

TREATY WITH THE COMANCHE, ETC., 1835.

Treaty with the Comanche and Witchetaw Indians and their associated Bands.

Aug. 24, 1835.

7 Stat., 474.
Proclamation, May
19, 1836.

FOR the purpose of establishing and perpetuating peace and friendship between the United States of America and the Comanche and Witchetaw nations, and their associated bands or tribes of Indians, and between these nations or tribes, and the Cherokee Muscogee, Choctaw, Osage, Seneca and Quapaw nations or tribes of Indians, the President of the United States has, to accomplish this desirable object, and to aid therein, appointed Governor M. Stokes, M. Arbuckle Brigdi.-Genl. United States army, and F. W. Armstrong, Actg. Supdt. Western Territory, commissioners on the part of the United States; and the said Governor M. Stokes and M. Arbuckle, Brigdi. Genl. United States army, with the chiefs and representatives of the Cherokee, Muscogee, Choctaw, Osage, Seneca, and Quapaw nations or tribes of Indians, have met the chiefs, warriors, and representatives of the tribes first above named at Camp Holmes, on the eastern border of the Grand Prairie, near the Canadian river, in the Muscogee nation, and after full deliberation, the said nations or tribes have agreed with the United States, and with one another upon the following articles:

ARTICLE 1. There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the Comanche and Witchetaw nations and their associated bands or tribes of Indians, and between these nations or tribes and the Cherokee, Muscogee, Choctaw, Osage, Seneca and Quapaw nations or tribes of Indians.

Peace and friendship.

ARTICLE 2. Every injury or act of hostility by one or either of the contracting parties on the other, shall be mutually forgiven and forever forgot.

Injuries, etc., forgiven.

ARTICLE 3. There shall be a free and friendly intercourse between all the contracting parties hereto, and it is distinctly understood and agreed by the Comanche and Witchetaw nations and their associated bands or tribes of Indians, that the citizens of the United States are freely permitted to pass and repass through their settlements or hunting ground without molestation or injury on their way to any of the provinces of the Republic of Mexico, or returning therefrom, and that each of the nations or tribes named in this article, further agree to pay the full value for any injury their people may do to the goods or property of the citizens of the United States taken or destroyed, when peaceably passing through the country they inhabit, or hunt in, or elsewhere. And the United States hereby guaranty to any Indian or Indians of either of the said Comanche or Witchetaw nations, and their associated bands or tribes of Indians, a full indemnification for any horses or other property which may be stolen from them: *Provided*, that the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States, and within the limits thereof.

Free passage through the Indian country.

Indemnity for horses, etc., stolen.

Proviso.

ARTICLE 4. It is understood and agreed by all the nations or tribes of Indians parties to this treaty, that each and all of the said nations or tribes have free permission to hunt and trap in the Great Prairie west of the Cross Timber, to the western limits of the United States.

Hunting ground.

ARTICLE 5. The Comanche and Witchetaw nations and their associated bands or tribes of Indians, severally agree and bind themselves to pay full value for any injury their people may do to the goods or other property of such traders as the President of the United States may place near to their settlements or hunting ground for the purpose of trading with them.

Injuries to goods, etc., to be paid for by Indians.

Other Indians on
their grounds not to
be molested.

ARTICLE 6. The Comanche and Witchetaw nations and their associated bands or tribes of Indians, agree, that in the event any of the red people belonging to the nations or tribes residing south of the Missouri river and west of the State of Missouri, not parties to this treaty, should visit their towns or be found on their hunting ground, that they will treat them with kindness and friendship and do no injury to them in any way whatever.

Peace to be pre-
served.

ARTICLE 7. Should any difficulty hereafter unfortunately arise between any of the nations or tribes of Indians parties hereunto, in consequence of murder, the stealing of horses, cattle, or other cause, it is agreed that the other tribes shall interpose their good offices to remove such difficulties, and also that the Government of the United States may take such measures as they may deem proper to effect the same object, and see that full justice is done to the injured party.

Presents to be given
to the Indians.

ARTICLE 8. It is agreed by the commissioners of the United States, that in consequence of the Comanche and Witchetaw nations and their associated bands or tribes of Indians having freely and willingly entered into this treaty, and it being the first they have made with the United States or any of the contracting parties, that they shall receive presents immediately after signing, as a donation from the United States; nothing being asked from these nations or tribes in return, except to remain at peace with the parties hereto, which their own good and that of their posterity require.

