

# 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 Lefflore, 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, 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.      **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.

Acceptance of the protectorate by the C. S.      **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 Choctaw and 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 reversignary 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 U. 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 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.

Subsequent elections.

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 horse men;

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.

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

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 U. 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.