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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
SEPTEMBER 2, 1868, WITH THE CREEK INDIANS

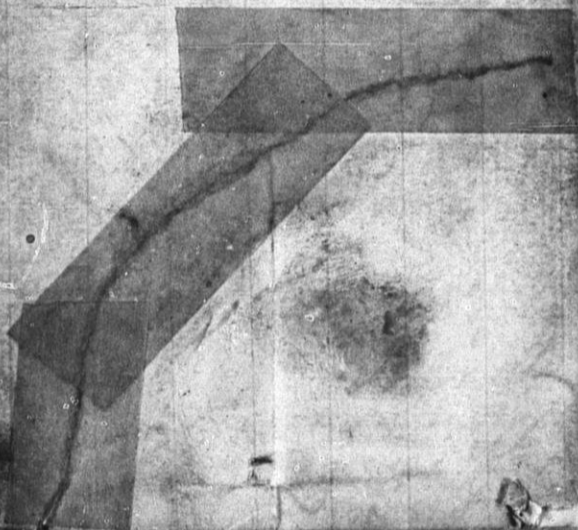
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Treaty File 1868

Articles of a Treaty made and concluded at the City of Washington on the second day of September in the year of Our Lord one Thousand eight hundred and sixty eight by and between the United States represented by Nathaniel G. Taylor, a Commissioner of Indian Affairs, and the Creek Nation represented by its delegates George W. Stedden and Sanford W. Perryman Witness that

Whereas it is represented by the delegates above named that great dissatisfaction exists among the Creek people on account of the terms and provisions of the Treaty of June fourth one thousand eight hundred and sixty six, in which the United States in view of a certain alleged liability to forfeiture by reason of their having made a Treaty with the so called Confederate States require of the Creeks a portion of their lands to the extent of an absolute unconditional surrender and cession of one half of their entire domain notwithstanding

standing the fact that previously,
to wit on the twenty eighth April
One Thousand eight hundred and
sixty six a Treaty had been made
with the Choctaws and that sub-
sequently, to wit on the nineteenth
July One thousand eight hundred
and sixty six a Treaty was made
with the Cherokees in neither of
of which Treaties was any such
liability to forfeiture asserted, nor
any such absolute cession required
or made, although the same alleged
cause existed in both cases, inas-
much as both Choctaws and
Cherokees had in like manner
made Treaties with and had more-
over served in the armies of the
said so called Confederate States.
And whereas it is also alleged that
such absolute cession was made in
the face of an earnest protest in
behalf of the Creek people, a major-
ity of whom were represented by
the protesting delegates, who only
signed the said Treaty to avoid
a collision with the delegates
claiming to represent that part of the

tribe known as the loyal Creeks,
whose delegates assented to such
absolute cession not from choice
but in ignorance of the terms ob-
tained by other tribes, and under
an erroneous impression that their
country would be forfeited to the
United States unless they yielded
to the prescribed terms. And
whereas it is further alleged that
the Creek people, of all classes
feel that great injustice has been
done them in fixing the price
allowed by the said Treaty of
June fourteenth One thousand
eight hundred and sixty six
for the lands therein ceded, inas-
-much as all of said land is valuable
for stock raising purposes, part of
it in that way, actually yielding
at the time of cession a revenue
greatly beyond the interest on
the purchase money, to be paid
for such part, and another part
whereof having been already sold
by the United States at a much high-
er price before the Treaty of cession
was concluded. And whereas it is

further alleged that, that portion of the Creek people which remained loyal to the United States during the late war, constituting nearly half the tribe feel that in thus obtaining from their delegates on the ground of alleged forfeiture an absolute cession, and in exacting such cession at a price far below its real value, being less than one third of the price named for inferior land in the above named Treaty with the Choctaws, thus discriminating in favor of those who were hostile and against those who were faithful to the United States, the Government has not treated them with that degree of fairness which their conduct during the war entitled them to expect. And whereas it is further alleged that dissatisfaction also exists among those Creeks who remained loyal as aforesaid on account of the unjust character and wholly inadequate amount of the provision made for losses sustained by them since the commencement of the rebel

lion in the sum of ^(\$100,000) One hundred thousand dollars, stipulated in the third article of said Treaty of June fourteenth One thousand eight hundred and sixty six to be paid to them out of the proceeds of the land ceded by the same Treaty which provision they regard as merely nominal inasmuch as it bears a very small proportion to the amount well known to have been actually lost and is also a proposal to pay under the head of losses money which is really due for land.

Now therefore in order to remove so far as it may be practicable under existing circumstances these various causes of complaint which the Government of the United States is satisfied have grown out of serious misapprehensions on both sides, the Commissioner on the part of the United States and delegates on the part of the Creek Nation in a spirit of mutual concession and compromise have agreed upon the following articles, namely: Article 1.

