

TREATY WITH THE SENECA AND SENECA AND SHAWNEES.

OCTOBER 4TH, 1861.

ARTICLES OF A CONVENTION

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

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

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

The C. S. assume the protectorate.

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

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

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

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

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

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

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

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

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

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

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

Who entitled to vote, held office, share in annuities or the common lands. it alone shall determine who are citizens of the tribe entitled to vote at elections, hold office or share the annuities or other moneys of the tribe or in the common lands: *Provided*, That when persons of another tribe

Proviso.

shall once have been received as members of either of said tribes, they shall not be disfranchised or subjected to any other restrictions upon the right of voting, than such as shall apply to the Senecas and Senecas and Shawnees respectively, themselves. But no Indians of any other tribe or band than these shall be permitted to come within their country to reside without the consent and license of the people of each tribe respectively.

Reservation of land for Indian agency.

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

Forts and military posts.

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

Proviso.

No settlement permitted upon the agency reserve or the reserve for forts, &c.

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

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

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

Protection against other tribes or persons.

Hunting and killing of game.

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

Perpetual peace and brotherhood between the Senecas and Shawnees and other tribes.

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

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

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

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

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

Right of property in horses, cattle, &c.

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

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

Return of stolen property.

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

No private revenge or retaliation to be taken for injuries.

Mode of redress.

Trial and punishment of wrong doer.

Redress for injuries done by the Senecas and Shawnees.

Proviso.

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

Horses or other property stolen to be returned to owner.

Proceeding where right to property is contested.

Appeal.

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

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

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

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

Agent and interpreter.

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

Where to reside.

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

Not to be absent without leave.

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

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

Who may live in the country of the tribes.

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

Tribes left free to govern themselves.

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

Proviso.

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

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

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

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

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

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

Right of way for railroads.

Payment of damages to individuals.

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

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

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

Who not to pasture stock on their lands.

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

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

Surrender of fugitives from justice.

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

Laws declared to be in force.

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

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

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

Costs of process and fees and mileage of witnesses.

When accused may be assigned counsel.

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

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

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

Pay of the warriors.

How long to serve.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proviso.

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

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

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

How expended.

Distribution of articles purchased.

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

School houses.

Teachers; their salaries.

Stationery and books.

Repairs of school houses and fuel.

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

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

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

Medicines and medical services.

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

Blacksmith and assistant.

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

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

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

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

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

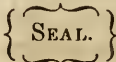
Trader to be punished for purchasing articles given by the U. S. General amnesty declared. ARTICLE XL. If any trader or other person should purchase from the Senecas or Shawnees, aforesaid, any of the articles given them by the Confederate States, he shall be severely punished.

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

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

May become parties to this treaty. When this treaty to take effect. ARTICLE XLIII. This convention shall be obligatory on the Seneca Tribe, and on the Shawnees, aforesaid, of the mixed bands, from the day of its date, and on the Confederate States from and after its ratification by the Senate or provisional Congress.

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



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

ALBERT PIKE,

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

LITTLE TOWN SPICER,
Principal Chief of Seneca Tribe.

SMALL CLOUD SPICER,
Second Chief of Seneca Tribe.

MOSES CROW,
Councillor of Seneca Tribe.

JOHN MUSH,
Councillor of Seneca Tribe.

GEORGE SPICER,
Councillor of Seneca Tribe.

JOHN SMITH,

JAMES KING,

ISAAC WARRIOR,

JIM BIG-BONE,

BUCK ARMSTRONG,

JO CROW,

DAVID SMITH,
GEORGE KERON,

C. S. Interpreter for the Seneca Tribe.
[*Warriors of the Seneca Tribe.*]

LEWIS DAVIS,
Principal Chief of the Senecas and Shawnees.

JOSEPH MOHAWK,
Second Chief of the Shawnees.

JOHN TOMAHAWK,

WHITE DEER,
Councillor of the Shawnees.

SILAS DOUGHERTY,
Councillor of the Shawnees.

WILLIAM BARBEE,
C. S. Interpreter for the Shawnees.

Signed, sealed and delivered in presence of us.

WM. QUESENBURY,
Secretary to the Commissioner.

E. RECTOR,
Superintendent of Indian Affairs C. S.

ANDREW J. DORN,
C. S. Agent for Osages, Senecas, etc.

W. WARREN JOHNSON,

LUTHER H. PIKE,

J. W. WASHBOURNE,

To the Indian names are subjoined marks.

RATIFICATION.

Resolved, (two-thirds of Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a convention, made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Seneca Tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, each tribe for itself, by the chiefs and warriors who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following amendment: Dec. 21, 1861.

AMENDMENT.

In article twenty-seven, at the end of the words "or in a State court," add the following words: "subject to the laws of the State." Amendment.

NOTE.—The amendment was agreed to and ratified by the Senecas and Shawnees as a part of the treaty.