

Andrew Johnson,
President of the United States of America,
To all and singular to whom these presents shall come,
greeting:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the fourteenth day of June, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley and Elijah Sells, Commissioners, on the part of the United States, and Ok-ta-has Harjo, Co~~ow~~-mikko, and Cutch-cho-chee, delegates at large of the Creek nation of Indians, and S. N. McIntosh and James M. C. Smith, special delegates of the Southern Creeks, on the part of said Creek nation of Indians and Southern Creeks, all of which delegates at large and special delegates were duly authorized thereto by said Creek nation and Southern Creeks;

which Treaty is in the words and figures
following, to wit:



39 Cong
1 Sep

BB

(B)

Treaty of Cession and Indemnity concluded at the city of Washington on the 14th day of June in the year four thousand eight hundred and Sixty Six, by and between the United States, represented by Dennis H. Cooley, Commissioner of Indian Affairs, Elyak Selts, Superintendent of Indian Affairs for the Southern Superintendency and Col. Ely S. Parker, Special Commissioner, and the Creek Nation of Indians represented by ——— Ok-taw-saw-harjo, or Sands, Cow-i-to-mu-co and Che-ah-ah-ah delegates at large and D. St. M. Antosh and James Smith, Special delegates of the Southern Creeks.

Preamble.

Whereas existing treaties between the United States and the Creek Nation have become insufficient to meet their mutual necessities, and whereas the Creeks made a treaty with the so-called Confederate States, on the tenth of July one thousand eight hundred and Sixty one, whereby they ignored their allegiance to the United States and unsettled the treaty relations existing between the Creeks and the United States, and did so render themselves liable to forfeit to the United States all benefits and advantages enjoyed by them in lands, annuities, protection and immunities, including their lands and other

(6)

property held by grant or gift from the United States; and whereas in view of said liabilities the United States require of the Creeks a portion of their land wherein to settle other Indians; and whereas a treaty of peace and amity was entered into between the United States and the Creeks and other tribes at Fort Smith, September tenth, Eighteen hundred and Sixty five, whereby the Creeks revoked, cancelled and repudiated the aforesaid treaty made with the So-called Confederate States; and whereas the United States through its Commissioners, in said treaty of peace and amity, promised to enter into treaty with the Creeks to arrange and settle all questions relating to and growing out of said treaty with the So-called Confederate States, Now, therefore, the United States, by its Commissioners, and the above named delegates of the Creek Nation, the day and year above mentioned, mutually stipulate and agree on behalf of the respective parties, as follows to wit:

Article
Second

There shall be perpetual peace and friendship between the parties to this treaty, and the Creeks bind themselves to remain firm allies and friends of the United States, and never to take up arms against the United States, 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 and protection against hostilities on the part of other tribes.

In the event of hostilities the United States agree that the tribe commencing and prosecuting the same, shall, as far as may be practicable make just reparation therefor.

To insure this protection, the Creeks agree to a military occupation of their country, at any time, by the United States, and the United States agree to station and continue in said country from time to time, at its own expense, such force as may be necessary for that purpose.

A general amnesty of all past offences against the laws of the United States committed by any member of the Creek Nation is hereby declared.

And the Creeks, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offences against their Government, and no Indian or Indians shall be proscribed, or any act of forfeiture or Confiscation passed, against those who have remained friendly to, or taken up arms against the United States, but they shall enjoy

(8)

equal privileges with other members of said tribe and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

Article III.

The Creeks hereby covenant and agree that henceforth neither Slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation, and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the Soil, it is stipulated that hereafter these persons lawfully residing in said Creek Country under their laws and usages, or who have been thus residing in said Country and may return within one year from the ratification of this treaty, and their descendants, and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek nation as citizens, shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the Soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons.

and all others of whatever race or color, who may be adopted as citizens or members of said tribe.

Article ~~XXX~~ ^I In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and South, the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek nation, and in consideration of said cession of the west half of their lands, estimated to contain three millions two hundred and fifty thousand, five hundred and sixty acres, the United States agree to pay the sum of thirty (30) cents per acre, amounting to nine hundred and seventy five thousand, one hundred and sixty eight dollars, in the manner hereinafter provided to wit: Two hundred thousand dollars shall be paid ^{in money} ~~per capita~~ ^{in money} unless otherwise directed by the President of the United States upon the ratification of this treaty, to enable the Creeks to occupy, restore and improve their farms, and to make their nation independent and

self sustaining, and to pay the damages
sustained by the mission schools on the
north Fork and the Arkansas rivers, not
to exceed two thousand dollars, and to pay
the delegates, such per diem as the Agent
and Creek Council may agree upon, as a
just and fair compensation, all of which
shall be distributed for that purpose by the
Agent, with the advice of the Creek Council,
under the direction of the Secretary of the
Interior. One hundred thousand dollars
shall be paid to Soldiers that enlisted in
the Federal army, and the loyal refugee
Indians and Freedmen who were driven
from their homes by the rebel forces, to re-
imburse them in proportion to their respective
losses. Four hundred thousand dollars
shall be paid ^{in money} per capita in money to said
Creek Nation unless otherwise directed by
the President of the United States under the
direction of the Secretary of the Interior as
the same may accrue from the sale of land
to other Indians. The United States agree
to pay to said Indians, in such manner,
and for such purposes as the Secretary of the
Interior may direct, interest at the rate of
five per cent per annum from the date of the
ratification of this treaty, on the amount herin-
before agreed upon for said ceded lands after

