University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Faculty Publications, UNL Libraries

Libraries at University of Nebraska-Lincoln

July 2008

Adjusting American Indian treaties: A guide to supplemental article and supplementary treaty citations from opinions of the federal, state, and territorial court systems

Charles D. Bernholz

University of Nebraska-Lincoln, cbernholz2@unl.edu

Follow this and additional works at: <https://digitalcommons.unl.edu/libraryscience>

Part of the [Library and Information Science Commons](#)

Bernholz, Charles D., "Adjusting American Indian treaties: A guide to supplemental article and supplementary treaty citations from opinions of the federal, state, and territorial court systems" (2008). *Faculty Publications, UNL Libraries*. 162.
<https://digitalcommons.unl.edu/libraryscience/162>

This Article is brought to you for free and open access by the Libraries at University of Nebraska-Lincoln at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Faculty Publications, UNL Libraries by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

Adjusting American Indian treaties: A guide to supplemental article and supplementary treaty citations from opinions of the federal, state, and territorial court systems

Charles D. Bernholz

Love Memorial Library, University of Nebraska–Lincoln, Lincoln, NE 68588, USA
fax 402 472-5131, email cbernholz2@unl.edu

Abstract

Supplemental articles and supplementary treaties were used as tools to modify American Indian treaties. In general, supplemental articles were adjustments to the parameters of a treaty, frequently made as quickly as the same – or the next – day of negotiations, whereas the task of a supplementary treaty was to affect the conditions created in a previous treaty(s).

As the law of the land, these materials have been referenced in the opinions of the federal, state, and territorial court systems. This article identifies those 80 documents – a combination of 39 initial treaties and their 41 supplements – cited in the opinions of 101 cases between 1831 and 2000 that bind together these instruments, their modifications, and their application within these various venues.

Keywords: American Indian treaties, supplemental articles, supplementary treaties

In several previous guides, the 375 recognized Indian treaties created between the tribes and the United States were partitioned into three categories: those 210 instruments that were cited in the opinions of the U.S. Supreme Court (Bernholz, 2004 and Bernholz, 2007); those 85 documents that have appeared only before a lower level of the federal court system (Bernholz, 2007); and the remaining 80 treaties that never were referenced in the opinions of any federal court (Bernholz, 2001, Bernholz, 2002, and Bernholz and Weiner, 2005). Other analyses reported on these instruments before state courts (Bernholz & Weiner, 2005), the U.S. Courts of Claims (Bernholz & Weiner, in press), and territorial venues (Bernholz, in press).

All but one of these treaties¹ were assigned a ratified treaty number by the Department of State.² This treaty numbering system permits reliable identification of the document under discussion, and it affords the additional ability to tie supplemental articles or supplementary treaties to each original document.³ For example, the first entry in the Supplementary Table identifies the supplemental article (Kappler, 1904, pp. 32–33) that affected ratified treaty number 18, the *Treaty with the Cherokee, 1791* (pp. 29–32), and is designated by a “supplemental document number,” a decimal addition to the original treaty’s ratified treaty number. In this manner, each of the entries in this guide identifies the ratified treaty number of the original, but altered, instrument.⁴

In his well-known compilation of final treaty texts, Kappler (1904) included a collection of these supplemental articles⁵ and supplementary treaties that were created during treaty negotiations. Each was identified by its *Statutes at Large* citation.⁶ In general,

¹ The never formally promulgated *Treaty of Fort Laramie with the Sioux, etc., 1851* (Kappler, 1904, pp. 594–596) has been recognized by the courts (*Moore v. United States*, 1897, and *Roy v. United States*, 1910), but it was not given a ratified treaty number by the Department of State.

² See *Ratified Indian Treaties, 1722–1869* (1966) or Appendix B of Francis Paul Prucha’s *American Indian Treaties: The History of a Political Anomaly* (1994, pp. 446–500) for a list of these assigned numbers. The latter list does not include the first seven recognized Indian treaties that were created by the British before the Revolutionary War, nor ratified treaty number 19, 27, and 28, which were selectively omitted.

³ As an index of the number of times that the terms “supplemental article” and “supplementary treaty” appear in the Readex *American State Papers* and the *United States Congressional Serial Set* suites, a search for each of these phrases was applied to almost three hundred *State Papers* and nearly two thousand *Serial Set* documents that are collected in these two digital collections under the subject heading of “Indian treaties.” The term “supplemental article” is part of 7 and of 82 documents of the *State Papers* and *Serial Set*, whereas “supplementary treaty” may be found in 4 and in 68 items, respectively.

⁴ Supplemental article 18.1 was one of the very earliest adjustments to Indian negotiations. Hayden (1920, pp. 11–39) used this modification as a demonstration of the interactions of President George Washington and the Senate over the issue of “advice and consent.” The treaty was signed on 2 July 1791, but the adjustment to the annuity was concluded on 17 February 1792. Washington’s request to the Senate for this change may be seen on p. 98 of volume 1 of the *Journal of the Executive Proceedings of the Senate of the United States of America*.

⁵ Note that each of the “articles” within the collective term “supplemental articles” may consist of individual treaty statements or articles themselves.

⁶ There are also over three dozen adjusting articles that are contained *within* treaties. None of these “internal” articles was given a unique *Statutes at Large* citation by Kappler. For example, in the *Treaty with the Wyandot, etc., 1789* (Kappler, 1904, pp. 18–23), a “Separate Article” (p. 22) noted that two Wyandot villages would not be disturbed under the conditions of the agreed cession, whereas another (p. 23) addressed the return of perpetrators of crimes. Additionally, Kappler included Senate modifications, recorded in the *Statutes at Large*, that demonstrated changes to the parameters of treaties during the ratification process. Only three such “internal” adjusting articles – the first and second of three items created on 27 September 1833, and two Senate resolutions reported in a single Note (Kappler, 1904, pp. 412, 413, and 415, respectively) – have been cited within the federal court system. All are attached to a single supplemental article (pp. 410–415) that pertained to ratified treaty number 189, the *Treaty with the Chippewa, etc., 1833* (pp. 402–410). The entry in the Supplementary Table identifies five cases that cited this single supplemental article. *Hannahville Indian Community* (1983; Claims Court) referred to both the first and second internal articles; the two (Pam-To-Pee, 1893) and (Pam-To-Pee, 1902) and the 1958 *Prairie Band of Potawatomi Indians* proceedings (Court of Claims) employed the second subcomponent; and (Prairie Band of Potawatomi Indians, 1977) and (Prairie Band of Potawatomi Indians, 1958) cited the Note.

