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## **Documents relating to the negotiation of an unratified treaty of August 9, 1822, between the Cherokee and Osage Indians. August 9, 1822**

Washington, D.C.: National Archives, August 9, 1822

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DOCUMENTS RELATING TO THE NEGOTIATION  
OF AN UNRATIFIED TREATY OF AUGUST 9, 1822,  
BETWEEN THE CHEROKEE AND OSAGE INDIANS

Treaty between  
the Cherokee & Crages

9 Aug<sup>r</sup> 1822

Recorded (in Books  
of Ind. Treaties)

Pages 111, 112, 113  
& 114

Treaty of Peace, Amity and Friendship, made and concluded at Fort Smith, in  
Territory of Arkansas this 3<sup>d</sup> day of August A.D. 1822, in presence of His Excellency James M.  
Governor of the Arkansas Territory, Commander-in-Chief of the militia and Superintendent of  
affairs, and Col<sup>l</sup> Matthew Arbuckle commanding the United States Troops in said  
between the Cherokee Nation of Indians, residing on the Arkansas River in said Territory  
of the one part, and the several Bands comprising the Big and Little Osage Nations of  
Indians of the other part,

Whereas the Parties above named are anxious that the unhappy War which has so long  
existed between them, should cease and terminate and that the most perfect Peace and  
Harmony and Friendship should exist, they do agree to the following Articles Viz  
Art 1<sup>st</sup> There shall be perpetual peace and friendship between the Cherokees residing on the Arkansas  
River in the Territory of Arkansas, and all the Bands of the Big and Little Osages.  
Art 2<sup>d</sup> The Cherokees on their part do agree to deliver to the Osages at Fort Smith, on or before  
the 20<sup>th</sup> day of September next all the Prisoners, in number Seventeen or more, whom  
they had in their possession, on the 30<sup>th</sup> ult, within the Territory of Arkansas, liable  
to the Osage Nation, and to deliver all the Prisoners of said Nation now present, im-  
mediately after the signing of this Treaty.  
Art 3<sup>d</sup> The Osages on their part do agree, that should any of their people who are now  
of the Cherokees and who are adults, desire to return and live with the Cherokees  
after they are delivered up to their people at this Post agreeably to the 2<sup>d</sup> article  
of this Treaty; they shall be permitted to do so, provided the number shall not  
exceed two or three.

of the Cherokees and who are adults, desire to return and live with the Cherokee after they are delivered up to their people at this Post agreeably to the 2<sup>d</sup> Article of this treaty; they shall be permitted to do so, provided the number shall not exceed two or three.

Art 4<sup>th</sup> The Cherokees on their part agree, that should any of the Osages, who are shown, after they are delivered up at this Post, choose to return to the Cherokee Nation, shall be permitted to do so, as stipulated in the 3<sup>d</sup> Article of this treaty; such Osage to enjoy all the rights and privileges of the Cherokees, and to be permitted to visit the Osage Nation, at any time they may think proper.

Art 5<sup>th</sup> The Osages on their part do agree to allow and permit the Cherokees to hunt and kill with themselves on all the lands held by them on the South side of the Arkansas and Pawnee Rivers.

Art 6<sup>th</sup> The Contracting parties do further agree, that each party shall be permitted to pass and repass from one Nation to the other, on the North side of the Arkansas River; and that each party when passing and repassing from Nation to Nation, shall be allowed and permitted to kill such Game as may be necessary for their support and subsistence while thus passing. It is however to be distinctly understood that neither party shall be permitted to establish hunting Camps, on the lands of the other party, on the North side of the Arkansas River.

Art 7<sup>th</sup> It is agreed by the Parties aforesaid, that no private revenge shall be taken for any property, which may hereafter be stolen or destroyed, belonging to the one party, by the People of the other party, but that complaint shall be made by the aggrieved party, to the agent of the offending Party, whose duty it is to take proper measures for redress.