The price agreed to be paid for the land ceded by the third article of the Treaty of June fourteenth One thousand eight hundred and sixty six shall be increased from thirty (30) cents per acre to fifty (50) cents per acre one half of which increased price shall be applied to the payment of claims for losses as directed in article second of this Treaty. The other half shall be paid in money in such manner as the Creek Council shall direct, provided that not less than One hundred thousand dollars (\$100,000) thereof shall be distributed per capita in money. Article D. The losses sustained by that portion of the Creek people who remained loyal to the United States, and by the soldiers of said tribe who served in the Union Army during the late war shall be ascertained by the Superintendent of Indian Affairs for the Southern Superintendency who shall first cause to be prepared a roll or census of such soldiers, and of the loyal refugee Indians and freedmen of the Creek

tribe, and shall report to the Commissioner of Indian Affairs for his approval and that of the Secretary of the Interior his award in each case to the persons so enrolled, with the reasons therefor. And such awards as may be so approved shall be paid to the proper claimant so far as it may be practicable, by a pro-rata distribution for that purpose of the sum of Three hundred and twenty five thousand and fifty six dollars (\$325,056) being the one half of the increased price stipulated to be paid in Article No 1. of this Treaty.

Article 3. The value of the improvement, belonging to citizens of the Creek Nation within the Territory ceded by the 3rd article of the Treaty of June fourteenth One thousand eight hundred and sixty six at the date of said cession shall be ascertained and paid to the owners by the United States.

Article 4. The damage done to the Mission School buildings near the Arkansas river by the United

States soldiers after the close of
the war shall be ascertained and
paid by the United States to the
Treasurer of the Creek Nation.

Article D. The several annual
payments provided in former
Treaties as specified in the 8th
article of the Treaty of One thousand
eight hundred and fifty
six and revised by the 12th article
of the Treaty of One thousand
eight hundred and sixty six
with the exceptions therein provid-
-ed; shall continue to be made
without any abatement or deduc-
-tion, and the interest that may
accrue under the 3^d article of said
Treaty of One thousand eight hund-
-red and sixty six shall be paid in
money as heretofore to the National
Treasurer. Article E. The sum of
four thousand nine hundred and
twenty eight dollars and seventy cents
(\$4,928.⁷⁰) withheld from the annuity
moneys for the year ending thirtieth
June One thousand eight hundred
and sixty seven shall be refunded
and paid to the Creek Treasurer

and the sum of six hundred and fifty dollars (\$650) in the hands of the late William G. Garrett, as United States Agent for the Creeks at the time of his death, belonging to Creeks deceased under the Treaty of One thousand eight hundred and thirty two, shall be paid to the proper claimants.

Article 7. The sum of One hundred thousand dollars (\$100,000) required by the 4th article of the Treaty of One thousand eight hundred and sixty six to be paid for losses out of the proceeds of land ceded by said Treaty, shall not be so paid, but shall be retained by the United States and together with the bounties and arrears of pay due to such Creek soldiers of the Army of the United States as have died without heirs, shall constitute a fund, the interest of which shall be applied and used for the benefit of the Orphan children of the Creek Nation in such manner as the Council shall direct. And out of the Four hundred thousand dollars (\$400,000) payable per-

capita under the 3^d article of said Treaty the sum of One hundred thousand dollars (\$100,000) shall also be paid in such manner as said Council shall direct as soon as practicable after the ratification of this Treaty.

Article 8. Nothing contained in the Treaty of One thousand eight hundred and sixty six shall be so construed as to annul or abridge the various rights and privileges guaranteed to the Creek Nation by the 13th article of the Treaty of one thousand eight hundred and fifty six.

It is also hereby agreed and understood by and between the contracting parties that nothing in this Treaty shall in any manner or degree be so construed as to alter, avoid, abridge, annul or abrogate any of the rights, privileges or immunities of the freedmen or other persons granted and acquired by said Treaty of June fourteenth One thousand eight hundred and sixty six. Article 9. Every citizen of the Creek Nation shall have

the right to sell any products of his farm in-
cluding his live stock or any merchandise
or manufactured products and to
ship or drive the same to market without restraint
or payment of any tax thereon to the United
States or any one of them, and no license
to trade in goods, wares, or merchan-
dise shall be granted by the United States
to trade in the Creek Nation unless
approved by the National Council
of said Nation. Article 10. The expenses
incurred by the delegates representing the
Creek Nation in negotiating this Treaty shall be paid
by the United States not to exceed ten thousand
dollars (\$10,000) In testimony whereof we, the Com-
missioner representing the United States and the
delegates representing the Creek Nation have
hereunto set our hands and seals at the place
and on the day and year above written.

J. G. Taylor *J. G.*

U. S. Commissioner

G. W. Stidham *G. W.*

S. W. Perryman *S. W.*

Done in presence of
Lewis S. Hayden
Tho. E. Grand

*Delegates of the
Creek Nation*