supplemental articles were adjustments to the parameters of a treaty, frequently made as quickly as the same or the next day. An article might supply an appendix or a schedule of payments. As such, these components were not assigned ratified treaty numbers by the Department of State, but each has a *Statutes at Large* entry because of its legislative process.⁷ In the *Statutes at Large* and in Kappler, most of the supplemental articles have been appended to the original treaty entry.⁸ This was also the case for treaties created between the tribes and the Confederate States of America.⁹

The task of a supplementary treaty was also, in part, to affect the conditions created in a previous treaty(s). However, each supplementary treaty was assigned by the Department of State – as a stand-alone *treaty* instrument itself – an individual ratified treaty number. This attribute is one clear method of identifying whether a supplement was designated as an article or as a treaty. This is of particular concern because Kappler's compilation frequently assigned treaty status to a transaction that was not assigned an official ratified treaty number. The titles assigned to a number of entries in the *Statutes at Large* were also imprecise.¹⁰

1. Supplemental article examples

Two specific examples will demonstrate the types of adjustments afforded by these documents. The *Treaty with the Choctaw, 1830* (ratified treaty number 160 in the Supplemen-

⁷ The legislative mechanics were described quite clearly in 1949 by the Solicitor of the Department of the Interior (*Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs, 1917–1974, 1979*, pp. 1504–1505) in response to a letter from a Louisiana citizen regarding the ratification and proclamation of the supplemental articles to ratified treaty number 197, the *Treaty with the Caddo, 1835* (Kappler, 1904, pp. 433–434 and 432–433, respectively).

⁸ Two treaty schedules appear in volume 7 of *Statutes at Large*, one in Appendix II (“Schedule of claims referred to in the fourth article of the treaty of the 20th September, 1828, with the Pottawatamie Indians” [7 Stat. 603]), and one in Appendix III (“Schedule of claims and debts to be paid by the United States for the Chippewa, Ottawa, and Pottawatamie Indians, under the fifth article of the treaty of the 29th July, 1829, with said tribes” [7 Stat. 604]).

⁹ There were nine treaties negotiated between the tribes in Indian Territory and the Confederate States of America during 1861: the *Treaty with the Creek Nation* (*Statutes at Large of the Provisional Government of the Confederate States of America, 1864*, pp. 289–310); the *Treaty with Choctaws and Chickasaws* (pp. 311–331); the *Treaty with the Seminole Nation* (pp. 332–346); the *Treaty with the Comanches and Other Tribes and Bands* (pp. 347–353); the *Treaty with the Comanches of the Prairies and Staked Plain* (pp. 354–362); the *Treaty with the Osages* (pp. 363–373); the *Treaty with the Senecas and Senecas and Shawnees* (pp. 374–385); the *Treaty with the Quapaws* (pp. 386–393); and the *Treaty with the Cherokees* (pp. 394–411). *Creek* (pp. 303–305), *Seminole* (pp. 344–345), and *Comanches and Other Tribes and Bands* (pp. 352–353) each had a supplementary article.

¹⁰ Seven transactions in Kappler's collection demonstrate this lack of definition. Each of these documents, identified by its “supplemental number,” lacks a ratified treaty number and hence is not a recognized treaty. The following list identifies the Kappler title and page number(s), and the *Statutes at Large* title (if present) and page number for each pair: • # 57.1 – *Supplementary Treaty with the Miami, etc., 1809* (Kappler, 1904, p. 103) and *A Separate Article* (7 Stat. 115); • #116.1 – *Treaty with the Creeks, 1821* (pp. 197–198) and *Articles of Agreement* (7 Stat. 217); • #161.1 *Treaty with the Menominee, 1831* (pp. 323–325) and [no title] (7 Stat. 346); • #173.1 – *Treaty with the Chickasaw, 1832* (pp. 362–364) and *Articles* (7 Stat. 388); • #216.1 – *Treaty with the Sauk and Foxes, 1836* (pp. 476–478) and *Articles of a Treaty* (7 Stat. 520); • #219.1 – *Treaty with the Chippewa, 1837* (pp. 501–502) and *Articles of a Treaty* (7 Stat. 547); and • #235.1 – *Treaty with the Creeks, 1854* (p. 647) and *Supplementary Treaty with the Creeks* (11 Stat. 599).

tary Table; Kappler, 1904, pp. 310–317) was modified by the *Supplementary Articles to the Preceding Treaty* (supplement number 160.1; pp. 317–319) that provided reserved lands to particular individuals in the Choctaw community.¹¹ The penultimate sentence in the *Supplementary Articles to the Preceding Treaty* states: “The foregoing is entered into, as supplemental to the treaty concluded yesterday” (p. 318). Similarly, the *Treaty with the Cherokee, 1806* (ratified treaty number 53; pp. 90–91) was changed, 20 months after the signing of the initial instrument, by an *Elucidation* (supplement number 53.1; pp. 91–92). This change affected the boundaries of the ceded tract. Part of the text reads (p. 92): “it is hereby declared by the parties, that this explanation ought to be considered as a just elucidation of the cession made by the first article of said convention,” i.e., the initial article of the 1806 treaty.¹²

2. Supplementary treaty examples

Supplementary treaties were assigned their own ratified treaty number and possess their own judicial history. The appearance (if any) before the courts of each of the 13 treaty instruments in the Supplementary Table has been reported in the previous guides. In addition, these documents induced various changes in the constraints or implementations of previous treaties in their roles as supplementary treaties. As one demonstration, the *Treaty with the Wyandot, etc., 1817* (ratified treaty number 90; Kappler, 1904, pp. 145–155) was modified by a later one, the *Treaty with the Wyandot, etc., 1818* (ratified treaty number 97, entered as supplement number 90.1; pp. 162–163), even though only four signatories (Wyandot, Seneca, Shawnee, and Ottawa) out of the original seven (Wyandot, Seneca, Delaware, Shawnee, Potawatomi, Ottawa, and Chippewa) approved the later instrument.¹³

The preambles of each of the following three treaties declare by almost the same phrase that the articles of the present instrument are “supplementary and amendatory to” their respective linked treaty: the *Treaty with the Kickapoo, 1820* (ratified treaty number 112 and supplement number 107.1; Kappler, 1904, pp. 189–190); the *Treaty with the Menominee, 1854* (ratified treaty number 269 and supplement number 253.1; pp. 626–627); and the *Treaty with the Nez Percés, 1863* (ratified treaty number 323 and supplement number 291.1; pp. 843–848). Yet, each of these later recognized treaties affected an earlier one in a unique manner and to a different degree. Amendments were made, respectively, to the

¹¹ As noted in footnote 3, the *United States Congressional Serial Set* made frequent reference to supplemental articles. In this specific Choctaw case, one document provides the letter of instructions given to a military commander for the accurate assessment of those making claims for reservation lands that were specified through the supplemental article (*Report from the Secretary of War, in compliance with a Resolution of the Senate concerning the location of reservations under the Choctaw Treaty of 1830, 1834*, pp. 4, 5, and 58).