55 deducting the said two hundred thousand
 56 dollars. The residue two hundred and Seventy
 57 five thousand one hundred and Sixty eight dollars,
 58 shall remain in the Treasury of the United
 59 States, and the interest thereon, at the rate
 60 of five per centum per annum, be annually
 61 paid to said Creeks as above stipulated.

Article IV.

Not to

Immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective Soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen in proportion to their several losses, and to pay the amount awarded each in the following manner, to wit:

A census of the Creeks shall be taken by the Agent of the United States, for said Nation under the direction of the Secretary of the Interior, and a roll of the names of all Soldiers that enlisted in the Federal Army, loyal refugee Indians and freedmen be made by him. The Superintendent of Indian Affairs, for the Southern Superintendency and the Agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval and that of the Secretary of the Interior,

their awards together with the reasons therefor.
 In case the awards so made shall be duly
 approved, said awards shall be paid from the
 proceeds of the Sale of said lands within
 one year from the ratification of this treaty,
 or so soon as said amount of One hundred
 thousand (\$100,000) dollars can be raised from
 the sale of said land to other Indians.

Article V.

Plants

The Creek Nation hereby grant a right
 of way through their lands to the Choctaw
 and Chickasaw country, to any company which
 shall be duly authorized by Congress, and shall,
 with the express consent and approbation of
 the Secretary of the Interior, undertake to
 construct a Rail Road from any point
 north of, to any point in or south of the
 Creek Country, and likewise from any point
 on their eastern to their western or Southern
 boundary, but said Rail Road Company, to-
 gether with all its Agents and Employees,
 shall be subject to the laws of the United States
 relating to intercourse with Indian tribes,
 and also to such rules and regulations
 as may be prescribed by the Secretary of
 the Interior for that purpose, and the
 Creeks agree to sell to the United States or
 any company duly authorized as aforesaid,
 such lands not legally owned or occupied

by a member or members of the Creek Nation,
 lying along the line of said contemplated
 railroad not exceeding on each side thereof,
 a belt or strip of land three miles in width,
 at such price per acre as may be eventually
 agreed upon between said Creek Nation and
 the party or parties building said road,
 subject to the approval of the President
 of the United States. Provided however,
 that said land thus sold shall not be
 re-conveyed, leased or rented to, or be occupied
 by any one not a citizen of the Creek Nation
 according to its laws and recognised usages;
 Provided also, that Officers, Servants and
 employees of said Rail Road necessary to
 its construction and management, shall
 not be excluded from such necessary occupancy,
 they being subject to the provisions of the
 Indian intercourse law and such rules
 and regulations as may be established
 by the Secretary of the Interior, nor shall
 any conveyance of any of said lands be
 made to the party building and managing
 said road until its completion as a first
 class Rail Road and its acceptance as such
 by the Secretary of the Interior.

As much as the lands, or a portion thereof, in
 which the Creek Orphan fund has been heretofore

invested, from certain causes have largely depreciated in value, and are for the purposes for which said fund was set aside, unproductive it is hereby further stipulated, that such of the bonds now held by the Secretary of the Interior, in trust for the orphans of the Creek Nation, as may be necessary to establish a manual labor school for the improvement and education of the Orphan Children of said Nation shall be disposed of, and the avails thereof used for that purpose under the direction of the Secretary of the Interior. The residue of said fund shall be retained in the Treasury of the United States, upon which interest at the rate of five per cent shall annually be paid for the maintenance and support of said school.

Article VII.

The Creeks hereby agree that the Seminole Tribe of Indians may sell and convey to the United States, all or any portion of the Seminole lands, upon such terms as may be mutually agreed upon by and between the Seminoles and the United States.

Article VIII.

It is agreed that the Secretary of the Interior forthwith cause the land adjoining the Creek Country, as provided for by the terms of the Sale of Creek lands to the United States

Mr Davis

(15)

in Article 3^d of this treaty, to be accurately surveyed under the direction of the Commissioner of Indian Affairs, the expense of which survey shall be paid by the United States.

Article IX.

Inasmuch as the Agency buildings of the Creek tribe have been destroyed during the late war it is further agreed that the United States shall at their own expense, not exceeding ten thousand dollars, cause to be erected suitable Agency buildings the sites whereof shall be selected by the Agent of said tribe, in the reduced Creek reservation, under the direction of the Superintendent of Indian Affairs.

