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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
SEPTEMBER 3, 1863, WITH THE CREEK INDIANS

Montpelier - Sept. 3. 1863.

Check #480
Vt. Interior
March 23/64
Entered,

One Treaty with the Creek
Nation of Indians and
Resolutions of the Senate
of the 8th inst. ratifying
the same with Amendments
to be presented to said In-
dians for their assent

copy

Treaty sent to Supt. W. G.
Coffin to be presented to
Indians April 16. 1864.



Department of the Interior,

Washington D. C. March 23rd 1864

Sir,

I transmit, herewith, a Treaty with the Creek Nation of Indians concluded on the 3^d of September 1863, and a Resolution of the Senate, of the 8th instant, advising and consenting to the ratification of said Treaty, with certain amendments, to the end that said amendments may be presented to the Indians, concerned, for their acceptance.

Very respectfully,

Your obt. Servant,

C. M. Vane
Secretary

Wm. J. Cole Esq.,

Commissioner of Indian Affairs.

2480.

(Creek - 1864)

Resolution of Senate

Recd 9. Mar.

M. Jefferson

In Executive Session Senate of the United States:

March 8. 1864.

Resolved, (two thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the Treaty of Cession and indemnity, made at the Sac and Fox agency, in Kansas, September 3. 1863, between the United States, represented by William P. Dole, Commissioner of Indian Affairs, and William G. Coffin, Superintendent of Indian Affairs for the Southern Superintendency, and the Creek Nation, represented by its Chiefs, with the following

Amendments

1. Strike out all after the word "Creeks" in the first line to "hereby" in the third line.
2. Add to the third Article the following, "Subject to the provisions mentioned in the next article."
3. Strike out all of Article four, and insert the following as a substitute:—

Whereas about one-half of the chiefs, headmen, and warriors of the Creek nation have made war upon the United States by uniting with the rebels against them, and have caused to said Creek nation and to the United States great loss of life and destruction of property, it is hereby agreed between the parties hereto that all right, title, interest, and claim of such hostile chiefs, headmen, and warriors of, in, and to the lands and territory of the Creek nation, have become, and are hereby declared to be,
absolutely

absolutely forfeited forever. And it is hereby agreed and declared to be the one undivided half of all the lands and territory remaining and belonging to the said Creek nation, within what is commonly known as the Indian Territory, and it is declared to be hereby vested in, fee simple, in the United States forever, to be held in trust for such of said hostile Creeks as may return to their relations of amity with the United States and the said Creek nation, by virtue of any subsequent treaty, proclamation of the President, or act of Congress, and of such other friendly tribes and persons as may, from time to time, be settled upon such portion of the said Territory, not exceeding the one half thereof, as shall be set apart for that purpose under the direction of the President, with the assent of the council of said Creek nation, by metes and bounds.

"In consideration whereof, and to enable the said Creeks to reoccupy their homes from which they have been driven by hostile Creeks and rebels against the United States, it is agreed by the United States to pay the following annuities for the term of five years: for the first year, forty thousand dollars; for each year thereafter, twenty thousand dollars; to be paid in stock, horses, sheep, clothing, and such other articles as the secretary of the Interior, with the assent of the council of said nation, may direct.

"But this article shall not be so construed as to give the United States any authority to settle or
to

to permit the settlement of any part of said Territory by white persons.

"It is further agreed that the Creeks now refugees in the State of Kansas, shall return to their own Territory, and in consideration of the above annuities and of the large sums of money over and above the annuities of the said Creek nation expended by the United States in supporting them during their exile, and in consideration of the United States relinquishing all further claims of damages against the said Creek nation for injuries inflicted by hostile Creeks, it is also agreed that this treaty shall be accepted as a friendly settlement of all claims for indemnity by either party."