¹² Note, from the data in the Supplementary Table, the physical proximity of these pairs of documents in the pages of both Kappler (1904) and the *Statutes at Large*, even with the extended time frame of negotiations.

¹³ Supplementary treaties, too, appeared in the *Serial Set* within further negotiations with Indian tribes. The original treaty number 90 (the *Treaty with the Wyandot, etc., 1817*; Kappler, 1904, pp. 145–155) and the supplementary treaty number 90.1 (the *Treaty with the Wyandot, etc., 1818*; pp. 162–163) were cited in an agreement in 1831 with the Wyandot alone (*Correspondence on the subject of the emigration of Indians, 1835*, pp. 18, 142, 530, and 562).

cession declarations in the sixth article of the *Treaty with the Kickapoo, 1819* (ratified treaty number 107; pp. 182–183); to aspects of the *Treaty with the Menominee, 1848* (ratified treaty number 253; pp. 572–574) that pivoted on land cessions in the *Treaty with the Chippewa of the Mississippi and Lake Superior, 1847* (ratified treaty number 250; pp. 567–569) and in the *Treaty with the Pillager Band of Chippewa Indians, 1847* (ratified treaty number 251; pp. 569–570); and to a number of articles of the *Treaty with the Nez Percés, 1855* (ratified treaty number 291; pp. 702–706). Note that the *Treaty with the Kickapoo, 1820* – either as a stand-alone treaty or as a supplementary one to ratified treaty number 107 – has never been before a federal court (Bernholz, 2001).

3. Organization of the Supplementary Table and case selection

There is a total of 80 treaties and supplements in the attached Supplementary Table, for 101 court cases between the years 1831 (*Cherokee Nation v. Georgia*) and 2000 (*United States v. Webb*). Thirty-seven of the 39 initial instruments were revised by a single supplement, whereas ratified treaty number 120 and 199 each had a second supplemental article.

For completeness, all relevant documents are included in their respective treaty-based groups of the Supplementary Table. Six treaties (Bernholz, 2001), and their corresponding supplements have never been cited in an opinion of the federal court system, nor have the supplement(s) of eight other treaties.¹⁴ These 14 absent treaties and/or supplement(s) are identified in the Supplementary Table with an “M,” or missing indicator entry, in the “Court” column.

The remaining 25 possible composites in the Supplementary Table appeared before five judicial settings. There are citations to six supplements in cases solely before the U.S. Supreme Court;¹⁵ there are references to six supplements in opinions of only lower federal courts;¹⁶ and there is a collection of 10 supplements before both the U.S. Supreme Court and some lower federal court.¹⁷ Three special situations remain. The supplemental treaty 123.1 was cited in the findings of the lower federal courts, as well as in those of a Territorial one. Supplemental article 160.1 and the supplementary treaty 253.1 were cited

¹⁴ Those six treaties, along with their supplement(s), that have never been before a federal court are ratified treaty numbers 107, 116, 187, 216, 235, and 237. All but ratified treaty number 107 were modified by its own single, supplemental article. A supplementary treaty – ratified treaty number 112 – that has never been before a federal court itself adjusted ratified treaty number 107. Eight treaties – number 120, 144, 154, 155, 174, 179, 191, and 201 – have each appeared before a federal court, but their supplement(s) have not.

¹⁵ The six United States Supreme Court-only supplement citations are for ratified treaty numbers 18, 53, 90, 197, 230, and 358. Two are supplementary treaties (for ratified treaty numbers 90 and 358) and four are supplemental articles.

¹⁶ The Supplementary Table has six supplement citations only before a lower federal court for ratified treaty numbers 57, 173, 265, 291, 293, and 306. There are four supplementary treaties (for ratified treaty numbers 265, 291, 293, and 306) and two supplemental articles.

¹⁷ Supplements for ten treaties were cited before both the Supreme Court and a lower federal court: ratified treaty numbers 103, 152, 161, 189, 199, 219, 308, 309, 327, and 364. Four supplementary treaties (for ratified treaty numbers 103, 152, 327, and 364) and seven supplemental articles make up this collection. Ratified treaty number 199 was affected by two supplemental articles, but only the second supplemental, i.e., 199.2 in the Supplementary Table, has been before the courts. The first article was included in the original treaty to create Article 20 (7 Stat. 478, 487), but it was later stricken by the Senate (see the Note at 7 Stat. 478, 489).

in the opinions of the U.S. Supreme Court, the lower federal courts, and in the state courts of Mississippi and Wisconsin, respectively.

The volumes of (Shepard's Federal Statute Citations, 1996), (Shepard's Federal Statute Citations, 2001), (Shepard's Federal Statute Citations, 2003) and (Shepard's Federal Statute Citations, 2005)¹⁸ were employed by using each document's *Statutes at Large* reference¹⁹ to identify cases before the courts in which both the treaty and its supplemental were cited. Further, these *Statutes at Large* citations were re-examined with the full Lexis-Nexis online database to identify any case other than those reported in *Shepard's Federal Statute Citations*. The same array of *Statutes at Large* references was submitted to the Web-based *Westlaw Campus* system as well.

The Supplementary Table is an aggregate of the following:

- the ratified treaty number, assigned by the Department of State, of each of the relevant treaties and its supplement(s) that may have been cited in the opinion of any federal court. Note that several instruments have never been cited;
- the name(s) of the participating tribe(s), with an expansion of the "etc." found in the titles of many treaties in Kappler's work into a complete list of parties. For example, ratified treaty number 57 is the *Treaty with the Delawares, etc., 1809* (Kappler, 1904, pp. 101-102) and the entry for this document in the Supplementary Table identifies as signatories the Delaware as well as the Potawatomi, Miami, and Eel River;
- the signing date of the treaty or supplement, taken from each document's entry in volume 2 of Kappler's *Indian Affairs: Laws and Treaties* (1904);
- the treaty page number, according to Kappler's data;
- the document's *Statutes at Large* citation;
- the supplement document type, where the type may be either a supplemental article ("A") or a supplementary treaty ("T" + the ratified treaty number of that treaty). An example in the Supplementary Table of the latter document type would be at the ratified treaty number 90.1 entry, "T-97," that identifies ratified treaty number 97 as a supplementary treaty to ratified treaty number 90;²⁰
- the case title and year of the citing case;
- the reporter citation for this case; and

¹⁸ Cumulative, soft-covered issues update the bound permanent volumes.