In consideration whereof the Creeks hereby cede and relinquish to the United States one section of their lands to be designated and selected by their Agent, under the direction of the Superintendent of Indian Affairs, upon which said Agency building shall be erected, which section of land shall revert to the Creek Nation when said Agency buildings are no longer used by the United States, upon said Nation paying a fair and reasonable value for said buildings at the time vacated.

Article X.

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The Creek agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory. Provided however, said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges and customs. The Creek also agree that a general Council consisting of delegates elected by each nation or tribe lawfully residing within the Indian Territory, may be annually convened in said Territory, which Council shall be organized in such manner and possess such powers as are hereinafter described.

Meaning

That After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said Council, a census or enumeration of each tribe lawfully residing in said Territory shall be taken under the direction of the Superintendent of Indian Affairs, who for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

(17)

Second. The first general Council shall consist of one member from each tribe, and an additional member for each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said Territory and shall be selected by said tribe respectively, who may assent to the Establishment of said General Council, and if none should be thus formally selected by any nation or tribe, the said nation or tribe shall be represented in said general Council by the Chief or Chiefs and head men of said tribe, to be taken in the order of their rank as recognized in tribal usage, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the Superintendent of Indian Affairs shall publish and declare to each tribe the number of members of said council to which they shall be entitled under the provisions of this article, and the persons entitled to so represent said tribes, shall meet at such time and place as he shall appoint but thereafter the time and place of the sessions of said Council shall be determined by its action. Provided, that no session in any one

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year shall exceed the term of thirty days, and Provided that Special Sessions of said Council may be called whenever in the judgement of the Secretary of the Interior, the interest of said tribes shall require.

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Third. Said General Council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in said Territory, the arrest and extradition of criminals and offenders escaping from one tribe to another, the administration of justice between members of the several tribes of said Territory and persons other than Indians and members of said tribes or nations, the construction of works of internal improvement and the common defence and safety of the nations of said Territory. All laws enacted by said General Council shall take effect at such time as may therein be provided, unless suspended by direction of the Secretary of the Interior, or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States, nor shall said Council legislate upon matters pertaining to the organization

laws or customs of the several tribes, except as herein provided for.

Christine

Fourth. Said Council shall be presided over by the Superintendent of Indian Affairs, or in case of his absence from any cause, the duties of said Superintendent enumerated in this article shall be performed by such person as the Secretary of the Interior may direct.

Fifth. The Secretary of the Interior shall appoint a Secretary of said Council, whose duty it shall be to keep an accurate record of all the proceedings of said Council, and who shall transmit a true copy of all such proceedings duly certified by the Superintendent of Indian Affairs, to the Secretary of the Interior immediately after the sessions of said Council shall terminate. He shall be paid out of the Treasury of the United States an annually salary of five hundred dollars.

Sixth. The members of said Council shall be paid by the United States, the sum of four dollars per diem during the time actually in attendance in the sessions of said Council, and at the rate of four dollars for every twenty miles necessary travelled by them in going to and returning to their homes respectively from said Council, to be certified by the Secretary of said Council, and the Superintendent of Indian Affairs.

Insomuch

Twelfth. The Creeks also agree that a court, or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide.

Article ~~XV~~.

The Stipulations of this treaty are to be a full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion and all Expenses by the United States of annuities in clothing and feeding refugee and destitute Indians since the diversion of annuities for that purpose consequent upon the late war with the so-called Confederate States, and the Creeks hereby ratify and confirm all such disbursements of annuities heretofore made from the funds of the Creek Nation by the United States, and the United States agree that no annuities shall be diverted from the objects for which they were originally allotted by treaty stipulations with the Creeks, to the use of refugee and destitute Indians other than the Creeks or members of the Creek Nation after the close of the present fiscal year, June, thirtieth, Eighteen hundred and Sixty Six.

Article ~~XVI~~.

The United States reaffirms and re-assumes

all obligations of treaty stipulations with the Creek Nation entered into before the treaty of said Creek Nation with the So-called Confederate States July 10th, 1861, not inconsistent herewith, and further agree to renew all payments of annuities accruing by force of said treaty stipulations from and after the close of the present fiscal year June 30th, 1866, except as is provided in Article 11th.

~~Article XXX.~~

Berry

A quantity of land not exceeding One hundred and Sixty acres to be selected according to legal sub-divisions, in one body, and to include their improvements, is hereby granted to every religious Society or denomination, which has erected, or which, with the consent of the Indians may hereafter erect buildings within the Creek Country for missionary or educational purposes, but no land thus granted nor the buildings which have been or may be erected thereon shall ever be sold or otherwise disposed of except with the consent and approval of the Secretary of the Interior, and whenever any such lands or buildings shall be so sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Creeks and such other

(2)

persons as may be or may hereafter become members of the tribe according to its laws, customs and usages, and if at any time said improvements shall be abandoned for one year for Missionary or Educational purposes, all the rights herein granted for Missionary and Educational purposes, shall revert to the said Creek Nation.

