

**TREATY BETWEEN THE UNITED STATES AND THE COMANCHE,  
LIPAN, MESCALERO AND OTHER TRIBES OF INDIANS**

Council Ground San Saba  
Bexar County Texas.

October 28th—1851—

Articles of a treaty made and concluded at the council ground in the County of Bexar. Texas on the San Saba River, this twentyeighthday [sic] of October one thousand eight hundred and fifty one, between John A. Rogers special agent for the Indians residing in Texas, and commissioner on the part of the United States, of the one part, and the undersigned chiefs counsellors and head men of the Comanche, Lipan, & Mescalero tribes and their associate bands in behalf of these said tribes on the other part.

**Article I.**

The undersigned chiefs, warriors, head men, and counsel-  
l[ors] for themselves, and their said tribes, and nations, do here-  
by, acknowledge, themselves to be under the authorities, of the  
United States, of America, and no other power, state or sover-  
eignty, whatever.

**Article 2nd II.**

We, the undersigned, aforesaid, agree to, and acknowledge  
each and every article of the treaty, entered into, on the fifteenth  
day of May, one thousand eight hundred forty six, at Council  
Spring, in the County of Robertson, and State of Texas, between  
P. M. Butler, and M. G. Lewis, on the part of the United States  
of America; and the chiefs, warriors, and councillors, of the  
Comanche, Ioni, Anadarko, Caddo, Lanorhas, Keechi, Tawakoni,  
Wichita and Waco, tribes of Indians as obligatory upon us and  
those we represent as if we had signed and acknowledged the  
same,

**Article, III.**

And whereas, a treaty of peace, was entered into, and con-  
cluded, between the United States, of America, and the Republic  
of Mexico, dated at Guadalupe, Hidalgo the Second day of  
February, one thousand eight hundred and forty Eight, and  
proclaimed by the President of the United States of America,  
on the fourth day of July; one thousand eight hundred and  
forty eight; In the following words and figures, to wit.

Article XI. Considering that a great part of the Terri-  
"tories which will be the present treaty, are to be comprehended  
"for the future within, the limits of the United States, is now  
"occupied by Savage tribes who will hereafter be under the  
"exclusive control of the United States, and whose incursions  
"within the territory of Mexico would be prejudicial in the ex-  
"treme, it is solemnly agreed that all such incursions shall be  
"restrained by the government of the United States, whensoever

"this may be necessary and that when they cannot be prevented, they shall be punished by said government, and satisfaction for the same shall be enacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed in its own territory, against its own citizens,—

"It shall not be lawful under any pretext whatsoever, for any inhabitant of the United States to purchase or acquire any Mexican or any foreigner residing in Mexico, who may have been captured by the Indians, inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within the Mexican territory by such Indians—

"And in the event of any person or persons, captured within the Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself, in the most solemn manner, so soon as shall be known, of such captives being within its territory and shall be able so to do, though the faithful exercise of its influence, and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities, will as far as practica[ble], give to the government of the United States, notice of such captures; and its agents shall pay the expences incurred in the maintainance and transmission of the rescued captives; who in the meantime, shall be treated with the utmost hospitality, by the American authorities, at the place where they may be. — But if the government of the United States before receiving such notice from Mexico, should obtain intelligence through any other channel of the existance of Mexican captives within its Territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated. For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded, by their true spirit and intent, the government of the United States will now and hereafter pass without unnecessary delay, and alway[s] vigilantly enforce, such laws, as the nature of the subject may require. And finally the sacredness of this obligation shall not be lost sight of by the said government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States, but on the contrary special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes by committing those invasions which the United States have solemnly obliged themselves to restrain. And we the undersigned Chiefs Head men and warriors of the tribes aforesaid, having entered into a treaty of peace and alliance with the United States of America and placed ourselves with those we represent under the care and protection of the authorities, of the United States, and being desirous to observe

all the laws and treaties adopted and entered into by said government. We bind ourselves, and those we represent, to comply with the provisions of said treaty between the United States and Mexico—and particularly the eleventh article of the treaty, which is incorporated in this treaty and made a part of the third article of the same, and it is further agreed by said Chief[s], Head-men, and warriors, that they will at all times when they are advised or know of any prisoners or persons, held in bondage, or as servants taken from the territory of Mexico, that they will, take possession of them, or give to the Agent who may have charge of the Indians where such captive may be detained, of the place, & such information as he may possess in relation to such captive so detained, and if no Indian agent should be convenient the information of such captive being held, shall be given to the officer commanding the nearest military post to such informant.

And it is distinctly understood that the United States is not to pay any ransom or reward for the return or delivery of any such captives except the expence of giving such information and time lost and expence of traveling to the agency, or military post, where the information may be given, and the president of the United States at his discreation [sic] may direct what sums, be paid yearly to those tribes and those they represent, for the faithful discharge of the foregoing provisions.

#### Article IV.

And we the Chief, Headmen and warriors, aforesaid agree and bind ourselves and those we represent, that we will arrest and take up all fugative slaves or runaway negros, found within the territory where we may reside or sojourn, and immediately deliver the same to the agent who may have the care of those who may arrest or take up such fugative slave or runaway negro or to the officer commanding the nearest military post to the place where such negro may be taken, and it is agreed that for each fugative slave or runaway negro so taken and delivered, the Indian or person delivering the same shall receive from the owner, agent, or attorney, the sum of fifty dollars for each one taken, and the officer to whom such fugative slave or runaway negro is delivered shall detain them in his poss[ess]ion until the fifty dollars is paid and all legal & reasonable expences are paid

Given under our hand and seal the date above or before written—

JNO. A. ROGERS. (Seal)  
Special agent for the  
Indians of Texas  
and Commissioner

*Comanche*

KATUMPSA	his X (Seal) mark
TOSHOWA (Capt White)	his X (Seal) mark
CARAWA. (Never stop)	his X (Seal) mark
CEACHENECA (Feather)	his X (Seal) mark
JACK THE CRIPPLE	his X (Seal) mark
MOWERY (The end of the track)	his X (Seal) mark
PEMON SOCO (Old wild Bull)	his X (Seal) mark
PITE-QUASH (Gun tail)	his X (Seal) mark
<i>Lipan.</i>	
CHICITO (little Captain)	his X (Seal) mark
COYOTE (Wolf) -----	his X (Seal) mark
QUACO -----	his X (Seal) mark
CHAPOTE	his X (Seal) mark
MANUEL -----	his X (Seal) mark
COLONEL LAMOS -----	his X (Seal) mark
CAPTAIN JOHN CASTRO	his X (Seal) mark
CAPTAIN JOHN FLACO.	his X (Seal) mark
MANUEL HERNANDES	his X (Seal) mark

*Mescalero*

TOMAS-PANO (Principal Chief)	his X mark	(Seal)
(JOSE FLOR-DE-CAMPO (late principal chief -----	his X mark	(Seal)
COJO (The big Cripple) -----	his X mark	(Seal)
JUAN PEDRO or John Peter -----	his X mark	(Seal)

*Interpreters.*

JOHN CONNER.	his X mark.	} Seal
NICHOLAS MILLER JOSE YGNACIO SANDOVAL JNO. A. ROGERS Comr & Secretary Witnesses.		
JAMES MCINTOSH 2 Lt 8th Infantry. U. S. A.		
JOHN S. MCCLELLAN GARLAND R. LINCECUM Y WOLFF R. A. MOORE JOHN LEYENDECKER EMILE DRESEL		