

Texas-Cherokees, # Treaty, dated February 23, 1836.
To # -----
The Public. # Filed for record February 7, 1919.

Recorded in Vol. 82, page 97, Deed Records of Cherokee County, Texas.

I, James Pierson Newcomb, Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original declaration on file in this office, (which declaration it is believed, was never carried into effect) and affix the seal of office, this the 25th of November, 1870.

Seal of the Department of the State of Texas,
signed Jas. P. Newcomb,
Sec'y. of State.

signed per J. E. Oldbright,
acting Sec'y. of State.

Copy of Treaty. Between Texas and the Texas
Cherokees.

This Treaty made and entered into and established between Sam Houston and John Forbes, Commissioners on the part of the Provisional Government of the State of Texas, of the one part, and the Cherokees and their associate bands now residing in Texas, of the other part, to-wit: Shawnees, Delawares, Kickapoos, Quapoos, Choctaws, Boluxies, Jawanies, Alabamas, Cochaties, Caddos of the Naches, Tahovcattakes, and Unatuquous, by the head chiefs and head men and warriors of the Cherokees, as elder brother and representative of all the other bands, agreeably to their last general council of all the other bands. This treaty is made conformably to a declaration made by the last general consultation at St. Felipe, and dated November 13, A. D. 1833.

Article First: 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.

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, 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 northeast, 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 Angelina river, and with the said road to the point where it crosses the Naches River, and thence up the east side of said river in a northeast 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 been once removed, and returned, shall be considered as intruders and their settlements not respected.

Article Fourth: It is agreed by the parties aforesaid that the several band or tribes named in this Treaty, shall all remove within 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 --- person or persons, power or government, whatsoever, else than the Government of Texas; and the Commissioners on behalf of the State 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 themselves and their younger brothers, that no other tribes or bands of Indians whatsoever shall settle within the limits aforesaid but those named in this Treaty and now residing in Texas.

Article Sixth: It is declared that no individual person, member of the tribes or bands 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 governed by their own regulations and laws within their own territory, not contrary to the laws of the Government of Texas. All properties 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 Eight: 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 agency shall reside specially within the Cherokee village, 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 that so soon as Jack Steele and Samuel Bengé 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 Bengé 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.

Article Twelfth: The parties to this Treaty agree that nothing herein contained shall effect the relations of the Sabine or the Naches nor 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.

Article Thirteenth: It is also declared that all the 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 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.

Methias Bingham
George Hockley

Fox X Fields

Secretary of Commissios

Henry Millard
Joseph Durst
A. Horton
George W. Case

Sam Houston
Samuel Benge X
John Bowle X

John Forbes
Oo Zovta X
Tunnettee X

Col Bowles X
Corn Tassell X
Big Mush X
The Egg X

Department of State, Austin, Texas, Dec. 7, 1870.
I, J.P. Newcomb, Secretary of State of the State of Texas, hereby certify that the above and foregoing is a true and correct copy of the original on file in this office.

In testimony whereof, I have hereunto signed my name and caused the seal of the Department of State to be affixed day and date as above written.

Signed. James P. Newcomb, Secretary of State.
per J.E. Oldright, acting Sec'y. of State.

(Seal of the Department of State of Texas.)

**The Cherokee War of
East Texas
June-July 1839**

July 16

**BATTLE OF
THE NICHOLS**

Delaware
Village

Nichols
River

VAN ZANDT COUNTY

Present
Tyler

July 15

**FIGHT ON
BATTLE CREEK**

Battle
Creek
Cherokee

Kickapoo
Creek

Indian
Cr.

Chief Bowles' Cherokees Move
Toward Delaware Village After
Negotiations Fail

SMITH COUNTY

Flat
Creek

Saline
Creek

Camp Johnston
Established

July 10

Major Walters
Establishes Fort Saline

To Starvack
Village

Highsaw
Creek

Fort Lamar
(DeBard's)

Nichols

Area of Killough
Measure: October
1838

HENDERSON COUNTY

ANDERSON COUNTY

Frankston

Fort
Kickapoo

CHEROKEE COUNTY

Jesus' Ferry Move Up
From Fort Houston

LEGEND

- ▲ Public Fort
- Private Fort
- Indian Village