

RECONSTRUCTION TREATIES OF 1866: TEACHER’S NOTES

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Treaty Between the United States of America and the Cherokee Indians

July 19, 1866

PREAMBLE

Whereas existing treaties between the United States and the Cherokee Nation are deemed to be insufficient, the [United States and the Cherokee Nation] agree as follows:

ARTICLE I

The pretended treaty made with the so-called confederate states by the Cherokee Nation on [October 7, 1861] and [canceled] by the national council of the Cherokee Nation on [February 18, 1863] is hereby declared to be void...

1. *The treaty between the Cherokee and the Confederacy is now void, and the Cherokee will make peace with the United States.*

ARTICLE IX

The Cherokee Nation having, voluntarily, in February [1863], forever abolished slavery... [promise] that [from now on neither] slavery [nor] involuntary servitude [shall exist] in their nation otherwise than in the punishment of crime... They further agree that all freedmen who have been [freed] by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the [beginning] of the rebellion, and are now residents [of the Cherokee Nation], or who may return within six months, and their descendants, shall have all the rights of native Cherokees...

2. *The Cherokee have abolished slavery.*
3. *The Cherokee will make those people formerly enslaved, and their descendants, part of the tribe with the same right as the native Cherokee.*

ARTICLE XI

The Cherokee Nation [now] grant a right of way not exceeding two hundred feet wide, except at stations, switches, water stations, or crossing of rivers, through all their lands, to any company or corporation which shall be... authorized by Congress to construct a railroad from any point north to any point south, and from any point east to any point west of, and which may pass through, the Cherokee Nation. [Such a] company or corporation, and their employees and laborers, [are] at all times subject to [United States] laws...

4. *The Cherokee will allow the United States to build a railroad through their territory.*

ARTICLE XII

The Cherokees agree that a general council, consisting of delegates elected by each nation or tribe... within the Indian Territory, may be [brought together for a meeting each year in Indian] territory... [The] general council shall have power to [make laws regarding] all rightful subjects and matters [relating] to the [interactions between the tribes in Indian] territory... [The] council shall be presided over by the Superintendent of Indian Affairs... The Creeks also agree that a court or courts may be established in said territory, with such jurisdiction and organized... [by] Congress...

5. *The Cherokee will send delegates to be part of an intertribal council headed by the U.S. Superintendent of Indian Affairs.*

ARTICLE XV

The United States may settle any civilized Indians, friendly with the Cherokees and [nearby] tribes, within the Cherokee country, on unoccupied lands... on such terms as may be agreed upon by any such tribe and the Cherokees... Should any such tribe or band of Indians settling [on Cherokee land], abandon their tribal organization... they shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect with native citizens.

6. *The Cherokee will allow the United States to settle other tribes on their lands and will, in some cases, adopt those peoples into their tribe.*

ARTICLE XVII

The Cherokee Nation... cedes... to the United States, the tract of land in the State of Kansas which was sold to the Cherokee by the United States [according to] the second article of the

treaty of 1835; and also that strip of land ceded to the [Cherokee] by the fourth article of [the treaty of 1835], and the Cherokees consent that [these] land may be included in the limits of the [state of Kansas] ...

7. *The Cherokee will cede a part of their land to the United States.*

ARTICLE XXVI

The United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and [rebellions], and against hostilities of other tribes. They shall also be protected against inter[r]uptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands and reside in their territory...

ARTICLE XXVII

The United States shall have the right to establish one or more military posts or stations in the Cherokee Nation, as may be deemed necessary for the proper protection of the citizens of the United States lawfully residing [within] and the Cherokees or other citizens of the Indian country...

8. *To protect the Cherokee from hostile tribes, the Cherokee will allow the United States to build military forts within Cherokee territory.*

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate... accept, ratify, and confirm the [treaty] ... I have hereto signed my name... Done at the city of Washington [August 11, 1866].

ANDREW JOHNSON.