¹⁹ Volumes of *Statutes at Large* are now available on the Library of Congress's *Century of Law-making for a New Nation* Web page at <http://memory.loc.gov/ammem/amlaw/lwsl.html>. The texts of all treaties and supplements in the Supplementary Table are available at this site.

²⁰ The 13 unique supplementary treaties in the Supplementary Table and their page numbers in Kappler (1904) are as follows: • T-97—*Treaty with the Wyandot, etc., 1818* (pp. 162-163); • T-112—*Treaty with the Kickapoo, 1820* (pp. 189-190); • T-158—*Treaty with the Delawares, 1829* (pp. 304-305); • T-182—*Treaty with the Western Cherokee, 1833* (pp. 385-388); • T-186—*Treaty with the Quapaw, 1833* (pp. 395-397); • T-269—*Treaty with the Menominee, 1854* (pp. 626-627); • T-280—*Treaty with the Confederated Oto and Missouri, 1854* (pp. 660-661); • T-323—*Treaty with the Nez Perces, 1863* (pp. 843-848); • T-330—*Treaty with the Chippewa—Red Lake and Pembina Bands, 1864* (pp. 861-862); • T-336—*Treaty with the Ponca, 1865* (pp. 875-876); • T-351—*Treaty with the Middle Oregon Tribes, 1865* (pp. 908-909); • T-365—*Treaty with the Kiowa, Comanche, and Apache, 1867* (pp. 982-984); and • T-368—*Treaty with the Cherokee, 1868* (pp. 996-997).

- the court level before which the cited case was heard. In this column, a missing, or “M,” indicator flags supplements that never appeared in the opinion of any court. The venues are District Courts (e.g., “Dist. Ct., W.D. N.C.”); Claims Court (e.g., “Cl. Ct.” and “Fed. Cl.”); Court of Claims (“Ct. Cl.”); Circuit Courts (e.g., “C.C.D. Ind.”); Courts of Appeals (“Cir. 10”); Territorial (“Indian Terr.”); State (e.g., “Sup. Ct. Wis.”); or U.S. Supreme Court (“Sup. Ct.”).

4. An exemplar

One very clear sequence of adjustments to treaty specifications may be considered as prototypic. In his substantial history of the Cherokee Nation, Royce (1887, p. 378) compiled a list of all land cessions made by the Cherokee that sum to more than 81.2 million acres. The total number of negotiated documents – 23 – is an indication of the sustained pressure on the Cherokee Nation between 1785 and 1868. Five sets of these instruments include supplements and appear in the Supplementary Table.²¹

The first two of these five document sets involve supplemental articles that make small corrections to each of ratified treaty number 18, the *Treaty with the Cherokee, 1791* (Kappler, 1904, pp. 29–32), and ratified treaty number 53, the *Treaty with the Cherokee, 1806* (pp. 90–91). The former increased an annuity paid to the Cherokee from \$1,000 to \$1,500 per year. The latter, in part, specified more clearly cession boundary limits and provided payment to the tribe for their acceptance of, and temporary hunting rights within, these limits.

In comparison, the three remaining arrays of Cherokee treaties and supplements concern one special example of ceded lands in Indian Territory. Smith and Teague (1993) remarked upon the sequence of events surrounding the eventual loss by the Cherokee of the so-called Cherokee Outlet, an area of more than 8.1 million acres. The changes to this landscape, between the years of removal and 1889, may be seen in the maps of Prucha (1990, pp. 70–72). He also provided a depiction of the “Location of Indians in the Indian Territory after Removal” (p. 118), covering a larger area than the previous three charts. That latter map identifies, in addition to the Cherokee Outlet, two significant land areas related to Cherokee cessions: the so-called Cherokee Nation lands (7 million acres) lying mostly to the east of the Cherokee Outlet and of the Arkansas River in the northeastern corner of present day Oklahoma, and the Cherokee Neutral Lands (800,000 acres) that were north of the Cherokee Nation lands in the southeastern corner of Kansas.²² The conveyance, and the retaking, of these areas may be seen in the following summaries that highlight the circumstances of these three sets of instruments and

²¹ The full collection of documents contains ratified treaty and supplement numbers 11, 18, 18.1, 20, 29, 42, 48, 49, 53, 53.1, 76, 77, 83, 89, 106, 152, 182, 199, 199.1, 199.2, 248, 358, and 368. The five sets presented in the Supplementary Table are ratified treaty number 18 and its supplemental article 18.1; ratified treaty number 53 and supplemental article 53.1; ratified treaty numbers 152 and 182, where the latter, as 152.1, is a supplementary treaty to the former; ratified treaty number 199 and its two supplemental articles, 199.1 and 199.2; and ratified treaty numbers 358 and 368, where the second document, noted in the Supplementary Table as 358.1, is a supplementary treaty to the first.

²² These lands are identified in Royce (1899, pp. 840–841) as Area 489 for the Cherokee Outlet, Area 490 for the Neutral Lands in Kansas, and Area 492 for the Cherokee Nation lands. The Royce Area maps are now available online at <http://www.rootsweb.com/~usgenweb/maps/cessions/>.

that identify for each group a case before the federal court system taken from the Supplementary Table.

The Outlet tract had been assigned originally as part of ratified treaty number 152, the *Treaty with the Western Cherokee, 1828* (Kappler, 1904, pp. 288–292). Article 2 stated, in part, that “the United States further guarantee to the Cherokee Nation a perpetual outlet, West, and a free and unmolested use of all the Country lying West of the Western boundary of the above described limits, and as far West as the sovereignty of the United States, and their right of soil extend” (p. 289). However, ratified treaty number 182, the *Treaty with the Western Cherokee, 1833* (pp. 385–388), was prepared to correct overlaps of lands already allocated to the Creeks in 1826 (*Treaty with the Creeks, 1826*; ratified treaty number 144; pp. 264–268). The preamble of the *Treaty with the Western Cherokee, 1833* states: “...it appears from the Creek treaty, made with the United States... that they had the right to select, and did select, a part of the country described within the boundaries mentioned above in said Cherokee articles of agreement [of 1828]” (p. 386). This 1833 supplementary treaty thus affected the conditions set out in an 1828 one and helped reduce tribal difficulties between the Creek and the Cherokee brought on by this unintended land sharing. The boundary specifications were discussed in the opinion of the 1953 Court of Claims case, *Cherokee Nation of Indians ex rel. Western (Old Settler) Cherokee Indians v. United States*.

