

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.

Protection promised.

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.

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.

Proviso.

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.

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.

ing 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 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.

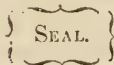
JOHN DREW,
Executive Councillor.

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.