Source: Kappler, C. (1904). Treaty with the Cherokee, 1866. Indian affairs: laws and treaties, Vol. 2 (Treaties). Washington, DC: Government Printing Office, 942-950. <https://shareok.org/handle/11244/10468>

Treaty Between the United States of America and the Choctaw and Chickasaw Indians

April 28, 1866

ARTICLE I

Permanent peace and friendship are hereby established between the United States and [the Choctaws and Chickasaws]; and the Choctaws and Chickasaws do [now] bind themselves respectively to use their influence to [convince] Indians of the plains to maintain peaceful relations with each other, with other Indians, and with the United States.

1. *Peace is established between the Choctaws and Chickasaws and the United States. Additionally, the Choctaws and Chickasaws will maintain peace with other tribes living within Indian Territory.*

ARTICLE II

The Choctaws and Chickasaws... [promise that from now on] neither slavery nor involuntary servitude, otherwise than in punishment of crime... shall ever exist in the [Choctaw or Chickasaw nations]

2. *The Choctaws and Chickasaws will abolish slavery.*

ARTICLE III

The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars... [cede] to the United States the territory west of the 98° west longitude... that said sum shall be invested and held by the United States in trust [for the Choctaw and Chickasaw], until... [these nations] have made such laws... to give all persons of African descent... and their descendants, [previously] held in slavery [by the tribes]... all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw and Chickasaw nations...

3. *The Choctaws and Chickasaws must cede part of their land to the United States.*
4. *The Choctaws and Chickasaws must make laws for their tribes that make those people formerly enslaved, and their descendants, citizens of the tribes with the same rights as native Choctaws and Chickasaws.*

ARTICLE VI

The Choctaws and Chickasaws... grant a right of way through their lands to any company or companies which shall be... authorized by Congress, or by the legislatures of the [Choctaw or Chickasaw] nations, ...to construct a railroad through the Choctaw and Chickasaw nations from the north to the south... and from the east to the west... but such railroad company or companies... shall be subject to the laws of the United States...

5. *The Choctaws and Chickasaws will allow the United States to build a railroad through their territory.*

ARTICLE VIII

The Choctaws and Chickasaws also agree that a council, consisting of delegates elected by each nation or tribe... within the Indian Territory, may be [brought together for a meeting each year in Indian] territory... [The] general council shall have power to [make laws regarding] all rightful subjects and matters [relating] to the [interactions between the tribes in Indian] territory... [The] council shall be presided over by the Superintendent of Indian Affairs... The Creeks also agree that a court or courts may be established in said territory, with such jurisdiction and organized... [by] Congress...

6. *The Choctaw and Chickasaws will send delegates to be part of an intertribal council headed by the U.S. Superintendent of Indian Affairs.*

ARTICLE XXII

The right of selection... of any land required by the United States as a military post, or Indian agency, which, when abandoned, shall revert to the nation in which the land lies...

7. *The United States can build military forts within Choctaw and Chickasaw territory.*

ARTICLE XXX

The Choctaw and Chickasaw nations will receive into their respective districts... one-fourth in the Chickasaw and three-fourths in the Choctaw Nation, civilized Indians from the tribes known by the general name of the Kansas Indians... who shall have in the Choctaw and Chickasaw nations... the same rights as the Choctaws and Chickasaws, of whom they shall be the fellow-citizens, governed by the same laws, and enjoying the same privileges... and the Choctaw and

Chickasaw nations pledge themselves to treat the... Kansas Indians in all respects with kindness... aiding them in good faith to establish themselves in their new homes, and to respect all their customs and usages not inconsistent with the constitution and laws of the Choctaw and Chickasaw nations respectively...

8. *The Choctaw and Chickasaw must allow other tribes to live on their land and incorporate them into their own tribe.*

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate... accept, ratify, and confirm the [treaty] ... I have hereto signed my name... Done at the city of Washington [July 10, 1866].

ANDREW JOHNSON.