Ratified treaty number 199, the *Treaty with the Cherokee, 1835* (Kappler, 1904, pp. 439–447), in which the Cherokee ceded all their lands east of the Mississippi River, was modified by a supplementary article that was stricken by the Senate (indicated as “Article 20. [Supplemental article. Stricken out by Senate.]” on p. 447),²³ as well as by five supplementary articles (pp. 448–449) that were ratified and treated as a single transaction. These articles were created because “the President of the United States has expressed his determination not to allow any pre-emptions or reservations[,] his desire being that the whole Cherokee people should remove together and establish themselves in the country provided for them west of the Mississippi river” (p. 448). This pressure on the Cherokee to remove – en masse – led to the Trail of Tears.²⁴ The transaction also reaffirmed the unconditional grant of the Cherokee Outlet lands, and the additional conveyance to the Cherokee of the 800,000-acre Neutral Lands in Kansas. These removal definitions for the entire Cherokee Nation were critical in *United States v. Swain County* (1930) before the Western District Court for North Carolina. In those proceedings, the court concluded that “upon the conclusion and promulgation of the Treaty of New Echota, with its supplemental sections, the last vestige of right the Indians may have had to occupy lands east of the Mississippi was extinguished, and the right of occupancy immediately vested in the state, which already had the fee-simple title” (p. 104; emphasis added), and thus affected the taxation status of these lands.

Finally, ratified treaty number 358, the *Treaty with the Cherokee, 1866* (Kappler, 1904, pp. 942–950), was a “retribution treaty against the Cherokee Nation for its alliance with the Confederacy during the Civil War” (Smith & Teague, 1993, p. 275). The Neutral Lands

²³ See the Note at 7 *Stat.* 489. The article is included here because it was part of the original, signed treaty.

²⁴ See Strickland and Strickland (1991) for the history of the Cherokee after removal.

were lost through Article 17. Article 15 sanctioned several tribes to take partial possession of the northeastern corner of the Cherokee Nation lands.²⁵ Further, Article 16 permitted the federal government to place on lands within the Outlet, i.e., west of 96° of longitude, other tribes of “friendly Indians” (Kappler, 1904, p. 947), and this option was exercised over the next two decades.²⁶ This article effectively transferred over 8.1 million acres to the federal government.

Subsequent to the 1866 treaty, the Secretary of the Interior pledged the entire Cherokee Neutral Lands to the American Emigrant Company, but his successor intervened and reassigned the sale to James F. Joy of the Missouri River, Fort Scott, and Gulf Railroad.²⁷ Ratified treaty number 368, the *Treaty with the Cherokee, 1868* (pp. 996–997), addressed the covenants of Article 17 of the 1866 treaty by directing that the lands go to Joy and by requiring payment for these lands to be made to the Secretary as trustee for the Cherokee Nation of Indians. The *Holden v. Joy* (1872) case before the U.S. Supreme Court pertained to these transactions.

In total, these five sets of treaties and their modifications have been cited 47 times in 34 cases within the federal court system, including 13 separate appearances before the U.S. Supreme Court between 1831 (*Cherokee Nation v. Georgia*) and 1970 (*Choctaw Nation v. Oklahoma*).

5. Supplements before the courts today

The contemporary use of these interconnected Indian treaties was demonstrated in a recent case before the U.S. Court of Federal Claims. In *Menominee Indian Tribe v. United States* (1997), the court considered two linked treaties. The original, affected treaty was ratified treaty number 253, the *Treaty with the Menominee, 1848* (Kappler, 1904, pp. 572–574). A second, supplementary treaty was ratified treaty number 269, the *Treaty with the Menominee, 1854* (pp. 626–627). In the court opinion, the later treaty is identified as the *Treaty of Wolf River*, named for the site in Wisconsin at which the treaty was signed. In a background section devoted to the relationship between the Tribe and the United States, the opinion states: “The Tribe ceded the last of its land in 1848 in exchange for 600,000 acres of land west of the Mississippi River. The Menominee, however, were dissatisfied with the land and refused to move to it. By the *Treaty of Wolf River*, 10 Stat. 1064 (1854), the Tribe ceded back to the Government the 600,000 acres in exchange for 276,480 acres of land on the Wolf River in Wisconsin to be held as Indian lands are held” (*Menominee Indian Tribe v. United States*, 1997, p. 448).

²⁵ Prucha’s maps (1990, pp. 71–72) show that the Peoria, Ottawa, Shawnee, Modoc, and Wyandotte joined the Quapaw and the Seneca here. The Royce Area numbers for the Quapaw and the Seneca lands are 505 and 499. The area numbers for the five added tribes are, respectively, 500 and 504; 501; 502; 571; and 498 (Royce, 1899, pp. 843–845).

²⁶ Prucha (1990, p. 72) noted the final geographic arrangement within the Outlet. The Tribes and the Royce Area numbers are Osage (Area 534; see Chapman, 1979, pp. 67–81), Kaw or Kansas (Area 535; pp. 81–85), Pawnee (Area 591; pp. 85–91), Ponca (Area 628; pp. 91–99), Tonkawa (replacing the original Nez Perce within Area 606; pp. 99–101), and Oto and Missouri (Area 627; pp. 102–103). See Smith and Teague (1993, p. 279) for the acreages of these six areas.

²⁷ Blackmar (1912, vol. 2, pp. 354–357) discussed the Cherokee Neutral Lands in Kansas.

It was Article 1 of the 1854 treaty that had withdrawn those 600,000 acres: "The said Menomonee tribe hereby agree to cede, and do hereby cede, sell, and relinquish to the United States, all the lands assigned to them under the treaty of the eighteenth of October, eighteen hundred and forty-eight" (Kappler, 1904, p. 626). Article 2 then conveyed the new acreage (pp. 626–627). Thus, ratified supplementary treaty number 269, the *Treaty with the Menominee, 1854* (here, the *Treaty of Wolf River*), affected almost 6 years later the characteristics of the initial, 1848 treaty. Those changes were relevant enough to be used to substantiate a case before the U.S. Court of Federal Claims 150 years later.

The few adaptations enumerated in this guide are examples of the mechanisms by which modifications or adjustments were made to the contents of Indian treaties concluded with the federal government. Most of the supplemental articles were used to fine-tune the words of active negotiations, but many of the supplementary treaties had a devastating effect on the conditions confirmed in earlier instruments.

Acknowledgment

This report is the last in a series of examinations of American Indian treaties before various federal, state, and territorial courts. None of these studies would have been possible without the stimulation afforded by the scholarship of Father Francis Paul Prucha, S. J. I dedicate this note to him, with abundant thanks.

Appendix A. Supplementary data follows the References.