Relations with Mex-
ico.

ARTICLE 9. The Comanche and Witchetaw nations and their associated bands or tribes, of Indians, agree, that their entering into this treaty shall in no respect interrupt their friendly relations with the Republic of Mexico, where they all frequently hunt and the Comanche nation principally inhabit; and it is distinctly understood that the Government of the United States desire that perfect peace shall exist between the nations or tribes named in this article and the said republic.

Obligatory when
ratified.

ARTICLE 10. This treaty shall be obligatory on the nations or tribes parties hereto from and after the date hereof, and on the United States from and after its ratification by the Government thereof.

Done, and signed, and sealed at Camp Holmes, on the eastern border of the Grand Prairie, near the Canadian river, in the Muscogee nation, this twenty-fourth day of August, one thousand eight hundred and thirty-five, and of the independence of the United States the sixtieth.

Montfort Stokes,	[L. s.]	Ettah, or the gun, his x mark,	[L. s.]
M. Arbuckle, Brigadier-General		Tennowikah, or the boy who was	
U. S. Army,	[L. s.]	soon a man, his x mark,	[L. s.]
Comanches:		Kumaquoi, or the woman who cuts	
Ishacoly, or the wolf, his x mark,	[L. s.]	buffalo meat, his x mark,	[L. s.]
Queenashano, or the war eagle, his		Taquananno, or the amorous man,	
x mark,	[L. s.]	his x mark,	[L. s.]
Tabaqueena, or the big eagle, his		Kowa, or the stinking tobacco box,	
x mark,	[L. s.]	his x mark,	[L. s.]
Pohowetowshah, or the brass man,		Soko, or the old man, his x mark,	[L. s.]
his x mark,	[L. s.]	Witchetaws:	
Shabbakasha, or the roving wolf,		Kanostowah, or the man who don't	
his x mark,	[L. s.]	speak, his x mark,	[L. s.]
Neraquassi, or the yellow horse,		Kosharokah, or the man who mar-	
his x mark,	[L. s.]	ries his wife twice, his x mark,	[L. s.]
Toshapappy, or the white hare, his		Terrykatowatix, the riding chief,	
x mark,	[L. s.]	his x mark,	[L. s.]
Pahohsareya, or the broken arm,		Tahdaydy, or the traveller, his x	
his x mark,	[L. s.]	mark,	[L. s.]
Pahkah, or the man who draws		Hahkahpillush, or the drummer,	
the bow, his x mark,	[L. s.]	his x mark,	[L. s.]
Witsitony, or he who sucks quick,		Lachkah, or the first man in four	
his x mark,	[L. s.]	battles, his x mark,	[L. s.]
Leahwiddikah, or one who stirs up		Learhehash, or the man who	
water, his x mark,	[L. s.]	weans children too soon, his x	
Esharsotsiki, or the sleeping wolf,		mark,	[L. s.]
his x mark,	[L. s.]	Lachhardich, or the man who sees	
Pahtrisula, or the dog, his x mark,	[L. s.]	things done in the wrong way,	
		his x mark,	[L. s.]

