

Exhibit 46

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

v.

**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of:

**Treaty With The Cherokee Indians -
February 23, 1836, from: Ernest Wallace, David
M. Vigness, and George B Ward, *Documents of
Texas History*, (State House Press, Texas, 1994).**

This attestation is made on August 10, 1998.

Attest: E.L. Brannan

Evelyn Gene Frank

Witness to scan and above signature

Maria Ann West

Witness to above signatures

42. TREATY WITH THE CHEROKEE INDIANS

February 23, 1836

From Ernest William Winkler (ed.), *Secret Journals of the Senate, Republic of Texas, 1836-1845* (Austin, 1911), 35-39.

Cherokee Indians from the United States in 1819 began settling the lands north of the San Antonio road between the Neches and Sabine rivers. Although the territory they occupied had been parcelled out among *empresarios* and the central government never sanctioned the concessions, the Mexican officials generally respected the Cherokee claim.

Realizing the precariousness of the Texas situation and the justice of the Cherokee position, the Consultation on November 13, 1835, resolved that the Provisional Government recognize those claims, and establish with the Indians a definite boundary, secure their confidence and friendship, and guarantee them the peaceable enjoyment of their lands. Accordingly, in December Sam Houston and John Forbes were commissioned to negotiate with the Indians, and on February 23, 1836, they concluded such a treaty. More pressing matters developed, however, and it was not until December 20, 1836, that President Houston sent the treaty to the Senate with a recommendation that it be ratified. That body a year later declared the treaty null and void on the basis that the Consultation overstepped its authority, that the Mexican government had never actually granted the Indians titles to the lands, and that the Cherokees by their hostility had forfeited any rights they may have had. Houston thereupon took the position that the treaty was valid since the Convention of 1836 had confirmed the acts of the Provisional Government, and proceeded in the autumn of 1838 to have the boundary surveyed. President Mirabeau B. Lamar, who succeeded Houston in December, nevertheless, energetically enforced the opinion of the Senate. The treaty follows.

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. 2. 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, — laying West of the San Antonio road, and beginning on the West, at the point where the 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 the 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 thence running up the east side of said river, in a north west direction.

Art. 3. 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.

Art. 4. 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.

Art. 5. 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 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.

Art. 6. 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.

Art. 7. 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 belong.

Art. 8. The Government of Texas shall have power to regulate Trade and intercourse, but no Tax shall be levied on the Trade of the Indians.

Art. 9. 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 them, or other members of the community of Indians.

Art. 10. The parties to this Treaty agree 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.

Art. 11. The parties to this Treaty agree and stipulate that all the Bands or Tribes . . . shall remove within the before described limits, within eight months from the date of this Treaty.

Art. 12. The parties to this Treaty agree that nothing herein contained shall effect [sic] 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.

Art. 13. It is also declared, that all Titles issued to Lands, not agreeably to the declaration of the General Consultation of the People of 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 Bows Village on the Twenty third day of February, Eighteen hundred and thirty six, and the First Year of the Provisional Government of Texas. . . [signatures affixed]