Art 8<sup>th</sup> Should a life or lives of either party, be unlawfully and without just cause taken by the people of the other party, it shall be the duty of the Chiefs of the Nation to whom the Offender or offenders belong, on complaint being made to the agent of the offending Nation, to cause the Offender or Offenders to be taken and punished with death, or such other punishment as the nature of the Offense may require.

Art 9<sup>th</sup> The Contracting Parties do further agree, that should the Chiefs of either party refuse or neglect to comply with the demands of the opposite party, as stipulated in the Eighth Art of this treaty, they hereby authorize the Government of the United States to interpose by force or otherwise, to carry the 8<sup>th</sup> Art of this treaty into full and perfect effect, and that such interposition shall not be considered by either Party, as the least violation of the harmony and friendship which at this time exists between the United States and said Parties. It is further agreed by the Osage Nation to pay to Cheheli a Cherokee Chief and his party, Three Hundred Dollars, for an injury done to said Cheheli and his party, at a time when the Contracting Parties

The Contracting Parties do further agree, that should the Osages neglect or neglect to comply with the demands of the opposite party, as stipulated in the Eighth Art of this treaty, they hereby authorize the Government of the United States to interpose by force or otherwise, to carry the 8th Art of this treaty into full and perfect effect, and that such interposition shall not be considered by either Party, as the least violation of the harmonious and friendly relations which at this time exists between the United States and said Parties. It is further agreed by the Osage Nation to pay to Cheteli a Cherokee chief and his party, Three Hundred Dollars, for an injury done to said Cheteli and party, at a time when the Contracting Parties were under a positive agreement to keep the peace, and not to injure each other.

Art 10<sup>th</sup>

The Osages do further agree on their part, that in consequence of a Mule having been stolen by one of their People from a Cherokee Chief since their assemblage at this post, that full and ample compensation shall be made for said Mule, and that the Offender shall be delivered to the commanding Officer at this Post, to be punished by him, according to his Offense, before at the time the Cherokee deliver the Osage Prisoners.

Art 11<sup>th</sup>

It is sincerely understood by the Contracting parties, that when either Party may receive an injury from the other, and have made due complaint thereof as provided by the 7th Art of this Treaty, that the U.S. will interpose and cause justice to be done as far as practicable, should justice be delayed beyond Six months.

In testimony of our good will and Friendship towards each other, we

hereunto affixed our hands and Seals the ninth day of August

James Miller	Watermorrow his mark +	Osages
M. A. Buckler Col. of Inf.	Wat. Webber his mark +	Clairmont his mark
C. L. Smith Capt. U.S. Army	Thomas Mear his mark +	Tally his mark
D. B. Beardsly Sgt. for the Cherokee	Young Glass his mark +	T. K. K. his mark
	A. Martin	the blind chief his mark
		W. A. K. his mark
		Tahonah his mark

hereunto affixed our hands and  
presence of

James Miller  
M. A. Buckler Col. 7th Infantry  
G. Lefwich Capt. U.S. Army  
D. B. Early Agt. for the Chickasaw  
Nathl. Philbrook Sub agt. for  
the Osage on the Arkansas  
Ephraim Chapman

Seals the ninth day of August

Cherokee

Watermennow his mark +  
Wat Webber his mark +  
Thomas Mear his mark +  
Young Glass his mark +  
J. Martin  
James Rogers

Osage

Clairmont his mark  
Tally his mark  
Tschewaka the blind chief his mark  
Wachawake his mark  
Tahoncahis his mark  
Shunkamony his mark  
Thecangoy his mark  
a Watley his mark  
Tahamonie his mark  
Wahabuckle his mark  
Monapashie his mark  
Shitak  
a mad Buffalo his mark  
Cushitowis his mark  
Manchestaw his mark  
Tschekangoy his mark  
white hair's band  
Wabaskaf his mark  
Shatkuuskaf