Nocuttardaditch, or the man who tries to excel the head chief, his x mark,	[L. s.]	Melola, or waving, his x mark,	[L. s.]
Katardedwadick, or the man who killed an enemy in the water, his x mark,	[L. s.]	Mateter, or the man who missed it, his x mark,	[L. s.]
Losshah, or the twin, his x mark,	[L. s.]	Billy, his x mark,	[L. s.]
Taytsaaytah, or the ambitious adulterer, his x mark,	[L. s.]	Tuskia Harjoe, or crazy brave, his x mark,	[L. s.]
Tokaytah, or the summer, his x mark,	[L. s.]	Aussy, or the pursuer, his x mark,	[L. s.]
Musshakratsatady, or the man with the dog skin cap, his x mark,	[L. s.]	Tohoithla, or standing upon, his x mark,	[L. s.]
Kipsh, or the man with one side of his head shaved, his x mark,	[L. s.]	John Hambly,	[L. s.]
		K. Lewis,	[L. s.]
		John Wynn,	[L. s.]
		David McKillap,	[L. s.]
Cherokees:		Choctaws:	
Dutch, his x mark,	[L. s.]	Musha-la-tubbee, or the man killer, his x mark,	[L. s.]
David Melton, his x mark,	[L. s.]	Na-tuck-a-chee, or fair day, his x mark,	[L. s.]
Muscogees:		Par-chee-ste-cubbee, or the scalp-holder, his x mark,	[L. s.]
Roley McIntosh, his x mark,	[L. s.]	To-pi-a-chee-hubbee, or the painted face, his x mark,	[L. s.]
Chilly McIntosh,	[L. s.]	Ya-cha-a-o-pay, or the leader of the warriors, his x mark,	[L. s.]
Cho-co-te-tuston-nogu, or marshal of the Cho-co-te-clan, his x mark,	[L. s.]	Tus-qui-hola-tah, or the travelling warrior, his x mark,	[L. s.]
Tus-ca-ne-ha, or the marshal, his x mark,	[L. s.]	Tic-eban-jo-hubbee, or the first for war, his x mark,	[L. s.]
Tusly Harjoe, or crazy town, his x mark,	[L. s.]	Nucke Stubbee, or the bullet that has killed, his x mark,	[L. s.]
Alexander Lasley, his x mark,	[L. s.]	Toqua, or what you say, his x mark,	[L. s.]
Neha Harjoe, or crazy marshal, his x mark,	[L. s.]	Po-sha-ma-stubbee, or the killer, his x mark,	[L. s.]
Tustunucke Harjoe, or crazy warrior, his x mark,	[L. s.]	Nuck-ho-ma-harjoe, or the bloody bullet, his x mark,	[L. s.]
Powes Emarlo, or marshal of Powes clan, his x mark,	[L. s.]	Thomas Mickie, his x mark,	[L. s.]
Cosa Yehola, or marshal of Cosa clan, his x mark,	[L. s.]	Halam-be-sha, or the bat, his x mark,	[L. s.]
Powes Yehola, or marshal of Powes clan, his x mark,	[L. s.]	Ok-chia, or life, his x mark,	[L. s.]
Toma Yehola, or marshal of Toma clan, his x mark,	[L. s.]	Tus-ca-homa-nadia, or the red warrior, his x mark,	[L. s.]
Cosado Harjoe, or crazy Cosada, his x mark,	[L. s.]	Tun-up-me-a-moma, or the red man who has gone to war, his x mark,	[L. s.]
Neha Harjoe, or crazy marshal, his x mark,	[L. s.]	Par-homa, or the red hoop, his x mark,	[L. s.]
Cosada Tustonnogee, or the Cosada warrior, his x mark,	[L. s.]	No-wah-ba, the man who kills the enemy when he meets him, his x mark,	[L. s.]
Octiyachee Yehola, or marshal of Octiyachee clan, his x mark,	[L. s.]	Hisho-he-meta, or a young waiter, his x mark,	[L. s.]
Nulthcup Tustonnogee, or the middle warrior, his x mark,	[L. s.]	Cho-ma-la-tubbee, or the man who is sure his enemy is dead, his x mark,	[L. s.]
Ufala Harjoe, or crazy Ufala, his x mark,	[L. s.]	Hokla-no-ma, the traveller in the town, his x mark,	[L. s.]
Cholafixico, or a fox without a heart, his x mark,	[L. s.]	William, his x mark,	[L. s.]
Joseph Miller, his x mark,	[L. s.]	Neasho Nubbee, he who knows where the enemy is killed, his x mark,	[L. s.]
Samuel Brown, his x mark,	[L. s.]	Jim, his x mark,	[L. s.]
Archi Kennard, his x mark,	[L. s.]	Eu-eck Harma, or the man who is never tired, his x mark,	[L. s.]
Towannay, or the slender man, his x mark,	[L. s.]	Nat-la Homa, or the bloody man, his x mark,	[L. s.]
Saccasumky, or to be praised, his x mark,	[L. s.]	Pia-o-sta, or to whoop four times, his x mark,	[L. s.]
Siah Hardridge, his x mark,	[L. s.]	Pa-sha-oa-cubbee, or the man who puts his foot on the scalp, his x mark,	[L. s.]
Warrior Hardridge, his x mark,	[L. s.]	La-po-na, or the man who killed the enemy, his x mark,	[L. s.]
George Stedham, his x mark,	[L. s.]	A-mo-na-tubbee, or lying in wait to kill, his x mark,	[L. s.]
Itchhas Harjoe, or crazy beaver, his x mark,	[L. s.]		
Itchofake Harjoe, or crazy deer's heart, his x mark,	[L. s.]		
Satochkaky, or the broad side, his x mark,	[L. s.]		
Semehechee, or hide it away, his x mark,	[L. s.]		
Hoyane, or passed by, his x mark,	[L. s.]		