Article ~~XIV~~.

It is further agreed that all treaties heretofore entered into between the United States and the Creek Nation which are inconsistent with any of the Articles or provisions of this treaty, shall be, and are hereby rescinded and annulled, and it is further agreed that ten thousand dollars shall be paid by the United States or so much thereof as may be necessary to pay the expenses incurred in negotiating the foregoing treaty.

In testimony whereof, we the Commissioners representing the United States, and the delegates representing

Norton

23

The Creek Nation have
herunto set our hands and
seals at the place and on
the day and year above
written.

Moore

Council

In presence of
J. M. Durbin
U. S. Indian Agent

Elyah Sells
Supt Ind Aff

J. M. Durbin
U. S. Indian Agent

Charles E. Mix

J. M. Tebbetts

Okla has Hays

Geo. A. Reynolds

U. S. Indian Agent

Coco mihko his
wife

John B. Sanborn

John F. Brown

Cotch cho chee his
wife

Seminole Delegate

John Chupchoyman

N. M. Smith

Ray Har. fahoxman

Cho cote Arga. fahoxman

James M. E. Smith

R. T. Sells Cherokee Delegate

Douglas H. Cooper

Wm Perry Adair

Harry Leland

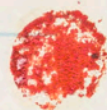
U. S. Interpreter

Creek Nation

See also, N. M. Smith

all

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the nineteenth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:



In Executive Session,
Senate of the United States
July 19, 1866.

Resolved, (two thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the Treaty of Cession and Indemnity concluded at the city of Washington on the 14th day of June 1866, by and between the United States, represented by their Commissioners, and the Creek Nation of Indians with the following,

Amendments.

- 1st Article 3 Line 21, After the word "paid" insert the words - in money and divided
- " Same line Strike out the words "in money"
- 2nd " Line 43 After the word "paid", insert the words - in money and divided
- " Same line Strike out the words "in money"
- 3^d Strike out all of Article 6.

Attest:

J. M. Overney Secretary.

Senate Res.
July 19. 66.

R¹¹

Amendments to
the Creek Treaty
of June 14. 1811.
forwarded from
the President

And whereas the foregoing amendments having been fully explained and interpreted to the aforementioned delegates at large and special delegates of the Creek nation of Indians and Southern Creeks, they did, on the twenty-third day of July, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments, in the words and figures following, to wit:



Whereas the Senate of the United States did on the 19th day of July 1866, advise and consent to the ratification of the Treaty of Cession and Indemnity concluded at the city of Washington on the 14th day of June 1866, by and between the United States represented by their Commissioners and the Creek Nation of Indians with the following amendments, to wit:—

- 1st. Article 3 Line 21, after the word "paid" insert the words:— in money and divided
" " Same line strike out the words "in money"
2^d " " Line 43 after the word "paid" insert the words:— in money and divided
" " Same line strike out the words "in money"
3^d Strike out all of Article 6.

Now therefore, we, the delegates representing the Creek Nation of Indians, do hereby assent and agree to the said amendments above written, the same having been interpreted to us and being fully understood by us.

Witness our hands and seals this 23^d day of July A.D. 1866. at Washington D.C.

In presence of
Charles E. Mix.

W. B. Irwin

Syris S. Hayden

G. D. Curtis

Geo A Reynolds,

E. B. G. Vaynor (over.)

Okta has Harjo

Cow Mitko

Cotch cho chee

D. N. M. In Losh

James M. C. Smith

his
X
mark
his
+
mark
his
+



John F. Brown

J. Harlan

U.S. Indian Agent

Harry ^{his} Island _{mark}

U.S. Interpreter for Crooks

Robert ^{his} Johnson _{mark}

U.S. Interpreter for Semmes

John Chap. Co. his X mark

Tos Har go his X mark

Cho Cte Har go. his X mark



Now, therefore, be it known that I, An-
drew Johnson, President of the United States
of America, do, in pursuance of the advice
and consent of the Senate, as expressed
in its resolution of the nineteenth of July,
one thousand eight hundred and sixty-
six, accept, ratify, and confirm the said
Treaty with the amendments as aforesaid.

In testimony whereof I have hereto signed
my name and caused the seal of the
United States to be affixed.

Done at the city of Washington
this eleventh ——— day of
August, in the year of
our Lord one thousand
eight hundred and sixty-six,
and of the Independence
of the United States of America
the ninety-first.

Andrew Johnson

By the President:

Henry Stanbery

Acting Secretary of State.

Miscellaneous Letters - July, Part II, 1866.

RECEIVED,

Dept. of State,

JUL 24 1866

DEPARTMENT of the INTERIOR,

WASHINGTON D. C. July 23 1866

Sir

I have the honor to transmit herewith, for promulgation, the treaty concluded in this City on the 14th of June last, with the Creek nation of Indians; with the assent of of the delegates of said Indians to the enclosed amendments of the Senate;-adopted July 19. 1866.

