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Documents relating to the negotiation of an unratified treaty of October 28, 1851, with the Comanche Indians. October 28, 1851

Washington, D.C.: National Archives, October 28, 1851

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DOCUMENTS RELATING TO THE NEGOTIATION
OF AN UNRATIFIED TREATY OF OCTOBER 28, 1851,
WITH THE COMANCHE INDIANS

J. A. Rogers.

John A. Rogers.

near San Antonio. Apr. 15. 1851.

Francis's treaty negotiated by him
with Comanches & other Indians, on
the 28 ult. will forward report
of proceedings to 27 Captains
have been delivered up - what
is to be done with them - has
the promise of more.

Recd - 10 Dec. 1851 -

✓ File.

to Ar

Special Indian Agency Texas
Pleasant Retreat Near
Lake Lea Eg. San Antonio 15th Nov. 1857
Comd. of Indian Affairs

I doubt not your great anxiety to hear the result of my labours with the wild Indians on the border of the Republic of Mexico. New Mexico and Texas, I will not at this time go into details of the meeting and occurrences, but briefly give you the result.

The important part of my labour I enclose you herewith a treaty closed and concluded on the 28th ult. which I consider of the utmost importance for the honor of the United States, in fulfilling their solemn engagements with the Republic of Mexico particularly the 11th article of that treaty which article you will discover is incorporated in the treaty with those tribes bordering on the frontier of the Republic of Mexico, New Mexico & Texas, and with whom no treaty exist with the United States. The Lipans are named in the caption of the treaty entered into by Co^t Butler & M^r Lewis with the Indians of Texas, the never signed the same, every Lipan known to belong to the Nation were present as reported by their Captains numbering 570 a large number than I anticipated or expected. about 160. Muscalaroes.

attended. Many more would have attended, had not the Northern Comanches deterred them the apply? for an escort to send for the promising three or four hundred more to attend this I could not furnish, the head chiefs attend and were anxious to come under the care and protection of the United States, I was more pleased with their deportment & conduct than that of any other Indian I have met with, there was between 1000 & 1200 known as the Southern Comanches, all conducted themselves well.

I will inclose you shortly a copy of the proceeding of the treaty and my address & the reply of the Chiefs & head men present before entering into the treaty, or the delivery of the goods, or presents, forwarded by the government, and such other information as I think important or interesting—after completing the treaty, the several tribes deliver over to me 27 captives or prisoners under its provisions, to wit 23 boys, whose ages range from 9 years to seventeen, 2 women & 2 girls, all in a starving and destitute condition without a rag to cover their nakedness, I have had them comfortably provided for with warm clothing and have them under my immediate care.

encamp near San Antonio I have written the
Mexican Council at Provesville advising
him of the fact, I am at a loss to know what
to do with them as there is no express directions
in the Treaty with Mexico You will please advise
the Representatives of the Mexican government
at Washington of their being in charge of
myself & know what dispositions shall
be made of them, & save expense to
his government, I have the promise of
many more, The death of Judge Rollins has given
me much additional labor & responsibility in
delivering & accounting for the goods designed for
his distribution I hope you may not discover
any great imperfections in the Treaty or in
the proceedings if you should attribute it
to my want of experience in diplomatic
arrangements, It affords me great pleasure
& thankfulness to an all wise creator to know
and say to you that not an accident of any
kind to any one of the mission or to any Indian
that attended the Council not a fall of a horse
or cut of a knife, all returned safe, I have had
no one to aid me in my correspondence or writing
I have had the duty of secretly to perform in
addition to the heavy charge of the Mexican Captive trade
employ all my time to the end of the year the Treaty
will shew its own importance to you good sir Very respectfully
J. A. Rogers Special Agent
& Commissioner for Texas

1851

1851
Unrat.

Comanches to

Treaty

Oct 28, 1851

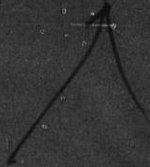
San Sabra

Baxter Co Texas

File Texas R 718

1851

Unrat. Treaty is with oversized
~~with~~ laminated material
~~that is same drawer.~~



No 718.

Oct 28 1857

Given under our hand and seal the dates above or before written

J. S. Rogers.

Special Agent for the
Indians of Texas
and Commissioners.

Comanches

Katumpka

his
+
mark

To showa (Capt. White)

his
+
mark

Caraway (run for)

his
-X
mark

Cracheneca (mother)

his
+
mark

the Cripple

his
+
mark

Apache

Chiquito (little Captain)

his
X
mark

Coyote (wolf)

his
X
mark

Quaco

his
+
mark

Chapote

his
+
mark

Manuel

his
+
mark

Colonel Ramos

his
+
mark

Captain John Castro

his
+
mark

Captain John Staco

his
+
mark

Manuel Huauades

Mescaleros

Tomaspaco (Principal Chief)

his
+
mark

Jose Flor de Campo

his
X
mark

late principal chief

his
+
mark

Cojo (the big cripple)

his
+
mark

Juan Pedro & John Peter

Witnesses

Juan M. Belcher

St. J. Ryan
U.S.A.

