

TREATY BETWEEN TEXAS COMMISSIONERS
AND THE CHEROKEE INDIANS, 1836
TRANSCRIPT

This Treaty made and established between Sam Houston, and John Forbes, Commissioners, on the part of the Provisional Government of Texas, of the one part, and the Cherokees, and their associate Bands now residing in Texas of the other part--to wit Shawanee, Delawares, Kickapoos, Quapaws, Choctaws, Boluxies, lawanies, Alabamas, Cochatties, Caddos of the Naches, Tahoocattakes, and Unataquous, -- By the Head Chiefs, Head men and Warriors, of the Cherokees, as Elder Brother and Representative 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 St. Felipe, and dated 13th November AD 1835.

Article First

The Parties declare that there shall be a firm and lasting peace forever, and that a friendly intercourse shall

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be preserved, by the people belonging to both parties.

Article Second

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. Towit, - laying West of the San Antonio road, and beginning on the West, at the point where said road crosses the River Angeline, and running up said river, until it reaches the mouth of the first large creek, (below the great Shawanee Village) emptying into the said River from the north east, thence running with said creek, to its main source, and from thence, a due north line to the Sabine River, and with said river west then starting where the San Antonio road crosses the Angeline river, and with the said road to the point where it crosses the Naches river And

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And thence running up the east side of said river, in a North West direction.

Article, Third,

All lands granted or settled in good faith previous to the settlement of the Cherokees, within the before described 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 be respected.

Article, Fourth,

It is agreed by the parties aforesaid that the several Bands or Tribes named in this Treaty, shall all remove within the limits, or bounds as before described.

Article Fifth

It is agreed and declared, by the parties aforesaid, that the land, lying and being within the aforesaid limits shall never be sold or alienated to any person or

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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 upon the part of the Cherokees, for themselves 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.

Article, Sixth

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 of Indians, nor shall any citizen of Texas, be allowed to lease or buy land from any Indian or Indians.

Article Seventh,
That the Indians shall Be

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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 belong.

Article, Eighth.

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

Article, Ninth.

The Parties to this Treaty agree that one or more agencies, shall be created and at 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.---

Article, Tenth,
The Parties to this Treaty agree

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Agree that so soon as Jack Steele, and Samuel Benge, 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, the said Jack Steele and Samuel Benge having until the month of November next succeeding from the date of this treaty, allowed them to remove within the limits before described. And that all the lands and improvements now occupied by any of the before named Bands or Tribes, not lying within the limits before described shall belong to the Government of Texas and subject to its disposal.

Article Eleventh.

The Parties to this Treaty agree and stipulate that all the Bands or Tribes, as before recited (except Steele and Benge) shall remove within the before described limits, within Eight months from the date of this Treaty.

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Article Twelelth

The Parties to this Treaty, agree that nothing herein contained shall effect the relations of the Saline, on the Naches nor the settlers in the neighbourhood thereof until a General Council of the Several Bands, shall take place and the pleasure of the convention of Texas be known.

Article Thirteenth

It is also declared, that all Titles issued to Lands, not agreeably to the declaration of the General Consultation of the People of all Texas, dated the Thirteenth day of November, Eighteen hundred and thirty five, within the before recited limits, are declared void as well as, all orders and surveys made in relation to the same.

Done at Colonel Bowls Village on the Twenty third day of

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February, Eighteen hundred and thirty six, and the first Year of the Provisional Government of Texas. —

Witness

Fox Fields (mark) (Interpreter)
Henry Millard
Joseph Durst
A Horton
George W. Case
Mattias A. Bingham
Geo. W. Hockley
Secretary of Commission

Sam Houston
John Forbes
Colonel Bowl (mark)
Big Mush (mark)
Samuel Bengé (mark)
[Santa? C]osoota (mark)
Corn Tassle (mark)
The Egg (mark)
John Bowl (mark)
[Tunnetee?] (mark)

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