I am Sir

Very respect'y

Your ob't Serv't

Jas Harlan

Secretary

Hon W^m H. Seward

Secretary of State.

Department of State,
Washington August 9. 1866.

William J. M^CDonald

Chief Clerk Office Secretary of Senate

Sir:

With a view of facilitating the promulgation of the following named treaties with Indians, I have to request that you will cause six of the printed copies of each of them to be transmitted to this Department, viz: Treaty with the Chippewas of Saginaw Swan Creek, and Black River in Michigan, of October 18, 1864.^{#333}

Treaty with the Seminoles, of March, 21, 1866.^{#352}

do do do Creeks, of June, 14, 1866.^{#356}

do do do Delawares of July 4, 1866.^{#357}

do do do Cherokees of July 19. 1866.^{#358}

I am, Sir, your obedient servant,

R. S. Chew.

Acting Chief Clerk.

Miscellaneous Letters - August, Part I, 1866.

RECEIVED,

Dept. of State

Aug 10 1866

Office of Secretary of U. S. Senate,

Washington, August 10 1866.

R. S. Chew Esq

Acting Chief Clerk,

State Department,

Sir,

In compliance with the request contained
in your communication of the 9th instant, I herewith enclose
six of the printed copies of each of the Indian Treaties
therein named.

Yours Respectfully,

W: J: M:^CDonald

Chief Clerk

Department of State,
Washington August 18, 1866.

Hon James Harlan,
Secretary of the Interior.

Sir:

I have the honor to acknowledge the receipt of your letter of the 23^d ultimo, transmitting the Treaty concluded with the Creek Nation of Indians on the 14th June, 1866, and its accompaniments; and to inform you that said Treaty, having been ratified by the President, has in order to insure accuracy, been put in print at the Government Printing Office, and there a copy of it will be transmitted to the Editor of such newspaper as you may designate for its promulgation. The usual number of copies for the use of the Department of Interior of this and other Treaties with Indians, put in print for like reason, at the Government Printing Office, will be transmitted to you prior to their promulgation in a newspaper, if you shall deem this course proper.

I am, your obedient servant,
William H. Seward

Department of State,

Washington August 24, 1866.

Hon James Harlan,

Secretary of the Interior.

Sir:

Agreeably to a request contained in your letter of the 22^d instant, received today, I have the honor to transmit to you herewith, 250 copies of each of the following named Treaties with Indians, viz:

Treaty with the Delawares concluded July 4, 1866. #357

do do do Creeks do June 14, do - #356

do do do Cherokees do July 9, ^(sic) do - #358

Be pleased to acknowledge their receipt. A copy of these Treaties has been sent respectively to the editors of the newspapers designated by you for their promulgation.

I am, sir, your obedient servant,

William H. Seward.

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

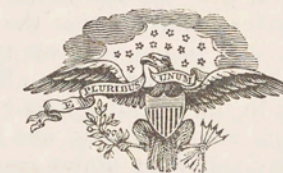
CREEK NATION OF INDIANS.

CONCLUDED JUNE 14, 1866.

RATIFICATION ADVISED, WITH AMENDMENTS, JULY 19, 1866.

AMENDMENTS ACCEPTED JULY 23, 1866.

PROCLAIMED AUGUST 11, 1866.



ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the fourteenth day of June, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley and Elijah Sells, Commissioners, on the part of the United States, and Ok-ta-has Harjo, Cow-mikko, and Cotch-cho-chee, delegates at large of the Creek Nation of Indians, and D. N. McIntosh and James M. C. Smith, special delegates of the Southern Creeks, on the part of said Creek Nation of Indians and Southern Creeks, all of which delegates at large and special delegates were duly authorized thereto by said Creek Nation and Southern Creeks, which Treaty is in the words and figures following, to wit:

Treaty of cession and indemnity concluded at the city of Washington on the 14th day of June, in the year of our Lord one thousand eight hundred and sixty-six, by and between the United States, represented by Dennis N. Cooley, Commissioner of Indian Affairs, Elijah Sells, superintendent of Indian affairs for the southern superintendency, and Col. Ely S. Parker, special commissioner, and the Creek Nation of Indians, represented by Ok-tars-sars-harjo, or Sands; Cow-e-to-me-co and Che-chu-chee, delegates at large, and D. N. McIntosh and James Smith, special delegates of the Southern Creeks.

PREAMBLE.

