DOCUMENTS RELATING TO THE NEGOTIATION OF AN UNRATIFIED TREATY OF SEPTEMBER 2, 1868, WITH THE CREEK INDIANS

Sept-2-1868

Boston Theatre
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Banks

Sept. 2. 1868

Treaty File 1868

Articles of a Treaty made and concluded at the City of Washington on the second day of September in the year of Our Lord one Thousand eight hundred and sixty eight by and between the United States represented by Nathaniel G Taylor, a Commissioner of Indian Affairs and the Creek Nation represented by its delegates George W. Stidham and Sanford W. Perryman Witness that

Whereas it is represented by the delegates above named that great dissatisfaction exists among the Creek people on account of the terms and provisions of the Treaty of June fourteenth One thousand eight hundred and sixty six, in which the United States in view of a certain alleged liability to forfeiture by reason of their having made a Treaty with the so called Confederate States required of the Creeks a portion of their lands to the extent of an absolute unconditional surrender and cession of one half of their entire domain notwith

standing the fact that previously
to wit on the twenty eighth April
One Thousand eight hundred and
sixty six a Treaty had been made
with the Choctaws and that sub-
sequently, to wit on the nineteenth
July One thousand eight hundred
and sixty six a Treaty was made
with the Cherokees in neither of
which Treaties was any such
liability to forfeiture asserted, nor
any such absolute cession required
or made, although the same alleged
cause existed in both case, inas-
much as both Choctaws and
Cherokees had in like manner
made Treaties with and had more-
over served in the armies of the
said so called Confederate States.
And whereas it is also alleged that
such absolute cession was made in
the face of an earnest protest in
behalf of the Creek people, a major-
ity of whom were represented by
the protesting delegates, who only
signed the said Treaty to avoid
a collision with the delegates
claiming to represent that part of the

tribe known as the loyal Creeks,
whose delegates assented to such
absolute cession not from choice
but in ignorance of the terms ob-
tained by other tribes, and under
an erroneous impression that their
country would be forfeited to the
United States unless they yielded
to the prescribed terms. And
whereas it is further alleged that
the Creek people of all classes
feel that great injustice has been
done them in fixing the price
allowed by the said Treaty of
June fourteenth One thousand
eight hundred and sixty six
for the lands therein ceded, inas-
much as all of said land is valuable
for stock raising purposes, part of
it in that way actually yielding
at the time of cession a revenue
greatly beyond the interest on
the purchase money, to be paid
for such part, and another part
thereof having been already sold
by the United States at a much high-
er price before the Treaty of cession
was concluded. And whereas it is

further alleged that, that portion
of the Creek people which remained
loyal to the United States during
the late war, constituting nearly
half the tribe feel that in that
obtaining from their delegates
on the ground of alleged forfeiture
an absolute cession, and in exact-
ing such cession at a price far
below its real value, being less
than one third of the price named
for inferior land in the above
named Treaty with the Choctaws,
thus discriminating in favor of
those who were hostile and against
those who were faithful to the
United States, the Government
has not treated them with that
degree of fairness which their conduct
during the war entitled them to expect.
And whereas it is further alleged
that dissatisfaction also exists
among those Creeks who remained
loyal as aforesaid on account of
the unjust character and wholly
inadequate amount of the provision
made for losses sustained by them
since the commencement of the rebel-

-lion in the sum of One hundred
thousand dollars, stipulated
in the third article of said Treaty
of June fourteenth One thousand
eight hundred and sixty six to
be paid to them out of the proceeds
of the land ceded by the same
Treaty which provision they regard
as merely nominal inasmuch as
it bears a very small proportion
to the amount well known to have
been actually lost and is also a
proposal to pay under the head
of losses money which is really
due for land.

Now therefore in order to re-
-move so far as it may be practicable
under existing circumstances these
various causes of complaint which
the Government of the United States
is satisfied have grown out of seri-
-ous misapprehension on both
sides, the Commissioner on the part
of the United States and delegates
on the part of the Creek Nation
in a spirit of mutual concession and
compromise have agreed upon the
following articles, namely: Article 1.