John M. Callahan

Garland H. Puccum

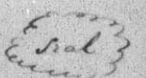
R. A. Moore

Emile F. Fiset

Comanches

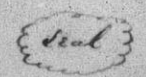
Seal Moway (the end of the track)

his
+
mark



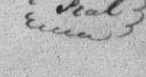
Seal Pimoro loco (old wild bull)

his
+
mark



Seal Pitogwach (Saw tail)

his
+
mark



Seal

Seal

Seal

Mescaleros

John Connor

his
+
mark

Richard Miller

Jose Ygnacio Sandoval

J. A. Rogers Com
& Secretary

0379
R 718

Oct 28/51

Comanches

Council Ground San Sabre
Paxer County Texas.
October 28th 1851

Articles of a treaty made and concluded at the Council ground in the County of Paxer, Texas on the San Sabre river, thirteenth day of October, one thousand eight hundred and fifty one, between Tom H. Rogers, Special Agent for the Indians residing in Texas, and Commissioner on the part of the United States, of the one part; and the undersigned chiefs, counsellors and head men of the Comanches, Lipan, Anadacoos tribes and their apocical bonds in behalf of the said tribes on the other part.

Article I.

The undersigned, chiefs, warriors, head men, and counsellors for themselves, and their said tribes, and nations, do hereby acknowledge, their selves to be under the authority of the United States, of America, and no other power, state or sovereignty, whatever.

Article 2nd II.

We, the undersigned, do hereby, accept, and acknowledge each and every article of the treaty, entered into, on the fifth day of May, one thousand eight hundred forty six, at Council Spring, in the County of Robertson, and State of Texas, between T. H. Suller, and M. S. Lewis, on the part of the United States of America; and the chiefs, warriors, and counsellors, of the Comanches, Ioni, Anadacoos, Cadoc, Saxon, Lanvha, Nockys, Sakwacarro, Hitchata, and Wacoos, tribes of Indians as obligatory upon us, and these we represent as if we had signed and acknowledged the same.

Article III.

And whereas, a treaty of peace, was entered into, and concluded, between the United States, of America, and the Republic of Mexico, dated at Guadalupe, Hidalgo, the Second day of February, one thousand eight hundred and forty eight, and proclaimed by the President of the United States of America, on the fourth day of July, one thousand eight hundred and forty eight; In the following words and figures, to wit:

Article XI. Considering that a great part of the Territory which ^{was} be the present Treaty, are to be comprehended for the future within the limits of the United States, which were occupied by Savage tribes who will hereafter be under the exclusive control of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be restrained by the Government of

The United States, whenever this may be necessary, and that when they cannot be prevented, they shall be punished by said government, and satisfaction for the same shall be exacted - all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed in its own territory, against its own citizens,

It shall not be lawful under any pretext whatsoever, for any inhabitant of the United States to purchase or acquire any Mexican or any foreigner residing in Mexico, who may have been captured by the Indians, inhabiting the territory of either of the two Republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within the Mexican territory by such Indians.

And in the event of any person or persons, captured within the Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages itself, in the most solemn manner, as soon as it shall be known, of such captures being within its territory and shall be able to do, through the faithful exercise of its influence, and power, to rescue them, and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will as far as practicable, give to the government of the United States, notice of such captures, and its agents shall pay the expenses incurred in the maintenance and transportation of the rescued captives; who in the mean time, shall be treated with the utmost hospitality, by the American authorities, at the place where they may be. - But if the government of the United States before receiving such notice from Mexico, should obtain intelligence, through any other channel of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent or agent stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded, by their true spirit and intent, the government of the United States will now and hereafter pass without unnecessary delay, and always vigorously enforce, such laws, as the nature of the subject may require. And finally the sacredness of this obligation shall be lost sight of by the said government, when providing for the removal of the Indians from any portion of the said territory, or for its settlement by citizens of the United States but on the contrary, every care shall then be taken not to place the Indians, who are under the necessity of seeking new homes by removing themselves from the United States, have solemnly oblige

And we the undersigned, Chiefs, Head men and warriors of the
tribes aforesaid, having entered into a treaty of peace and
alliance with the United States of America and placed
ourselves with those we represent under the care and
protection of the authorities, of the United States, and being
desirous to observe all the laws and treaties adopted and entered
into by said government. We bind ourselves, and those
we represent, to comply with the provisions of said treaty between
the United States and Mexico and particularly the eleventh
article of the treaty, which is incorporated in this treaty and
made a part of the third article of the same, and it is
further agreed by said Chief, Head men, and warriors, that
they will at all times when they are advised or know of any
prisoners or persons, held in bondage, or as servants taken
from the territory of Mexico, that they will, take possession of
them, or give to the Agent who may have charge of the Agency
where such captives may be detained, of the place, such
information as ^{he may} be possessed in relation to such captive
so detained, and if no Indian Agent should be convenient
the information of such captive being held, shall be given to the
Officer commanding the nearest military post to such informant.

And it is distinctly understood that the United States is not to
pay any ransom or reward for the return or delivery of any such
captives except the expense of giving such information and time lost
and expense of traveling to the Agency, or military post, where the
information may be given, and the President of the United States
at his discretion may direct what sums, be paid yearly to those
tribes and those they represent, for their faithful discharge
of the foregoing provisions.

Article IV.

And with Chief, Head men and warriors, aforesaid agree and bind
ourselves and those we represent, that we will arrest and take up
all fugitive slaves or runaway negroes found within the territory
where we may reside or sojourn, and immediately deliver
the same to the Agent who may have the care of those who
may arrest or take up such fugitive slave or runaway negro
or to the Officer commanding the nearest military post to
the place where such negro may be taken, and it is agreed
that for each fugitive slave or runaway negro so taken and
delivered, the Indian or person delivering the same shall receive
from the owner, Agent, or attorney, the sum of fifty dollars for each
one taken, and the Officer to whom such fugitive slave or runaway negro
is delivered shall detain them in his possession until the fifty dollars
is paid, and all legal & reasonable expenses are paid,