A-fa-ma-tubbee, or the man who kills every thing he meets, his x mark, [L. s.]	Shaun-ga-mo-nee, or the fall chief, his x mark, [L. s.]
Osages:	Tee-sha-wah-ra, or dry grass, his x mark, [L. s.]
Fah-ha-la, or the leaping deer, his x mark, [L. s.]	Ne-kah-wah-shee-tun-gah, or the brave spirit, his x mark, [L. s.]
Shone-ta-sah-ba, or the black dog, his x mark, [L. s.]	Senecas:
Wah-shin-pee-sha, or the wicked man, his x mark, [L. s.]	Thomas Brant, his x mark, [L. s.]
Tun-wan-le-he, or the town mover, his x mark, [L. s.]	Small Crout Spicer, his x mark, [L. s.]
Whoa-har-tee, or the war eagle, his x mark, [L. s.]	Isaac, his x mark, [L. s.]
Me-tah-ne-gah, or the crazy robe, his x mark, [L. s.]	Mingo Carpenter, his x mark, [L. s.]
Wah-she-sho-hee, or the smart spirit, his x mark, [L. s.]	John Sky, his x mark, [L. s.]
Ah-ke-tah, or the soldier, his x mark, [L. s.]	Henry Smith, his x mark, [L. s.]
Weir-sah-bah-sha, or the hidden black, his x mark, [L. s.]	Little Town Spicer, his x mark, [L. s.]
Ne-ko-jah, or the man hunter, his x mark, [L. s.]	Young Henry, his x mark, [L. s.]
Hor-tea-go, or like night, his x mark, [L. s.]	Peter Pork, his x mark, [L. s.]
Wah-hah-tah-nee, or the fast runner, his x mark, [L. s.]	William Johnston, his x mark, [L. s.]
Wah-nah-shee, or the taker away, his x mark, [L. s.]	Big Bone, his x mark, [L. s.]
Ces-sah-ba, or the man in black, his x mark, [L. s.]	Big Isaac, his x mark, [L. s.]
Es-kah-mar-ne, or the white horn, his x mark, [L. s.]	Civil Jack, his x mark, [L. s.]
Kou-sah-she-la, or walking together, his x mark, [L. s.]	Ya-ga-ha, or the water in the apple, his x mark, [L. s.]
Tcha-to-kah, or the buffalo, his x mark, [L. s.]	Cau-ya-que-neh, or the snow drift, his x mark, [L. s.]
O-ke-sah, or the man aside, his x mark, [L. s.]	Ya-ta-ato, or the little lake, his x mark, [L. s.]
Wah-she-wah-ra, or the stopper, his x mark, [L. s.]	Douglass, his x mark, [L. s.]
Wah-ho-ba-shungee, or the idolater, his x mark, [L. s.]	George Herring, his x mark, [L. s.]
Tone-ba-wah-tcha-la, or hard to look at the sun rising, his x mark, [L. s.]	Quapaws:
Shoe-chem-mo-nee, or the elk whistler, his x mark, [L. s.]	Hi-ka-toa, or the dry man, his x mark, [L. s.]
Wah-kah-cha, or the tumbler, his x mark, [L. s.]	Wa-ga-de-tone, or the maggot, his x mark, [L. s.]
Wah-ha, or the Pawnee chief's namesake, his x mark, [L. s.]	Wa-to-va, or the spider, his x mark, [L. s.]
Wah-kee-bah-nah, or the hard runner, his x mark, [L. s.]	Ca-ta-hah, or the tortoise, his x mark, [L. s.]
War-tcha-sheen-gah, or the scalp-carrier, his x mark, [L. s.]	Ma-towa-wah-cota, or the dug out, his x mark, [L. s.]
O-shaun-ga-tun-ga, or the big path, his x mark, [L. s.]	Wa-go-dah-hou-kah, or the plume, his x mark, [L. s.]
Wah-hee-no-pee, or the bone neck-lace, his x mark, [L. s.]	Ma-com-pa, or the doctor of the nose, his x mark, [L. s.]
Lee-sap-kah-pee, or the man who missed his enemy, his x mark, [L. s.]	Cas-sa, or the black tortoise, his x mark, [L. s.]
Wah-to-ke-hak, or raw meat, his x mark, [L. s.]	Haw-tez-chee-ka, or the little cedar, his x mark, [L. s.]
Wah-wah-shee, or quick runner, his x mark, [L. s.]	Ma-so-goda-toah, or the hawk, his x mark, [L. s.]
Kah-he-ka-saree, or chief killer, his x mark, [L. s.]	Wa-ka-toa-nosa, or the standing man, his x mark, [L. s.]
O-lash-tah-ba, or plate-licker, his x mark, [L. s.]	Motosa, or the black bear, his x mark, [L. s.]
Ma-ne-nah-shee, or the walker, his x mark, [L. s.]	Mor-bre-tone, or the little hawk, his x mark, [L. s.]
	Mar-to-ho-ga, or the white bear, his x mark, [L. s.]
	To-se-ca-da, or he who shows his track, his x mark, [L. s.]
	Tah-tah-ho-so, or the wind, his x mark, [L. s.]
	Hi-da-khe-da-sa, or the panther eagle, his x mark, [L. s.]
	O-tene-cah-chee-ka, or he who struck the enemy, his x mark, [L. s.]
	Me-ki-wah-kotah, or the star, his x mark, [L. s.]
	Ka-ti-mo-ne, or clear weather, his x mark, [L. s.]
	Vet-he-ka-ne, or thunder, his x mark, [L. s.]
	Ne-to-sa-mo-ne, or the black fresh-et, his x mark, [L. s.]