Source: Kappler, C. (1904). Treaty with the Choctaw and Chickasaw, 1866. Indian affairs: laws and treaties, Vol. 2 (Treaties). Washington, DC: Government Printing Office, 918-931. <https://shareok.org/handle/11244/10468>

Treaty Between the United States of America and the Creek Indians

June 14, 1866

PREAMBLE

[Because] existing treaties between the United States and the Creek Nation have become insufficient... and [because] the Creeks made a treaty with the so-called confederate states, on the tenth of July [1861], [in which] they ignored their allegiance to the United States, and [violated] the treaty relations existing between the Creeks and the United States, and [because of this, the Creeks are now forced to give up] to the United States all advantages enjoyed by them in lands, [money paid to Creeks by the United States], [and] protections... and [because] a treaty of peace and [friendship] was entered into between the United States and the Creeks and other tribes at Fort Smith, September tenth [1865]... where the Creeks canceled... the treaty made with the so-called confederate states. The United States... [and] the Creek Nation, agree, as follows:

ARTICLE I

There shall be perpetual peace and friendship between the [Creeks and the United States] ... They also agree to maintain peace with all other Indian tribes; and, in return, the United States guarantees them quiet possession of their country, and protection against hostilities on the part of other tribes... To insure this protection, the Creeks agree to military occupation of their country, at any time, by the United States, and the United States agree to station and continue in said country from time to time, at its own expense, such a force as may be necessary for that purpose...

1. *Peace is established between the Creeks and the United States.*
2. *To protect the Creek from hostile tribes, the Creek will allow the United States to station parts of the military in Creek territory.*

ARTICLE II

The Creeks... agree that [from now on] neither slavery nor involuntary servitude, otherwise than in the punishment of crimes... shall ever exist in [the Creek] nation; and [since] as there are among the Creeks many persons of African descent... it is [agreed] that [from now on] these persons lawfully residing in... Creek country... and their descendants may be permitted as citizens and shall have and enjoy all the rights and privileges of native citizens...

3. *The Creeks will abolish slavery.*

4. *The Creeks will make those people formerly enslaved, and their descendants, citizens of the tribe with the same rights as native Creeks.*

ARTICLE III

[Because the] United States [wishes] to locate other Indians and freedmen [in Indian Territory], the Creeks [must give up] to the United States... the west half of their [territory]... and [for the western half of the Creek territory] ... the United States agree to pay the sum of thirty cents per acre...

5. *The Creeks will allow the United States to settle other tribes on land previously belonging to the Creeks.*

6. *The Creeks must cede part of their land to the United States.*

ARTICLE V

The Creek Nation [must] grant a right of way through their lands... to any company which shall be... authorized by Congress, ... to construct a railroad [through any part of Creek territory], but said railroad company... shall be subject to the laws of the United States... and the Creeks agree to sell to the United States, or any company... authorized... such lands... lying along the line of [any] railroad...

7. *The Creeks will allow the United States to build a railroad through their territory.*

ARTICLE X

...The Creeks also agree that a general council, consisting of delegates elected by each nation or tribe... within Indian Territory, may be [brought together for a meeting each year in Indian] territory... [The] general council shall have power to [make laws regarding] all rightful subjects and matters [relating] to the [interactions between the tribes in Indian] territory... [The] council shall be presided over by the Superintendent of Indian Affairs... The Creeks also agree that a court or courts may be established in said territory, with such jurisdiction and organized... [by] Congress...

8. *The Creeks will send delegates to be part of an intertribal council headed by the U.S. Superintendent of Indian Affairs.*

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate... accept, ratify, and confirm the [treaty] ... I have hereto signed my name... Done at the city of Washington [August 11, 1866].

ANDREW JOHNSON.

