

Exhibit 77

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:

The Treaty Of Tehuacana Creek, October 9, 1844, 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

Jo Helen Brown

Witness to above signatures

66. THE TREATY OF TEHUACANA CREEK

October 9, 1844

From the original manuscript (Archives, Texas State Library, Austin).

The Comanches, distrustful of the sincerity of Houston's peace overtures, had refused to attend the council at Bird's Fort in 1843. Since they were the most powerful and hostile Indians in Texas, President Houston sent a commission composed of J. C. Eldredge,

Superintendent of Indian Affairs, Hamilton Bee, and Thomas Torrey to bring them into council. Finding the prominent Penateka chief, Paha-yuca, in present western Oklahoma, the commissioners on August 9, 1843, obtained a rather indifferent promise to attend a

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Houston agreed to meet them, and the peace council finally got underway on October 7, 1844, on Tehuacana Creek, about nine miles east of present Waco, with representatives of the Penateka Comanches and ten other tribes in attendance. In addition to Houston, Texas was represented by Commissioners J. C. Neill, Thomas S. Smith, and E. Morehouse, Secretary of War G. W. Hill, and Attorney General G. W. Terrell; the principal spokesman for the Comanches was Chief Buffalo Hump. The major difficulty was the establishment of a mutually satisfactory boundary. Buffalo Hump insisted on a line far to the east of that proposed by Houston, and unable to reach any sort of compromise, Houston struck out the two articles establishing a boundary.

The treaty, which follows, was signed on October 9, and was ratified by the Texas Senate on January 24, 1845.

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Treaty of Peace, Friendship and Commerce, Between the Republic of Texas and the Comanche, Keechie, Waco, Caddo, Anadarkah, Ionia, Delaware, Shawnee, Cherokee, Lelan & Tahwahkarro tribes of Indians, concluded and signed at Tahwahkarro Creek, on the 9th day of October, in the year one thousand eight hundred and forty-four.

Whereas, in time past, hostilities have existed and war been carried on between the white and red men of Texas, to the great injury of both; 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 the two races; and whereas, both parties are now willing to open the path of lasting peace, friendship and trade, 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 Head men of the before mentioned tribes of Indians, being met in council at Tahwaccaro Creek on the ninth day of October, in the year of 1844, have concluded, accepted, agreed to and signed the following articles of treaty:

Article I. Both parties agree and declare, that they will forever live in peace, and always meet as friends and brothers. The tomahawk shall be buried, and no more blood appear in the path between them now made white. The Great Spirit will look with delight upon their friendship, and will frown in anger upon their enmity.

[Struck Out By Houston]

Art. II. They further agree and declare, that a line shall be run between them, separating the hunting grounds of the white and the red man; over which neither party shall cross without permission from the President or some agent on the line.

Art. III. They further agree and declare, that the said line shall be marked, and run from the Red River with the Upper Cross Timbers to the Camanche Peak — from thence to the old fort of San Saba, and from thence in a southwest direction to the Rio Grande. The chiefs of the Indians shall accompany those who mark the line.

Art. II. They further agree and declare, that the government of Texas shall permit no bad men to cross the line into the hunting grounds of the Indians; and that if the Indians should find any such among them,

they will bring him or them to some one of the agents, but not do any harm to his or their person or property.

Art. III. They further agree and declare, that the Indians will make no treaty with any nation at war with the people of Texas; and, also, that they will bring in and give up to some one of the agents of the Government of Texas, any and all persons who may go among them for the purpose of making or talking of war.

Art. IV. They further agree and declare, that if the Indians know of any other tribe who may be going to make war upon the people of Texas, or steal their property, they will notify the whites of the fact through some one of the agents, and prevent such tribe or tribes from carrying out their intentions.

Art. V. They further agree and declare, that the Indians shall no more steal horses or other property from the whites; and if any property should be stolen, or other mischief done by the bad men among any of the tribes, that they will punish those who do so and restore the property taken to some one of the agents.

Art. VI. They further agree and declare, that the Indians will not trade with any other people than the people of Texas, so long as they can get such goods as they need at the trading houses.

Art. VII. They further agree and declare, that the Government of Texas shall establish trading houses for the convenience and benefit of the Indians, and such articles shall be kept for the Indian trade as they may need for their support and comfort.

Art. VIII. They further agree and declare, that when peace is fully established between the white and red people, and no more war or trouble exists, the Indians shall be supplied with powder, lead, guns, spears and other arms to enable them to kill game and live in plenty.

Art. IX. They further agree and declare, that they will not permit traders to go among them, unless they are sent by the Government of Texas, or its officers.

Art. X. They further agree and declare, that the Indians will not sell any property to the whites, except such as are authorized to trade with them by the Government of Texas.

Art. XI. They further agree and declare, that the President shall appoint good men to trade with the Indians at the trading houses, so that they may not be cheated; and, also, that he shall appoint good men as agents who will speak truth to the Indians, and bear their talks to him.

Art. XII. They further agree and declare, that if the trading houses should be established below the line, to be run and marked, that the Indians shall be permitted to cross the line for the purpose of coming to trade.

Art. XIII. They further agree and declare, that no whiskey, or other intoxicating liquor, shall be sold to the Indians or furnished to them upon any pretext, either within their own limits or in any other place whatsoever.

Art. XIV. They further agree and declare, that the government of Texas shall make such presents to the Indians as the President from time to time shall deem proper.

Art. XV. They further agree and declare, that the President may send among the Indians such blacksmiths and other mechanics, as he may think best, 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, as well as other persons to teach them how to cultivate the soil and raise corn.

Art. XVI. They further agree and declare, that if the President should at any time send men among them to work mines, or agents to travel with them over their hunting grounds, the Indians will treat them with friendship and aid them as brothers.

Art. XVII. They further agree and declare, that hereafter, if the Indians go to war they will not kill women and children, or take them prisoners, or injure them in any way; and that they will only fight against warriors who have arms in their hands.

Art. XVIII. They further agree and declare, that they never will, in peace or war, harm any man that carries a white flag; but receive him as a friend and let him return again to his people in peace.

Art. XIX. They further agree and declare, that they will mutually surrender and deliver up all the 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. XX. They further agree and declare, that if ever hereafter trouble should grow up between the whites and Indians, they will immediately come with a white flag to some one of the agents and explain to him the facts; and he will send a messenger to the President, who will remove all trouble out of the path between the white and the red brothers.

Art. XXI. They further agree and declare, that there shall be a general council held once a year, where chiefs from both the whites and the Indians shall attend. At the council presents will be made to the chiefs.

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

The foregoing articles having been read, interpreted, and fully understood by the parties, they agree to and confirm the same by sealing and signing their several names.

[The seal of the Republic of Texas and the signatures follow.]