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The price agreed to be paid for the land ceded by the third article of the Treaty of June fourteenth One thousand eight hundred and sixty six shall be increased from thirty (30) cents per acre to fifty (50) cents per acre one half of which increased price shall be applied to the payment of claims for losses as directed in Article second of this Treaty. The other half shall be paid in money in such manner as the Creek Council shall direct, provided that not less than One hundred thousand dollars ($100,000) thereof shall be distributed per capita in money. Article 2d The losses sustained by that portion of the Creek people who remained loyal to the United States, and by the soldiers of said tribe who served in the Union Army during the late war shall be ascertained by the Superintendent of Indian Affairs for the Southern Superintendency who shall first cause to be prepared a roll or census of such soldiers, and of the loyal refugee Indians and freedmen of the Creek

tribe, and shall report to the Commis-
-sioner of Indian Affairs for his ap-
-proval and that of the Secretary
of the Interior his award in each
case to the persons so enrolled, with
the reasons therefor. And such
awards as may be so approved
shall be paid to the proper claimant
so far as it may be practicable,
by a pro-rata distribution for
that purpose of the sum of Three hun-
-dred and twenty five thousand
and fifty six dollars ($325.056) being
the one half of the increased price
stipulated to be paid in Article
No 1. of this Treaty.

Article 3. The value of the
improvement, belonging to citizens
of the Creek Nation within the Terri-
-tory ceded by the 3rd article of the
Treaty of June fourteenth One
thousand eight hundred and
sixty six at the date of said cess-
-ion shall be ascertained and paid
to the owners by the United States.

Article 4. The damage done
to the Mission School buildings near
the Arkansas river by the United

States soldiers after the close of the war shall be ascertained and paid by the United States to the Treasurer of the Creek Nation.

Article 5. The several annual payments provided in former Treaties as specified in the 8th article of the Treaty of One thousand eight hundred and fifty six and revived by the 12th article of the Treaty of One thousand eight hundred and sixty six with the exceptions therein provided, shall continue to be made without any abatement or deduction, and the interest that may accrue under the 3d article of said Treaty of One thousand eight hundred and sixty six shall be paid in money as heretofore to the National Treasurer. Article 6. The sum of four thousand nine hundred and twenty eight dollars and seventy cents ($4,928.70) withheld from the annuity moneys for the year ending thirtieth June One thousand eight hundred and sixty seven shall be refunded and paid to the Creek Treasurer

and the sum of six hundred and fifty dollars ($650) in the hands of the late William H. Garrett, as United States Agent for the Creeks at the time of his death, belonging to Creeks deceased under the Treaty of One Thousand eight hundred and thirty two, shall be paid to the proper claimants.

Article 7. The sum of One hundred thousand dollars ($100000) required by the 4th article of the Treaty of One thousand eight hundred and sixty six to be paid for lands ceded out of the proceeds of land ceded by said Treaty, shall not be so paid, but shall be retained by the United States and together with the bounties and arrears of pay due to such Creek Soldiers of the Army of the United States as have died without heirs, shall constitute a fund, the interest of which shall be applied and used for the benefit of the Orphan children of the Creek Nation in such manner as the Council shall direct. And out of the Four hundred thousand dollars ($400,000) payable per-

capita under the 3rd article of said Treaty the sum of One hundred thousand dollars ($100,000) shall also be paid in such manner as said Council shall direct as soon as practicable after the ratification of this Treaty.

Article 8. Nothing contained in the Treaty of One thousand eight hundred and sixty six shall be so construed as to annul or abridge the various rights and privileges guaranteed to the Creek Nation by the 15th article of the Treaty of one thousand eight hundred and fifty six.

It is also hereby agreed and understood by and between the contracting parties that nothing in this Treaty shall in any manner or degree be so construed as to alter avoid, abridge, annul or abrogate any of the rights, privileges or immunities of the freedmen or other persons granted and acquired by said Treaty of June fourteenth One thousand eight hundred and sixty six. Article 9. Every citizen of the Creek Nation shall have

the right to sell any products of his farm including his live stock or any merchandise or manufactured products and to ship or drive the same to market without restraint or payment of any tax thereon to the United States or any one of them, and no licence to trade in goods, wares, or merchandise shall be granted by the United States to trade in the Creek Nation unless approved by the National Council of said Nation. Article 10. The expenses incurred by the delegates representing the Creek Nation in negotiating this Treaty shall be paid by the United States not to exceed ten thousand dollars ($10,000) In testimony whereof we, the Commissioner 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.

J. G. Taylor [L.S.]
U.S. Commissioner

Done in presence of
Lewis S. Hayden
Thos E. McGrand

G. W. Stidham [L.S.]

S. W. Perryman [L.S.]
Delegate Creek Nation