Whereas existing treaties between the United States and the Creek Nation have become insufficient to meet their mutual necessities; and whereas the Creeks made a treaty with the so-called Confederate States, on the tenth of July, one thousand eight hundred and sixty-one, whereby they ignored their allegiance to the United States and unsettled the treaty relations existing between the Creeks and the United States, and did so render themselves liable to forfeit to the United States all benefits and advantages enjoyed by them in lands, annuities, protection, and immunities, including their lands and other property held by grant or gift from the United States; and whereas in view of said



liabilities the United States require of the Creeks a portion of their land whereon to settle other Indians; and whereas a treaty of peace and amity was entered into between the United States and the Creeks and other tribes at Fort Smith, September tenth, eighteen hundred and sixty-five, whereby the Creeks revoked, cancelled, and repudiated the aforesaid treaty made with the so-called Confederate States; and whereas the United States, through its commissioners, in said treaty of peace and amity, promised to enter into treaty with the Creeks to arrange and settle all questions relating to and growing out of said treaty with the so-called Confederate States: Now, therefore, the United States, by its commissioners, and the above-named delegates of the Creek Nation, the day and year above mentioned, mutually stipulate and agree, on behalf of the respective parties, as follows, to wit:

ARTICLE I.

There shall be perpetual peace and friendship between the parties to this treaty, and the Creeks bind themselves to remain firm allies and friends of the United States, and never to take up arms against the United States, 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, and protection against hostilities on the part of other tribes. In the event of hostilities, the United States agree that the tribe commencing and prosecuting the same, shall, as far as may be practicable, make just reparation therefor. To insure this protection, the Creeks agree to a military occupation of their country, at any time, by the United States, and the United States agree to station and continue in said country from time to time, at its own expense, such force as may be necessary for that purpose. A general amnesty of all past offences against the laws of the United States, committed by any member of the Creek Nation, is hereby declared. And the Creeks, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offences against their government, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who have remained friendly to, or taken up arms against, the United States, but they shall enjoy equal privileges with other members of said tribe, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

ARTICLE II.

The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof,] shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

ARTICLE III.

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain three millions two hundred and fifty thousand five hundred and sixty acres, the United States agree to pay the sum of thirty (30) cents per acre, amounting to nine hundred and seventy-five thousand one hundred and sixty-eight dollars, in the manner hereinafter provided, to wit: two hundred thousand dollars shall be paid per capita in money, unless otherwise directed by the President of the United States, upon the ratification of this treaty, to enable the Creeks to occupy, restore, and improve their farms, and to make their nation independent and self-sustaining, and to pay the damages sustained by the mission schools on the North Fork and the Arkansas rivers, not to exceed two thousand dollars, and to pay the delegates such per diem as the agent and Creek council may agree upon, as a just and fair compensation, all of which shall be distributed for that purpose by the agent, with the advice of the Creek council, under the direction of the Secretary of the Interior. One hundred thousand dollars shall be paid to soldiers that enlisted in the federal army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses; four hundred thousand dollars shall be paid per capita in money to said Creek nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of land to other Indians. The United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent. per annum from the date of the ratification of this treaty, on the amount hereinbefore agreed upon for said ceded lands, after deducting the said two hundred thousand dollars; the residue, two hundred and seventy-five thousand one hundred and sixty-eight dollars, shall remain in the treasury of the United States, and the interest thereon, at the rate of five per centum per annum, be annually paid to said Creeks as above stipulated.

ARTICLE IV.

Immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the federal army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the federal army, loyal refugee Indians, and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved, said awards shall

be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of one hundred thousand (\$100,000) dollars can be raised from the sale of said land to other Indians.

ARTICLE V.

The Creek nation hereby grant a right of way through their lands, to the Choctaw and Chickasaw country, to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad from any point north of to any point in or south of the Creek country, and likewise from any point on their eastern to their western or southern boundary, but said railroad company, together with all its agents and employees, shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose, and the Creeks agree to sell to the United States, or any company duly authorized as aforesaid, such lands not legally owned or occupied by a member or members of the Creek nation, lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Creek nation and the party or parties building said road, subject to the approval of the President of the United States: *Provided, however,* That said land thus sold shall not be reconveyed, leased, or rented to, or be occupied by any one not a citizen of the Creek nation, according to its laws and recognized usages: *Provided, also,* That officers, servants, and employees of said railroad necessary to its construction and management, shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian intercourse law and such rules and regulations as may be established by the Secretary of the Interior, nor shall any conveyance of any of said lands be made to the party building and managing said road until its completion as a first-class railroad, and its acceptance as such by the Secretary of the Interior.

ARTICLE VI.

Inasmuch as the bonds, or a portion thereof, in which the Creek orphan fund has been heretofore invested, from certain causes have largely depreciated in value, and are for the purposes for which said fund was set aside unproductive, it is hereby further stipulated that such of the bonds now held by the Secretary of the Interior, in trust for the orphans of the Creek nation, as may be necessary to establish a manual labor school for the improvement and education of the orphan children of said nation shall be disposed of, and the avails thereof used for that purpose, under the direction of the Secretary of the Interior. The residue of said fund shall be retained in the treasury of the United States, upon which interest at the rate of five per cent. shall annually be paid for the maintenance and support of said school.

