

Exhibit 69

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:

A Treaty of Peace and Friendship, between the Republic of Texas and the Delaware, Chickasaw, Waco, et.al., commonly known as the "Treaty Of Bird's Fort" - September 29, 1843, 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: *D. A. West*

Merle Ann West
Witness to scan and above signature

J. Helen Brown
Witness to above signatures

63. TREATY OF BIRD'S FORT

September 29, 1843

From E. W. Winkler (ed.), *Secret Journals of the Senate, Republic of Texas, 1836-1845* (Austin, 1911), 288-293.

At the beginning of his second term as president of Texas, Houston considered the establishment of friendly relations with the Indians as one of the government's most pressing problems. In his message to Congress on December 20, 1841, he suggested that the Republic could secure peace and friendship with less expense by concluding treaties with the Indian tribes and establishing trading posts under proper regulations at suitable points. Congress concurred, and on July 5, 1842, Houston appointed a commission "to treat with any and all Indians on the Frontiers of Texas." Lamar's military offensive had convinced the Indians that negotiations might be more advantageous than the continuation of war, and in August they promised to attend a peace council at the Waco village on October 26, 1842. They failed to keep the appointment, but on March 31, 1843, chiefs of nine tribes agreed to attend a Grand Council for the purpose of concluding a permanent treaty of peace and friendship with the Republic of Texas.

The Grand Council convened six months later at Bird's Fort on the Trinity River, and, although the Comanches were not present, a treaty embodying the principles of Houston's peace policy was signed on September 29, 1843, and ratified by the Texas Senate on January 31, 1844. The treaty, which follows, illustrates Houston's concept of how peaceful relations between the two races might be maintained.

A Treaty of Peace and Friendship, between the Republic of Texas and the Delaware, Chickasaw, Waco, Tiwocano, Keachi, Caddo, Anadkah, Ionia, Biloxi and Cherokee tribes of Indians, concluded and signed at Bird's Fort, on the Trinity River, the 29th day of Sept 1843.

Whereas for some time past, hostilities have existed and war been carried on between the white and red men of Texas to the great injury of both parties; and whereas, a longer continuance of the same would lead to no beneficial result, but increase the evils which have so long unhappily rested upon both races; and whereas the parties are now willing to open the path of lasting peace and friendship and are desirous to establish certain solemn rules for the regulation of their mutual intercourse. Therefore, the Commissioners of the Republic of Texas and the Chiefs and headmen of the before mentioned tribes of Indians, being met in Council at Bird's Fort, on the Trinity River, the 29th Day of Sept 1843, have concluded, accepted, agreed to and signed the following articles of treaty:

Article 1. Both parties agree and declare, that they will forever live in peace, and always meet as friends and brothers. Also, that the war which may have heretofore existed between them shall cease and never be renewed.

Art. 2. They further agree and declare, that it is the duty of warriors to protect women and children, and

that they will never make war upon them, or upon unarmed persons, but only upon warriors.

Art. 3. They further agree and declare, that the Indians will never unite with the enemies of Texas, nor make any treaty with them, which shall require of the Indians to take part against Texas; and that if any such proposals should ever be made to them that they will immediately communicate the same to an agent or to the President.

Art. 4. They further agree and declare, that when they learn that Texas is at war with any people, a chief will come to an agent and ask to be conducted to the President that they may commune with him.

Art. 5. They further agree and declare, that agents shall be appointed by the Government of Texas and be stationed at such places as may be deemed proper, for the purpose of hearing the complaints of the Indians and seeing that justice is done between them and the whites; and also to communicate the orders and wishes of the President to the various bands and tribes.

Art. 6. They further agree and declare, that no person shall go among the Indians to trade, except by the express authority of the Government of Texas.

Art. 7. They further agree and declare, that no white man or other person within the control of the laws of Texas shall introduce among any tribe or nation of Indians, or sell to any Indian or Indians ardent spirits or intoxicating liquors of any kind.

Art. 8. They further agree and declare, that no white man or other person, else than a regularly licensed trader shall purchase any property of an Indian or Indians without the consent of an agent of the Government of Texas.

Art. 9. They further agree and declare, that when any property is found among the whites, belonging to the Indians, it shall be the duty of the agent to see that the same is restored; and on the other hand, whenever property belonging to the whites is found among the Indians, the same shall be restored in like manner by the Chiefs on application of the owner or owners thereof through the agent.

Art. 10. They further agree and declare, that no trader shall furnish any warlike stores to the Indians, but by the express permission of the President.

Art. 11. They further agree and declare, that no person or persons shall pass the line of trading houses without the special permission of the President, and then only for friendly purposes; nor shall any person or per-

142 *Documents of Texas History*

sons reside or remain within the territory assigned to the Indians unless by express direction of the President.

Art. 12. They further agree and declare, that any person or persons who shall molest or attempt to molest the persons or property of the Indians while they remain peaceable under this treaty, shall be held guilty of felony and punished accordingly by the Government of Texas.

Art. 13. They further agree and declare, that any killing or outrage whatsoever committed by a white man, or other person within the control of the laws of Texas, upon an Indian in time of peace shall be punished by the Government of Texas in the same manner as though the Indian were a white man, and that the person so offending shall be liable to indictment and punishment in any county in the Republic.

Art. 14. They further agree and declare, that if any Indian or Indians shall kill any white person, he or they shall suffer death; and that if any Indian or Indians shall steal any property of the whites, he or they shall be punished by the tribe in presence of an agent with whipping or other punishment according to the offence.

Art. 15. They further agree and declare, that the Chiefs and Captains will not permit the Indians to cross the line for any purpose whatsoever without authority and a passport from an agent; nor sell any property to a white man unless authorized so to do by some agent.

Art. 16. They further agree and declare, that if any person or persons shall come among the Indians without authority from the President or agent, they will immediately seize and deliver him or them to some one of the agents.

Art. 17. They further agree and declare, that they will mutually surrender and deliver up all prisoners which they have of the other party for their own prisoners; and that they will not be friendly with any people or nation, or enter into treaty with them who will take prisoners from Texas, or do its citizens any injury.

Art. 18. They further agree and declare, that the President may send among the Indians such blacksmiths

and other mechanics, as he may think proper for their benefit; and also that he may send schoolmasters and families for the purpose of instructing them in a knowledge of the English language and Christian religion.

Art. 19. They further agree and declare, that when the President shall send persons among the Indians, they will extend to them kind treatment and protect them from harm.

Art. 20. They further agree and declare, that the Chiefs and headmen of the Indians will cause their young men and warriors to behave themselves agreeably to the words of this treaty, or that they will punish them with death or in such other way as will compel them to keep peace and walk in the path made straight between the white and red brothers.

Art. 21. They further agree and declare, that should any difficulty or cause for war arise between the Government of Texas and the Indians, they will send their complaints to the President, and hear his answer, before they commence hostilities and the Government of Texas will do the same.

Art. 22. They further agree and declare, that the Government of Texas reserves to itself the right of working all mines, which have been, or may hereafter be discovered in the territory assigned the Indians.

Art. 23. They further agree and declare, that so soon as the Indians shall have shown that they will keep this treaty and no more make war upon the whites, nor steal horses from them, the President will authorize the traders of Texas to sell to them powder, lead, guns, spears and other arms, such as they may need for the purpose of killing game, and also make to them every year such presents as the Government of Texas may provide.

Art. 24. They further agree and declare, that the President shall make such arrangements and regulations with the several tribes of Indians, as he may think best for their peace and happiness. . . .