.