ARTICLE VII.

The Creeks hereby agree that the Seminole tribe of Indians may sell and convey to the United States all or any portion of the Seminole lands, upon such terms as may be mutually agreed upon by and between the Seminoles and the United States.



ARTICLE VIII.

It is agreed that the Secretary of the Interior forthwith cause the line dividing the Creek country, as provided for by the terms of the sale of Creek lands to the United States in article 3d of this treaty, to be accurately surveyed under the direction of the Commissioner of Indian Affairs, the expenses of which survey shall be paid by the United States.

ARTICLE IX.

Inasmuch as the agency buildings of the Creek tribe have been destroyed during the late war, it is further agreed that the United States shall at their own expense, not exceeding ten thousand dollars, cause to be erected suitable agency buildings, the sites whereof shall be selected by the agent of said tribe, in the reduced Creek reservation, under the direction of the superintendent of Indian affairs.

In consideration whereof, the Creeks hereby cede and relinquish to the United States one section of their lands, to be designated and selected by their agent, under the direction of the superintendent of Indian affairs, upon which said agency buildings shall be erected, which section of land shall revert to the Creek nation when said agency buildings are no longer used by the United States, upon said nation paying a fair and reasonable value for said buildings at the time vacated.

ARTICLE X.

The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory: *Provided, however,* [That] said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs. The Creeks also agree that a general council, consisting of delegates elected by each nation or tribe lawfully resident within the Indian territory, may be annually convened in said territory, which council shall be organized in such manner and possess such powers as are hereinafter described.

First. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census, or enumeration of each tribe lawfully resident in said territory, shall be taken under the direction of the superintendent of Indian affairs, who for that purpose is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

Second. The first general council shall consist of one member from each tribe, and an additional member for each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory, and shall be selected by said tribes respectively, who may assent to the establishment of said general council, and if none should be thus formally selected by any nation or tribe, the said nation or tribe shall be represented in said general council by the chief or chiefs and headmen of said tribe, to be taken in the order of their rank as recognized in tribal usage, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare to each tribe the number of members of said council to which they shall be entitled under

the provisions of this article, and the persons entitled to so represent said tribes shall meet at such time and place as he shall appoint, but thereafter the time and place of the sessions of said council shall be determined by its action: *Provided*, That no session in any one year shall exceed the term of thirty days, and provided that special sessions of said council may be called whenever, in the judgment of the Secretary of the Interior, the interest of said tribe shall require.

Third. Said general council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in said territory, the arrest and extradition of criminals and offenders escaping from one tribe to another, the administration of justice between members of the several tribes of said territory, and persons other than Indians and members of said tribes or nations, the construction of works of internal improvement, and the common defence and safety of the nations of said territory. All laws enacted by said general council shall take effect at such time as may therein be provided, unless suspended by direction of the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States, nor shall said council legislate upon matters pertaining to the organization, laws, or customs of the several tribes, except as herein provided for.

Fourth. Said council shall be presided over by the superintendent of Indian affairs, or, in case of his absence from any cause, the duties of said superintendent enumerated in this article shall be performed by such person as the Secretary of the Interior may direct.

Fifth. The Secretary of the Interior shall appoint a secretary of said council, whose duty it shall be to keep an accurate record of all the proceedings of said council, and who shall transmit a true copy of all such proceedings, duly certified by the superintendent of Indian affairs, to the Secretary of the Interior immediately after the sessions of said council shall terminate. He shall be paid out of the treasury of the United States an annual salary of five hundred dollars.

Sixth. The members of said council shall be paid by the United States the sum of four dollars per diem during the time actually in attendance on the sessions of said council, and at the rate of four dollars for every twenty miles necessarily travelled by them in going to and returning to their homes, respectively, from said council, to be certified by the secretary of said council and the superintendent of Indian affairs.

Seventh. The Creeks also agree that a court or courts may be established in said territory, with such jurisdiction and organized in such manner as Congress may by law provide.

ARTICLE XI.

The stipulations of this treaty are to be a full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion and all expenditures by the United States of annuities in clothing and feeding refugee and destitute Indians since the diversion of annuities for that purpose consequent upon the late war with the so-called Confederate States; and the Creeks hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Creek Nation by the United States, and the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Creeks, to the use of refugee and destitute Indians other than the Creeks or members of the Creek



Nation after the close of the present fiscal year, June thirtieth, eighteen hundred and sixty-six.

ARTICLE XII.

The United States reaffirms and reassumes all obligations of treaty stipulations with the Creek Nation entered into before the treaty of said Creek Nation with the so-called Confederate States, July 10th, 1861, not inconsistent herewith; and further agrees to renew all payments of annuities accruing by force of said treaty stipulations from and after the close of the present fiscal year, June 30th, 1866, except as is provided in article 11th.

ARTICLE XIII.