4. Strike out all of Article five.

5. Strike out all after the word "dollars" in the third line of Article seven.

Attest:

J. M. Sporeney
Secretary.

(Creek) 1863 (1863)

Creek / 63

Treaty of Sept. 3. 1863 -

Ratified by Senate with
amendments, but latter not
consented to by Creek -
therefore placed with
un-ratified treaties -

J. D. C.

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A Treaty
of Cession and Indemnity, Made at
the Sac + Fox Agency, in Kansas,
September 3^d, 1836, between the United
States, represented by William P. Dole,
Commissioner of Indian Affairs, and
Wm. H. Coffin, Supt of Indian Affairs
for the Southern Superintendency, and
the Creek Nation, represented by
its Chiefs -

Preamble.

Whereas the existing Treaties
between the United States and the Creek
Nation, have become insufficient to
meet their mutual necessities;

And whereas the United States
desires to furnish, in the Indian Territory,
homes for numerous Indian tribes now
resident in different States and anxious
to remove to a region remote from the
influences of white men as neighbors;

And whereas the Creeks have a
larger country than they require and are
desirous of securing its settlement
by other nations of their own race;

And whereas, by reason of their
fidelity to previous Treaty stipulations
with the United States, they have in-
curred the animosity of parties in rebel-
lion against the Government, and have been
driven from their country, with losses

c. 4

which, though of an amount insignificant to a powerful people, are yet grievous to them, and which losses, the United States, by virtue of former treaties of alliance and protection, was solemnly bound to prevent, and should now make good;

Now, therefore, the representatives of both nations, assembled at the Sac & Fox Agency in Kansas, this third day of September, A. D. One thousand eight hundred and sixty three, mutually stipulate and agree on behalf of their respective nations, as follows:

Article First. ||

Harmonized

There shall be perpetual peace and friendship between the parties to this Treaty, forever; and the hereoks bind themselves to remain firm allies and lieges of the United States, and, so long as grass grows and water runs, never to take arms against the Government, but always faithfully to aid in putting down its enemies. They also agree to remain at peace with all other Indian tribes; and, in return, the United States guarantees them quiet possession of their country, after the close of the present Rebellion, and protection against hostilities on the part of such tribes. In the event of such hostilities, the United States agree that the tribes commencing and prosecuting the same, shall, as far

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as may be practicable, make just reparation therefor. To insure this protection, the Creeks consent to a military occupation of their country, at any time, by the United States; and the latter agrees to station and continue in said country, from time to time, at its own expense, such force as may be necessary for that purpose.

Article II.

The Creeks, recognizing the necessity, justice and humanity of the Emancipation Proclamation issued by the President of the United States, January 1st, 1863, do cheerfully accept and ratify the same for their own nation, and hereby solemnly covenant that henceforth, in said nation, slavery shall not exist. And inasmuch as there are amongst them, many persons of African descent who have no interest in the soil, it is stipulated that, hereafter, these persons and their descendants, and such others of the same race as shall be permitted by said nation to settle there, shall have the right to occupy and possess such portions of land as may be set apart for their use by the chiefs thereof; and that the laws of said nation shall be equally binding upon all persons, of whatever race, coming therein -

Article III.

The Creeks hereby cede to the United States, for the exclusive occupation

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of such Indian tribes as may, with the consent of the latter, choose to remove thereon, a tract of their land located and described as follows: Commencing at the point where the eastern boundary of the Creek Nation crosses the Arkansas river, and running north to the northern boundary of said country; thence west forty miles; thence south to the Arkansas river, thence easterly down said river to the place of beginning.

And in consideration of said cession, and of the general good conduct of the Creek Nation heretofore, the United States agrees to pay the sum of Two Hundred Thousand Dollars; said sum to remain in the Treasury of the United States, in trust, a perpetual fund, and an annual interest of five per cent to be paid thereon for the benefit of said Creek Nation, in money, or in payment for such mechanical labor or useful articles as the Secretary of the Interior may from time to time direct.

The remaining portion of the Creek country shall be maintained in their possession as a home for said Nation forever.

Article IV.

