

## BE IT SOLEMNLY DECREED.

That we, the chosen delegates of the consultation of all Texas, in general convention assembled, solemnly declare.

That the Cherokee Indians, and their associate bands twelve tribes in number, agreeably to their last general council in Texas, have derived their just claims to lands included within the bounds hereinafter mentioned, from the government of Mexico, from which we have also derived our rights to the soil by grant, and occupancy,

We solemnly declare that the boundaries, of the claims of the said Indians to land is as follows, to-wit: Lying North of the San Antonio Road and the Neches and west of the Angelina and Sabine Rivers;

We solemnly declare that the governors and general council, immediately on its organization, shall appoint commissioners to treat with the said Indians, to establish the definite boundary of their territory, and secure their confidence and friendship.

We solemnly declare, that we will guarantee to them the peaceable enjoyment of their rights to their lands, as we do our own.

We do solemnly declare, that all grants, surveys and locations of lands within the bounds hereinbefore mentioned, made after the settlement of the said Indians, are, and of right ought to be, utterly null and void, and that the commissioners issuing the same, be, and are hereby, ordered immediately to recall and cancel the same, as having been made upon lands already appropriated by the Mexican Government.

We solemnly declare, that it is our sincere desire that the Cherokee Indians, and their associate bands, shall remain our friends, in peace and war; and if they do so we pledge the public faith for the support of the foregoing declarations.

We solemnly declare, that they are entitled to our commiseration and protection, as the just owners of the soil as an unfortunate race of people that we wish to hold as friends and treat with justice, deeply and solemnly impressed with these sentiments, as a mark of clemency, your committee would respectfully recommend the adoption of the following resolution.

Resolved, that the members of this convention now present, sign this declaration and pledge of the public faith, on the part of the people of Texas.

Done in convention at San Felipe de Austin, this 13 day of November A<sup>d</sup>. 1835.

B. F. Archer, President.

John A. Wharton	John W. Moore.
Sam Houston.	Samuel F. Allen.
Charles Wilson.	James W. Robinson
James Hodges	Jesse Grimes.
John Bevil	Wily Martin.
Alex Thompson	David B. Macomb
D. C. Barrett.	E. Collard.
J. Burman	M. W. Smith
A. Horton.	William Minifee.
Dan'l Parker	William H. Sigler.
John M. P. Byron	William A. Arrington.
A. G. Perry.	William S. Fisher.
C. C. Dyer	J. G. W. Pierson.

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Martin Farmer	William Whitaker
S.H. Everitt	Albert G. Kellogg
Philip Coe	George M. Patrick
Clairborne West	R.H. Royal
J.S. Lester.	Benjamin Fuqua
Joseph L. Hood	Wyatt Marks.
Asa Hoxey	Henry Millard,
Asa Mitchell	A.N. Hardin.
W.H. Williamson,	Henry Smith
A. E. Gunton	

F.B. Dexter, Secretary.

## A TREATY

## BETWEEN

## TEXAS AND THE TEXAS-CHEROKEES AND ASSOCIATE BANDS.

This treaty made and established between Sam Houston, and John Forbes, commissioners on part of the Provisional Government of Texas, of the one part and the Cherokees and their associate bands, residing in Texas, on the other part, to-wit: Shawnees, Delaware, Kickapoo, Comanche, Choctaw, Salusies, Javannies, Alabama, Coehatties, Cedises, of the Neches, Tahacallakes, and Matagons, by the Head Chiefs, Head Men, and Warriors of the Cherokees, as elder Brothers and representatives of all the other Bands, Agreeably to their last General Council. This treaty is made conformably, to a declaration made by the last General Consultation at Felipe, and dated 15th Nov 1835.

## ART. 1.

The Parties declare, that there shall be a firm, and lasting Peace forever, and that a friendly intercourse, shall be preserved, by the people belonging to both parties.

## ART. 2nd.

It is agreed and declared that the before named Tribes or bands shall form One Community, and, that they shall have and possess the Lands within the following Bounds: to-wit: Lying west of the San Antonio Road and beginning on the west at the point where the said road crosses the River Angelina, and running up said river until it reaches the mouth of the first large creek below the great Shawnee village emptying into the said River. from the North east thence running with said creek to its main course, and from thence a due North line to the Sabine, and with said river west, then starting where the San Antonio road crosses the Angelina and with said road to where it crosses the Neches, and thence running up the east side of said river, in a North west direction.

## ART. 3rd.

All lands granted, or settled, in good faith previous to the settlement of the Cherokees, within the before mentioned bounds are not conveyed by this treaty, but excepted, from its operation, all persons who have once been removed, and returned shall be considered as Intruders and their settlements not respected.