References

- Bernholz, 2001:** C.D. Bernholz, The absent American Indian treaties: A guide to treaties never referenced at the federal court level, *Journal of Government Information* **28** (2001), pp. 171–178.
- Bernholz, 2002:** C.D. Bernholz, The absent American Indian treaties: An update, *Journal of Government Information* **29** (2002), pp. 39–41.
- Bernholz, 2004:** C.D. Bernholz, American Indian treaties and the Supreme Court: A guide to treaty citations from opinions of the United States Supreme Court, *Journal of Government Information* **30** (2004), pp. 318–431.
- Bernholz, 2007:** C.D. Bernholz, American Indian treaties and the lower federal courts: A guide to treaty citations from opinions of the lower federal court system, *Government Information Quarterly* **24** (2007), pp. 443–469.
- Bernholz, in press:** Bernholz, C.D. (in press). American Indian Treaties in the territorial courts: A guide to treaty citations from opinions of the United States territorial court systems. *Government Information Quarterly*.
- Bernholz and Weiner, 2005:** C.D. Bernholz and R.J. Weiner, American Indian treaties in the state courts: A guide to treaty citations from opinions of the state court systems, *Government Information Quarterly* **22** (2005), pp. 440–488.
- Bernholz and Weiner, in press:** Bernholz, C. D., & Weiner, R. J. (in press). American Indian treaties in the opinions of the United States Courts of Claims. *Government Information Quarterly*.
- Blackmar, 1912:** In: F.W. Blackmar, Editor, *Kansas: A Cyclopedia of State History, Embracing Events, Institutions, Industries, Counties, Cities, Towns, Prominent Persons, etc.*, Standard Publishing, Chicago, IL (1912).

Chapman, 1979: B.B. Chapman, *Federal Management and Disposition of the Lands of the Oklahoma Territory, 1866–1907*, Arno Press, New York (1979).

Cherokee Nation v. Georgia, 1831: *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831).

Cherokee Nation of Indians, 1953: *Cherokee Nation of Indians ex rel. Western (Old Settler) Cherokee Indians v. United States*, 109 F. Supp. 238 (1953).

Choctaw Nation, 1970: *Choctaw Nation v. Oklahoma*, 397 U.S. 620 (1970).

Correspondence on the subject of the emigration of Indians, 1835: *Correspondence on the subject of the emigration of Indians, between the 30th November 1831 and 27th December 1833, with abstracts of expenditures by disbursing agents, in the removal and subsistence of Indians, &c. &c. Furnished in answer to a resolution of the Senate, of 27th December, 1833, by the Commissary General of Subsistence.* (1835). 23rd Congress, 1st Session. Senate Document No. 512, part 4 (Serial Set 247). Washington, DC: Duff Green.

Hannahville Indian Community, 1983: *Hannahville Indian Community v. United States*, 4 Cl. Ct. 445 (1983).

Hayden, 1920: R. Hayden, *The senate and treaties, 1789–1817: The Development of the Treaty-making Functions of the United States Senate During their Formative Period*, Macmillan, New York (1920).

Holden v. Joy, 1872: *Holden v. Joy*, 84 U.S. 211 (1872).

Kappler, 1904: C.J. Kappler, *Indian Affairs: Laws and Treaties: Vol. 2. Treaties*, Government Printing Office, Washington, DC (1904).

Menominee Indian Tribe v. United States, 1997: *Menominee Indian Tribe v. United States*, 39 Fed. Cl. 441 (1997).

Moore v. United States, 1897: *Moore v. United States*, 32 Ct. Cl. 593 (1897).

Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs, 1917–1974, 1979: *Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs, 1917–1974.* (1979). Washington, DC: Government Printing Office.

Pam-To-Pee, 1893: *Pam-To-Pee v. United States*, 148 U.S. 691 (1893).

Pam-To-Pee, 1902: *Pam-To-Pee v. United States*, 187 U.S. 371 (1902).

Prairie Band of Potawatomi Indians, 1958: *Prairie Band of Potawatomi Indians v. United States*, 143 Ct. Cl. 131 (1958).

Prairie Band of Potawatomi Indians, 1977: *Prairie Band of Potawatomi Indians v. United States*, 215 Ct. Cl. 1 (1977).

Prucha, 1990: F.P. Prucha, *Atlas of American Indian Affairs*, University of Nebraska Press, Lincoln, NE (1990).

Prucha, 1994: F.P. Prucha, *American Indian Treaties: The History of a Political Anomaly*, University of California Press, Berkeley, CA (1994).

Ratified Indian Treaties, 1722–1869, 1966: *Ratified Indian Treaties, 1722–1869*(1966). Washington, DC: National Archives and Records Service.

Report from the Secretary of War, in compliance with a Resolution of the Senate concerning the location of reservations under the Choctaw Treaty of 1830, 1834: *Report from the Secretary of War, in compliance with a resolution of the Senate concerning the location of reservations under the Choctaw Treaty of 1830.* (1834). 23rd Congress, 1st Session. Senate Document No. 266 (Serial Set 240). Washington, DC: Duff Green.

Roy v. United States, 1910: *Roy v. United States*, 45 Ct. Cl. 177 (1910).

Royce, 1887: C.C. Royce, *The Cherokee Nation of Indians: A narrative of their official relations with the colonial and federal governments, Annual report of the Bureau of Ethnology, 1883–1884*, Government Printing Office, Washington, DC (1887), pp. 221–378.

- Royce, 1899:** C.C. Royce, Indian land cessions in the United States. 18th Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896–97; Part 2, *House of Representatives, 56th Congress, 1st Session. House Document No. 736 (Serial Set 4015; pp. 521–997).*, Government Printing Office, Washington, DC (1899).
- Shepard's Federal Statute Citations, 1996:** *Shepard's Federal Statute Citations: Vol. 6 (8th ed.).* (1996). Colorado Springs, CO: Shepard's/McGraw-Hill Inc.
- Shepard's Federal Statute Citations, 2001:** *Shepard's Federal Statute Citations: Statute Edition Supplement, 1996–2001: Vol. 4.* (2001). Colorado Springs, CO: Lexis Publishing.
- Shepard's Federal Statute Citations, 2003:** *Shepard's Federal Statute Citations: Statute Edition Supplement, 2001–2003: Vol. 2.* (2003). Colorado Springs, CO: Lexis Publishing.
- Shepard's Federal Statute Citations, 2005:** *Shepard's Federal Statute Citations: Statute Edition Supplement, 2003–2005: Vol. 2.* (2005). Colorado Springs, CO: Lexis Publishing.
- Smith and Teague, 1993:** C. Smith and F. Teague, The response of the Cherokee Nation to the Cherokee Outlet centennial celebration: A legal and historical analysis, *Tulsa Law Journal* **29** (1993), pp. 263–302.
- Statutes at Large of the Provisional Government of the Confederate States of America, 1864:** *Statutes at Large of the Provisional Government of the Confederate States of America.* (1864). Richmond, VA: R. M. Smith.
- Strickland and Strickland, 1991:** R. Strickland and W.M. Strickland, Beyond the trail of tears: One hundred fifty years of Cherokee survival. In: W.L. Anderson, Editor, *Cherokee Removal: Before and After*, University of Georgia Press, Athens, GA (1991), pp. 112–138.
- United States v. Swain County, 1930:** *United States v. Swain County*, 46 F. 2d 99 (1930).
- United States v. Webb, 2000:** *United States v. Webb*, 219 F. 3d 1127 (2000).