In presence of—

R. B. Mason, major of dragoons,
G. Birch, major, U. S. Army,
Francis Lee, captain, Seventh Infantry,
Samuel G. I. DeCamp, surgeon,
W. Seawell, lieutenant and aid de camp;
secretary to the commissioners,
Thomas B. Ballard,

Augustine A. Chouteau,
John Hambly, United States interpreter
to the Creeks,
George Herron,
Leonard C. McPhail, assistant surgeon,
U. S. Army,
Robert M. French.

TREATY WITH THE CHEROKEE, 1835.

Articles of a treaty, concluded at New Echota in the State of Georgia on the 29th day of Decr. 1835 by General William Carroll and John F. Schermerhorn commissioners on the part of the United States and the Chiefs Head Men and People of the Cherokee tribe of Indians.

Dec. 29, 1835.

7 Stat., 478.
Proclamation, May
23, 1836.

Preamble

WHEREAS the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled parts of the United States under the jurisdiction and laws of the State Governments may be terminated and adjusted; and with a view to reuniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers without the territorial limits of the State sovereignties, and where they can establish and enjoy a government of their choice and perpetuate such a state of society as may be most consonant with their views, habits and condition; and as may tend to their individual comfort and their advancement in civilization.

And whereas a delegation of the Cherokee nation composed of Messrs. John Ross Richard Taylor Danl. McCoy Samuel Gunter and William Rogers with full power and authority to conclude a treaty with the United States did on the 28th day of February 1835 stipulate and agree with the Government of the United States to submit to the Senate to fix the amount which should be allowed the Cherokees for their claims and for a cession of their lands east of the Mississippi river, and did agree to abide by the award of the Senate of the United States themselves and to recommend the same to their people for their final determination.

And whereas on such submission the Senate advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river."

And whereas this delegation after said award of the Senate had been made, were called upon to submit propositions as to its disposition to be arranged in a treaty which they refused to do, but insisted that the same "should be referred to their nation and there in general council to deliberate and determine on the subject in order to ensure harmony and good feeling among themselves."

And whereas a certain other delegation composed of John Ridge Elias Boudinot Archilla Smith S. W. Bell John West Wm. A. Davis and Ezekiel West, who represented that portion of the nation in favor of emigration to the Cherokee country west of the Mississippi entered into propositions for a treaty with John F. Schermerhorn commissioner on the part of the United States which were to be submitted to their nation for their final action and determination:

And whereas the Cherokee people, at their last October council at Red Clay, fully authorized and empowered a delegation or committee of twenty persons of their nation to enter into and conclude a treaty with the United States commissioner then present, *at that place or elsewhere* and as the people had good reason to believe that a treaty would