## ART. 4th.

It is agreed and declared by the parties, aforesaid that the land laying and being within the aforesaid Limits, shall never be sold or alienated to any person or persons power or Government, whatsoever, else than the Government of Texas. And the Commissioners on behalf of the Government of Texas, bind themselves, to prevent in future all persons from intruding within the said bounds. And it is agreed on the part of the Cherokees, for them,

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elves, and their younger Brothers that no other tribes or Bands of Indians, whatsoever, shall settle within the limits aforesaid, but those already named in this Treaty and now residing in Texas.

## ART 6th.

It is declared that no individual person, member of the Tribes, before named shall have power to sell or lease land to any person or persons, not a Member or Members of this Community, nor shall any Citizen of Texas, be allowed to lease or buy land from any Indian or Indians.

## ART 7th.

That the Indians shall be governed by their own Regulations, and Laws, within their own Territory, not Contrary to the Laws of the Government of Texas. All property stolen from the Citizens of Texas, or from the Indians, shall be restored to the party from whom it was stolen, and the offender or offenders shall be punished by the party to whom he or they may may belong.

## ART 8th.

The Government of Texas, shall have the power to regulate trade, and intercourse, but no tax shall be laid on the trade of the Indians.

## ART 9th.

The Parties to this Treaty agree that one or more agencies shall be created, and as least one agent shall reside, specially within the Cherokee Villages, whose duty it shall be to see that no injustice is done to them or other members of the Community of Indians.

## ART 10th.

The Parties to this Treaty agree that so soon as Jack Steele and Sam Henge shall abandon their improvements without the limits of the before recited tract of Country and remove within the same, that they shall be valued and paid for by the Government of Texas. They the said Jack Steele and Sam Henge, having until November next from the date of this Treaty, allowed them to remove within the limits before described. And all these lands and Improvements, now occupied by any of the before Bands mentioned not lying within the limits before described shall belong to the Government of Texas, and subject to its disposal.

## ART 11th.

The Parties to this Treaty agree and stipulate that the lands as before recited (except Henge & Steele) shall remove within the before described limits within eight Months from the date of this Treaty.

## ART 12th.

The Parties to this Treaty agree that nothing herein contained shall effect the relations of the Sabine or the Neches or the settlers in the neighborhood thereof; until a General Council of the several Bands shall take place, and the pleasure of the Convention of Texas be known.

## ART 13th.

It is also declared, that all the Titles issued to lands not agreeable to the Declara

made in relation to the same.

Done at Col Bowles village on the twenty third day of February eighteen Hundred and thirty six and the first year of the Provisional Government of Texas.

Signed by,

Witnesses, Fox Fields X Interpreter

Henry Millard

Joseph Darst.

A. Horton

Sam Houston.

John Forbes.

Col<sup>his</sup> I Bowles.

mark

his

Big X Bush.

mark

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Matthias A. Ringham

Geo W. Case

Gen<sup>his</sup> X Castle  
mark

The X Egg  
mark

his  
Generts X  
mark

his  
John X Bowles  
mark

his  
Fannette X  
mark

G.W. Beckley,

Secy to Commission.

I certify the above to be a true copy of a copy of the Treaty.

Alex Henriquez

Private Secretary.  
of the President.

I hereby certify that the foregoing four pages are a true and correct copy of the following documents to-wit:

Column Decees, copied from the Journal of the Consultation, held at San Felipe de Austin, October 6, 1836, contained in the so-called Gammel's Laws, Volume 1 page 364 47, and a copy of a copy of a certified copy in manuscript, of a Treaty between Texas and the Texas Cherokees, and Associate Bands;

Both of which were copied from documents on file in the Texas State Library.

Given under my hand and seal by virtue of the authority in me vested by Article 560 16 of Chapter 80 of the General Laws of Texas, passed by the Thirty Sixty Legislature, at the Second Called Session in July nineteen Hundred and nineteen on the Twenty ninth day of May, nineteen hundred and twenty five.

Fannie M. Wilcox, Ass't State Librarian.

(encl)

Filed for record Sept 21 1925, at 2 P.M.

Recorded Sept 29 1925 at 2:45 P.M.

W.R. Rutnall, Clerk. My -mnis Sec'd, Dep

IN STATE OF TEXAS  
COUNTY OF SMITH

I, MARY MORRIS, Clerk of the County Court of Smith

County do hereby certify that the above and foregoing instrument is a true and correct copy of the original instrument filed in this office on the 21 day of Sept A.D. 1925 under file No. \_\_\_\_\_ and recorded in Vol. 176 page 307

Records of Smith County, Texas.

Witness my hand and official seal of office this the 25 day

of June A.D. 1921

MARY MORRIS, Clerk of the  
County Court of Smith County, Texas

*[Signature]*  
Deputy