Charles D. Bernholz is the Government Documents Librarian at the University of Nebraska-Lincoln. He has a BA from Northeastern University, an MA from the University of Guelph, and an MLS from the State University of New York at Buffalo. His research interests focus upon treaties created by the Indian Nations and the governments of North America, and upon the development of federal Indian law in the United States and in Canada.

Appendix A. Supplementary data

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
18	2-Jul-1791	Cherokee	29	7 Stat. 39				
18.1	17-Feb-1792	Cherokee	32	7 Stat. 42	A	Cherokee Nation v. Georgia (1831)	30 U.S. 1	Sup. Ct.
18.1	17-Feb-1792	Cherokee	32	7 Stat. 42	A	Jordan v. Goldman (1893)	1 Okla. 406	Sup. Ct., Okla.
53	7-Jan-1806	Cherokee	90	7 Stat. 101				
53.1	11-Sep-1807	Cherokee	91	7 Stat. 103	A	Cherokee Nation v. Georgia (1831)	30 U.S. 1	Sup. Ct.
53.1	11-Sep-1807	Cherokee	91	7 Stat. 103	A	Jordan v. Goldman (1893)	1 Okla. 406	Sup. Ct., Okla.
57	30-Sep-1809	Delaware; Potawatomi; Miami; Eel River	101	7 Stat. 113				
57.1	30-Sep-1809	Delaware; Potawatomi; Miami; Eel River	103	7 Stat. 115	A	Miami Tribe of Oklahoma v. United States (1960)	150 Ct. Cl. 725	Ct. Cl.
90	29-Sep-1817	Wyandot; Seneca; Delaware; Shawnee; Potawatomi; Ottawa; Chippewa	145	7 Stat. 160				
90.1	17-Sep-1818	Wyandot; Seneca; Shawnee; Ottawa	162	7 Stat. 178	T-97	Kindred v. Union Pacific Railroad Co. (1912)	225 U.S. 582	Sup. Ct.
103	3-Oct-1818	Delaware	170	7 Stat. 188				

Ratioed Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
103.1	24-Sep-1829	Delaware	304	7 Stat. 327	T-158	United States v. 69 U.S. 525		Sup. Ct.
103.1	24-Sep-1829	Delaware	304	7 Stat. 327	T-158	Stone (1864) Hicks v. Butrick 12 F.Cas. 114 (No. 6,458) (1875)		C.C.D. Kan.
103.1	24-Sep-1829	Delaware	304	7 Stat. 327	T-158	Kindred v. 225 U.S. 582 Union Pacific Railroad Co.		Sup. Ct.
103.1	24-Sep-1829	Delaware	304	7 Stat. 327	T-158	(1912) Delaware Tribe 72 Ct. Cl. 525 of Indians v. United States		Ct. Cl.
103.1	24-Sep-1829	Delaware	304	7 Stat. 327	T-158	(1931) Delaware Tribe 74 Ct. Cl. 368 of Indians v. United States		Ct. Cl.
103.1	24-Sep-1829	Delaware	304	7 Stat. 327	T-158	(1932) Delaware Tribe 130 Ct. Cl. 782 of Indians v. United States		Ct. Cl.
103.1	24-Sep-1829	Delaware	304	7 Stat. 327	T-158	(1955) Weeks v. United 406 F. Supp. 1309 States (1975)		Dist. Ct., W.D. Okla.
103.1	24-Sep-1829	Delaware	304	7 Stat. 327	T-158	Delaware Tribal Business Committee v. Weeks (1977)		Sup. Ct.
107	30-Jul-1819	Kickapoo	182	7 Stat. 200		—	—	M
107.1	19-Jul-1820	Kickapoo	189	7 Stat. 208	T-112	—	—	M
116	8-Jan-1821	Creek	195	7 Stat. 215		—	—	M
116.1	8-Jan-1821	Creek	197	7 Stat. 217	A	—	—	M
120	18-Sep-1823	Micosukee; Tallahassee; Seminole	203	7 Stat. 224				
120.1	18-Sep-1823	Micosukee; Tallahassee; Seminole	205	7 Stat. 226	A	—	—	M
120.2	18-Jun-1833	Apalachicola	399	7 Stat. 428	A	—	—	M

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
123	15-Nov-1824	Quapaw	210	7 Stat. 232				
123.1	13-May-1833	Quapaw	395	7 Stat. 424	T-186	Moore v. Girtten 5 Indian Terr. 384 (1904)		Ct. App., Indian Terr.
123.1	13-May-1833	Quapaw	395	7 Stat. 424	T-186	Quapaw Tribe of Indians v. United States (1954)	128 Ct. Cl. 45	Ct. Cl.
144	24-Jan-1826	Creek	264	7 Stat. 286				
144.1	31-Mar-1826	Creek	267	7 Stat. 289	A		—	M
152	6-May-1828	Cherokee:Western	288	7 Stat. 311				
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Holden v. Joy 84 U.S. 211 (1872)		Sup. Ct.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	United States v. 27 F. Cas. 742 (No. 16,137) Reese (1879)		C.C.D.W.D. Ark.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	United States v. 23 F. 658 Rogers (1885)		Dist. Ct., W.D. Ark.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Trust Funds (1886)		Sup. Ct.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	United States v. 30 F. 918 Soule (1887)		C.C.D. Kan.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Mehlin v. Ice 56 F. 12 (1893)		Cir. 8
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	United States v. Old Settlers (1893)	148 U.S. 427	Sup. Ct.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Nation v. Journeycake (1894)	155 U.S. 196	Sup. Ct.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Nation v. Hitchcock (1902)	187 U.S. 294	Sup. Ct.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Nation v. United States (1905)	40 Ct. Cl. 252	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Brown v. United States (1909)	44 Ct. Cl. 283	Ct. Cl.