The United States acknowledges the validity of all existing Treaty stipulations with the Creek Nation, not inconsistent with the provisions hereof, and so far as the members of said Nation have

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remained true to such stipulations; and it re-affirms its obligations to protect such members in person and property. To carry out these obligations in good faith, it agrees fairly and honorably to remunerate the loyal members of said Nation for all losses (other than slaves) sustained by them during the present rebellion, either through seizure or destruction of said property by persons in arms against the Government, or by the Military authorities of the United States. And, immediately upon the ratification of this Treaty, in order correctly to ascertain said losses, a Census of said Nation shall be taken by the Agent, under direction of the Superintendent and with the assistance of the Chiefs, and a complete Roll made of the names of all loyal persons; and a Commission or Commissioners, not exceeding three in number, shall be appointed by the President of the United States, to investigate and determine said losses. No compensation shall be allowed to any person whose name does not appear on said Roll, unless said person shall, within twelve months after the taking of said Census, furnish proof that he has at all times remained loyal to the United States. Evidence touching all claims made for compensation, shall be taken under oath; and the awards made, together with said evidence, shall be transmitted to the

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Secretary of the Interior for his approval or disapproval -

Article V.

Michigan On the return of the Creeks to their own country the United States shall furnish them with Agricultural implements to the amount of One Thousand Dollars; and in case of any claims for compensation being allowed as provided in Section four, said amount of One thousand dollars shall be deducted from the amount allowed before its payment -

Article VI.

No person shall hereafter be licensed to trade in the Creek country, by the United States, unless said license shall first have been recommended by a majority of the Chiefs -

Article VII.

The council of the Creek nation, hereafter shall have power to appropriate from their annuities, for the payment of services of their Chiefs, an annual amount not to exceed One Thousand Dollars; and hereafter, all payments of annuities by the United States to the Creeks, shall be made per capita -

Article VIII.

Inasmuch as there is upon the tract herein ceded to the United States, a school building belonging to the Creek nation, it is stipulated that whenever the land upon which said building is located,

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shall be permitted to any other tribes for occupation, as herein provided, the United States shall endeavor to secure payments for its full value, and shall add to the Fund of said Nation, any amount thus obtained.

Article IX.

Nothing herein contained shall be so construed as to prevent the Chiefs and Council of the Creek Nation from receiving back any of the absentees, or persons in rebellion against the United States, upon such conditions as said Nation may impose; but no persons thus returning shall be entitled to compensation for claims under the provisions of this Treaty, or be allowed to hold any office of profit or trust in the Nation, unless he shall first have proved to the satisfaction of the Secretary of the Interior, that he has at all times remained loyal to the United States.

Commission

Done at the Sac & Fox Agency
 the day and year first above written

Wm. Dole

Commissioner of Indian Affairs

W. H. Coffin

Sup't of Indian Affairs

Southern Superintendency

chiefs & councillors

	Ok-ta-ha-sas-har-goh	X	his mark
	Koa-pit-cheu-fip-i-co	X	his mark
	Ta-kos-ya-hol-lak	X	his mark
councillors	Seow-we-tak-mic-co	X	his mark
	Tul-lu-de-gah	X	his mark
	Tus-te-muk-e-mae-cla	X	his mark
	Big Wolf	X	his mark
	Tul-wee-mic-co	X	his mark
	Mae-tup-ya-hol-lak	X	his mark
	Mic-co-hut-tak	X	his mark
	Ak-che-le-har-goh	X	his mark
	Tul-wee-jus-mic-co	X	his mark
	Ko-me-be-e-mae-cla	X	his mark
	Cho-ya-hol-lak	X	his mark
	Tul-wee-mic-co (Tuldeh)	X	his mark
	Ko-chus-har-goh	X	his mark
	Tus-ko-mae-har-goh	X	his mark
	Ak-ti-ya-che-mic-co	X	his mark
	Tom-mae-har-goh	X	his mark
	Kos-har-ge-mic-co	X	his mark
	Hotche-mic-co	X	his mark

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Ees-po-go-ge	X	his mark
Kot-chee-me-ha slo-coh	X	his mark
E-ma-cla-har-goh	X	his mark
Kou-sat-te-ya-hol-lah	X	his mark
Ius-se-kik-chat-me	X	his mark

Done in the presence of
 George A. Luther
 Agent

Heary Island, X his mark
 David ha Interpreter

S. C. Pomroy

J. M. Winchell
 H. W. Martin

~~Handwritten scribble~~