A quantity of land not exceeding one hundred and sixty acres, to be selected according to legal subdivisions, in one body, and to include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect buildings within the Creek country for missionary or educational purposes; but no land thus granted nor the buildings which have been or may be erected thereon shall ever be sold or otherwise disposed of, except with the consent and approval of the Secretary of the Interior; and whenever any such lands or buildings shall be so sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Creeks and such other persons as may be or may hereafter become members of the tribe according to its laws, customs, and usages; and if at any time said improvements shall be abandoned for one year for missionary or educational purposes, all the rights herein granted for missionary and educational purposes shall revert to the said Creek Nation.

ARTICLE XIV.

It is further agreed that all treaties heretofore entered into between the United States and the Creek Nation which are inconsistent with any of the articles or provisions of this treaty shall be, and are hereby, rescinded and annulled; and it is further agreed that ten thousand dollars shall be paid by the United States, or so much thereof as may be necessary, to pay the expenses incurred in negotiating the foregoing treaty.

In testimony whereof, we, the commissioners 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.

D. N. COOLEY, [SEAL.]
Comr. Ind. Affrs.

ELIJAH SELLS, [SEAL.]

Supt. Ind. Aff.

OK-TA-HAS HARJO, his X mark. [SEAL.]

COW MIKKO, his X mark. [SEAL.]

COTCH-CHO-CHEE, his X mark. [SEAL.]

D. N. McINTOSH. [SEAL.]

JAMES M. C. SMITH. [SEAL.]

In presence of—

J. W. DUNN,
U. S. Indian Agent.
J. HARLAN,
U. S. Indian Agent.
CHARLES E. MIX,
J. M. TEBBETTS,
GEO. A. REYNOLDS,
U. S. Indian Agent.
JOHN B. SANBORN,
JOHN F. BROWN,
Seminole Delegate.
JOHN CHUPCO, his × mark.
FOS-HAR JO, his × mark.
CHO-COTE-HUGA, his × mark.
R. FIELDS,
Cherokee Delegate.
DOUGLAS H. COOPER,
WM. PENN ADAIR,
HARRY ISLAND, his × mark,
U. S. Interpreter, Creek Nation.
SULUDIN WATIE.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the nineteenth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 19, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Treaty of Cession and Indemnity concluded at the city of Washington on the 14th day of June, 1866, by and between the United States, represented by their Commissioners, and the Creek nation of Indians, with the following

AMENDMENTS:

- 1st. Article 3, line 21, after the word "paid" insert the words: *in money and divided.*
- 2d. " same line, strike out the words "in money."
- 2d. " line 43, after the word "paid" insert the words: *in money and divided.*
- 3d. " same line, strike out the words "in money."
- 3d. Strike out all of Article 6.

Attest:

J. W. FORNEY,
Secretary

And whereas the foregoing amendments having been fully explained and interpreted to the afore-named delegates at large and special delegates of the Creek nation of Indians and Southern Creeks, they did, on the twenty-third day of July, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments, in the words and figures following, to wit:



Whereas the Senate of the United States did, on the 19th day of July, 1866, advise and consent to the ratification of the Treaty of Cession and Indemnity concluded at the city of Washington on the 14th day of June, 1866, by and between the United States, represented by their Commissioners, and the Creek nation of Indians, with the following amendments, to wit:

- 1st. Article 3, line 21, after the word "paid" insert the words: *in money and divided.*
- 2d. " same line, strike out the words "in money."
- 2d. " line 43, after the word "paid" insert the words: *in money and divided.*
- 3d. " same line, strike out the words "in money."
- 3d. Strike out all of Article 6.

Now, therefore, we, the delegates representing the Creek nation of Indians, do hereby assent and agree to the said amendments above written, the same having been interpreted to us and being fully understood by us.

Witness our hands and seals this 23d day of July, A. D. 1866, at Washington, D. C.

OK-TA-HAS HARJO, his × mark. [SEAL]
COW MIKKO, his × mark. [SEAL]
COTCH-CHO-CHEE, his × mark. [SEAL]
D. N. MCINTOSH. [SEAL]
JAMES M. C. SMITH. [SEAL]

In presence of—

CHARLES E. MIX.
W. R. IRWIN.
LEWIS S. HAYDEN.
G. D. CURTIS.
GEO. A. REYNOLDS.
E. B. GRAYSON.
JOHN F. BROWN.
J. HARLAN,
U. S. Indian Agent.
HARRY ISLAND, his × mark,
U. S. Interpreter for Creeks.
ROBERT JOHNSON, his × mark,
U. S. Interpreter for Seminoles.
JOHN CHUP-CO, his × mark.
FOS HARPO, his × mark.
CHO-COTE HARJO, his × mark.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the nineteenth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendments as aforesaid.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this eleventh day of August, in the year of [SEAL.] Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

By the President:

ANDREW JOHNSON.

HENRY STANBERY,
Acting Secretary of State.