Source: Kappler, C. (1904). *Treaty with the Creeks, 1866. Indian affairs: laws and treaties, Vol. 2 (Treaties)*. Washington, DC: Government Printing Office, 931-937. <https://shareok.org/handle/11244/10468>

Treaty Between the United States of America and the Seminole Indians

March 21, 1866

PREAMBLE

[Because] existing treaties between the United States and the Seminole Nation are insufficient... and [because] the Seminole Nation made a treaty with the so-called confederate states, August 1st, 1861, [in which] they ignored their allegiance to the United States, and [violated] the treaty relations with the United States... and [because] a treaty of peace and [friendship] was entered into between the United States and the Seminoles and other tribes at Fort Smith, September tenth [1865]... where the Seminoles canceled... the treaty made with the so-called confederate states. The United States... and... the Seminole Nation, agree, as follows:

ARTICLE I

There shall be [permanent] peace between the United States and the Seminole Nation, and the Seminoles agree to be and remain firm allies of the United States, and always faithfully aid the [United States] Government [in putting down rebellion and] its enemies.

1. *There will be permanent peace between the United States and the Seminoles.*

The Seminoles also agree to maintain peace with all other Indian Tribes and with themselves. In return for these pledges of peace and friendship, the United States guarantee them quiet possession of their country, and protection against hostilities on the part of other tribes; Therefore the Seminoles agree to a military occupation of their country at the option and expense of the United States.

2. *The Seminoles will maintain peace with other tribes within Indian Territory.*

3. *To protect the Seminoles from hostile tribes, the Seminoles will allow the United States to station parts of the military in Seminole Territory.*

ARTICLE II

The Seminole Nation [promise] that [from now on] in their nation slavery shall not exist, nor involuntary servitude, except for and in punishment of crime. [For those] among the Seminoles [that are] persons of African descent and blood... it is [required] that [from now on] these persons and their descendants... shall have and enjoy all the rights of native citizens.

4. *The Seminole will abolish slavery.*

5. *The Seminole will make those people formerly enslaved, and their descendants, citizens of the tribe with the same rights as native Seminoles.*

ARTICLE III

[Because of] the desire of the United States to locate other Indians and freedmen [in Indian Territory] the Seminoles [must] cede and [give] to the United States their entire [territory] ... In consideration of [the] cession of their lands, the United States agree to pay the Seminole Nation the sum of [\$325,362] ... at the rate of fifteen cents per acre. The United States having obtained [from] the Creek Nation, the [western] half of their lands, [now] grant [that land] to the Seminole Nation... [for which] the Seminole Nation agrees to pay the price of fifty cents per acre, amounting to the sum of [\$100,000] which [will] be deducted from the sum paid by the United States for Seminole lands...

6. *The Seminoles must cede all of their land to the United States and buy new land from the United States government.*

ARTICLE V

The Seminole Nation [now] grant a right of way through their lands to any company which shall be... authorized by Congress... to construct a railroad from any point on their eastern to their western or southern boundary; ... And the Seminoles agree to sell the United States... lands, not legally owned... by a member... of the Seminole Nation lying along the line of [the proposed] railroad...

7. *The Seminole will allow the United States to build a railroad through their territory.*

ARTICLE VII

...The Seminole Nation also agree that a council, consisting of delegates elected by each nation or tribe... within the Indian Territory, may be [brought together for a meeting each year in Indian] territory... [The] general council shall have power to [make laws regarding] all rightful subjects and matters [relating] to the [interactions between the tribes in Indian] territory... [The] council shall be presided over by the Superintendent of Indian Affairs... The Seminoles also agree that a court or courts may be established in said territory, with such jurisdiction and organized... [by] Congress...

8. *The Seminole will send delegates to be part of an intertribal council headed by the U.S. Superintendent of Indian Affairs.*

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate... accept, ratify, and confirm the [treaty] ... I have hereto signed my name... Done at the city of Washington [Aug. 16, 1866].

ANDREW JOHNSON.

Source: Kappler, C. (1904). Treaty with the Seminole, 1866. Indian affairs: laws and treaties, Vol. 2 (Treaties). Washington, DC: Government Printing Office, 910-915. <https://shareok.org/handle/11244/10468>