

# TREATY WITH THE SEMINOLE NATION.

AUGUST 1ST, 1861.

## A TREATY OF FRIENDSHIP,

Aug. 1, 1861.

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

Preamble.

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

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

Perpetual peace and friendship.

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

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

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

Proviso.

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

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

The Seminole  
country annexed  
to the C. S.

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

Boundaries.

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

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

Provido.

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

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

Power to dispose  
of said lands or  
make partition  
thereof.

Lands not to be disposed of to any foreign power, State or Government.

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

Country ceded to the Seminole Nation by the treaty of Aug. 7, 1856, not to be disposed of without the consent of both the Creek and Seminole Nations.

ARTICLE VII. It is further hereby agreed and stipulated, that no part of the tract of country hereinbefore guaranteed to the Seminole Nation, being the same that was ceded to it by the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, between the United States of America and the Creek and Seminole Nations of Indians, shall ever be sold or otherwise disposed of without the consent of both of said nations being legally given.

No State or Territory to pass laws for the Government of the Seminole Nation.

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

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

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

Unrestricted right of self-government and full jurisdiction over persons and property, guaranteed.

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

Exception.

Membership defined.

Punishment of offences.

Intruders to be kept out of the country.

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

Exceptions.



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

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

Reservation of lands for Indian agency.

Proviso.

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

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

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

Right of way for railroads or telegraph lines.

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

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

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

Protection from domestic strife

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

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

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

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

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

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

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

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

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

What Indians may reside in the Seminole country. ARTICLE XXI. The Seminole Nation may, by act of its legislative authorities, receive and incorporate in itself as members of the nation, or permit to settle and reside upon the national lands such Indians of any other tribe as to it may seem good; and may sell to such Indians portions of land, in fee or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price of such sales or leases; and it alone shall determine who are members and citizens of the

Sale or lease of lands to such Indians.



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

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

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

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

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

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

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

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

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

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

Fugitives from justice to be surrendered.

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

Apprehension and surrender of persons accused of crime.

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

Laws in force in the Seminole country defined.

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

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

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

When accused may be assigned counsel.

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

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

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

Effect of official acts of judicial officers in said nation.

Authentication of records and laws.

Existing laws, usages and cus-

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

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

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

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

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

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



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

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

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

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

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

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

loms, in respect to slavery, declared binding.

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

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

Post-offices and mails

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

Representative in Congress.

Election of Delegate.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Investigation  
and adjudication  
of such claims.

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

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

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

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

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

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



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

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

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

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

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

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

General amnesty declared.

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

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

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

When this treaty to take effect.

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

SEAL.

## TREATY WITH THE SEMINOLE NATION.

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

ALBERT PIKE,

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

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

PAS-CO-FA,

*Town Chief.*

GEORGE CLOUD,

*Town Chief.*

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

*Town Chief.*

TA-CO-SA FIC-SI-CO,

*Town Chief.*

HAL-PA-TA,

*Town Chief.*

I-M A-THLA,

*Town Chief.*

FOS-HUT-CHI HA-CHO-CHI,

*Town Chief.*

TA-LO-A HA-CHO,

*Town Chief.*

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

*Town Chief.*

CHO-FO-TOP HACHO,

*Town Chief.*

SU-NUK MICCO,

*Town Chief.*

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

*Town Chief.*

Signed, sealed and mutually delivered in our presence.

WM. QUESENBURY,

*Secretary to the Commissioner.*

E. RECTOR,

*Superintendent of Indian Affairs for the Western Superintendency.*

SAMUEL M. RUTHERFORD,

*Agent of the Confederate States for the Seminoles.*

JAMES M. C. SMITH,

CHARLES B. JOHNSON,

W. WARREN JOHNSON,

W. L. PIKE,

W. H. FAULKNER.

To the Indian names are subjoined marks.

## A CONVENTION SUPPLEMENTARY

Aug. 1, 1861.

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

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

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

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

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

SEAL.

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

ALBERT PIKE,

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

JOHN JUMPER,

*Principal Chief of the Seminole Nation.*

PAS-CO-FA,

*Town Chief.*

GEORGE CLOUD,

*Town Chief.*

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

*Town Chief.*

TA-CO-SA FIC-SI-CO,

*Town Chief.*

HAL-PA-TA,

*Town Chief.*

I-MA-THLA,

*Town Chief.*

FOS-HUT-CHI HA-CHO-CHI,

*Town Chief.*

SA-TO-A HACHO,

*Town Chief.*

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

*Town Chief.*

CHO-FO-TOP HACHO,

*Town Chief.*

SU-NUK MICO,

*Town Chief.*

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

*Town Chief.*

Signed, sealed end mutually delivered in our presence.

WM. QUESENBURY,

*Secretary to the Commissioner.*

E. RECTOR,

*Superintendent of Indian Affairs for the Western Superintendency.*

SAMUEL M. RUTHERFORD,

*Agent of the Confederate States for the Seminoles.*

JAMES M. C. SMITH,

*Special Interpreter.*

CHARLES B. JOHNSON,

W. WARREN JOHNSON,

W. L. PIKE,

W. H. FAULKNER.

To the Indian names are subjoined marks.

### RATIFICATION.

Dec. 20, 1861.

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

Ratification by Congress of treaty with the Seminole Nation.



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

## Amendments.

## AMENDMENTS :

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

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

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

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

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