Ratified Treaty Number	Treaty Signing Date	Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Missouri, Kansas and Texas Railway Co. v. United States (1911) Heckman v. United States (1912) Brewer-Elliott Oil & Gas Co. v. United States (1920) Cherokee Nation v. United States (1926) Eastern or Emigrant Cherokees v. United States (1935) Cherokee Nation v. United States (1936) Western or Old Settler Cherokees v. United States (1936) Eastern or Emigrant Cherokees v. United States (1939)	47 Ct. Cl. 59	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		224 U.S. 413	Sup. Ct.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		270 F. 100	Cir. 8
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		270 U.S. 476	Sup. Ct.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		82 Ct. Cl. 180	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		82 Ct. Cl. 456	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		82 Ct. Cl. 566	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		88 Ct. Cl. 452	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		131 F.2d 720	Cir. 10
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182		156 F.2d 769	Cir. 10

Ratiofied Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Nation of Indians ex rel. Western (Old Settler) Cherokee Indians v. United States (1953) Prairie Band of Potawatomi Indians v. United States (1958)	124 Ct. Cl. 127	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Nation or Tribe of Indians in Oklahoma v. Oklahoma (1968) Choctaw Nation v. Oklahoma (1970)	143 Ct. Cl. 131	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Nation or Tribe of Indians in Oklahoma v. Oklahoma (1968) Choctaw Nation v. Oklahoma (1970)	402 F.2d 739	Cir. 10
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Nation (1973) Choctaw Nation v. Cherokee (1975)	200 Ct. Cl. 583	Ct. Cl.
152.1	14-Feb-1833	Cherokee:Western	385	7 Stat. 414	T-182	Cherokee Nation (1975) Cherokee Nation of Oklahoma v. United States (1991)	937 F.2d 1539	Cir. 10
154	20-Sep-1828	Potawatomi	294	7 Stat. 317				
154.1	20-Sep-1828	Potawatomi	297	7 Stat. 603	A			M
155	29-Jul-1829	Chippewa; Ottawa; Potawatomi	297	7 Stat. 320				

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
155.1	29-Jul-1829	Chippewa; Ottawa; Potawatomi	300	7 Stat. 604	A	—	—	M
160	27-Sep-1830	Choctaw	310	7 Stat. 333				
160.1	28-Sep-1830	Choctaw	317	7 Stat. 340	A	Gaines v. 50 U.S. 356		Sup. Ct.
160.1	28-Sep-1830	Choctaw	317	7 Stat. 340	A	Nicholson (1850) Meehan v. Jones 70 F. 453 (1895)		C. C. D. Minn.
160.1	28-Sep-1830	Choctaw	317	7 Stat. 340	A	Jones v. Meehan 175 U.S. 1 (1899)		Sup. Ct.
160.1	28-Sep-1830	Choctaw	317	7 Stat. 340	A	Daniels v. Sones 147 So.2d 626 (1962)		Sup. Ct., Miss.
160.1	28-Sep-1830	Choctaw	317	7 Stat. 340	A	Madison 939 F.2d 292		Cir. 5
161	8-Feb-1831	Menominee	319	7 Stat. 342		County Board of Education v. Illinois Central Railroad Co. (1991)		
161.1	17-Feb-1831	Menominee	323	7 Stat. 346	A	Budzisz v. 170 U.S. 41 Illinois Steel Co. (1898)		Sup. Ct.
161.1	17-Feb-1831	Menominee	323	7 Stat. 346	A	United States v. 177 Ct. Cl. 263 Emigrant New York Indians (1966)		Ct. Cl.
173	20-Oct-1832	Chickasaw	356	7 Stat. 381				
173.1	22-Oct-1832	Chickasaw	362	7 Stat. 388	A	Love v. Pamplin 21 F. 755 (1884)		C.D.W.D. Tenn.
174	24-Oct-1832	Kickapoo	365	7 Stat. 391				
174.1	26-Nov-1832	Kickapoo	367	7 Stat. 393	A	—	—	M
179	27-Oct-1832	Menominee	377	7 Stat. 405				
179.1	27-Oct-1832	Menominee	381	7 Stat. 409	A	—	—	M
187	18-Jun-1833	Apalachicola	398	7 Stat. 427				
187.1	18-Jun-1833	Apalachicola	399	7 Stat. 428	A	—	—	M

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
189	26-Sep-1833	Chippewa; Ottawa; Potawatomi	402	7 Stat. 431				
189.1	27-Sep-1833	Chippewa; Ottawa; Potawatomi	410	7 Stat. 442	A	Potawatamie Indians v. United States (1892)	27 Ct. Cl. 403	Ct. Cl.
189.1	27-Sep-1833	Chippewa; Ottawa; Potawatomi	410	7 Stat. 442	A	Pam-To-Pee v. United States (1893)	148 U.S. 691	Sup. Ct.
189.1	27-Sep-1833	Chippewa; Ottawa; Potawatomi	410	7 Stat. 442	A	Pam-To-Pee v. United States (1902)	187 U.S. 371	Sup. Ct.
189.1	27-Sep-1833	Chippewa; Ottawa; Potawatomi	410	7 Stat. 442	A	Prairie Band of Potawatomi Indians v. United States (1958)	143 Ct. Cl. 131	Ct. Cl.
189.1	27-Sep-1833	Chippewa; Ottawa; Potawatomi	410	7 Stat. 442	A	Prairie Band of Potawatomi Tribe of Indians v. United States (1977)	215 Ct. Cl. 1	Ct. Cl.
189.1	27-Sep-1833	Chippewa; Ottawa; Potawatomi	410	7 Stat. 442	A	Hannahville Indian Community v. United States (1983)	4 Ct. Cl. 445	Ct. Cl.
191	24-May-1834	Chickasaw	418	7 Stat. 450				
191.1	24-May-1834	Chickasaw	424	7 Stat. 456	A			M
197	1-Jul-1835	Caddo	432	7 Stat. 470				
197.1	1-Jul-1835	Caddo	433	7 Stat. 472	A	United States v. Brooks (1850)	51 U.S. 442	Sup. Ct.
199	29-Dec-1835	Cherokee	439	7 Stat. 478				
199.1	31-Dec-1835	Cherokee	447	7 Stat. 487	A			M
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	Ex parte Taylor (1852)	55 U.S. 3	Sup. Ct.
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	Elk v. Wilkins (1884)	112 U.S. 94	Sup. Ct.

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	Wau-Pe-Man-Qua v. Aldrich (1886)	28 F. 489	C.C.D. Ind.
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	United States v. Old Settlers (1893)	148 U.S. 427	Sup. Ct.
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	United State v. Cherokee Nation (1906)	202 U.S. 101	Sup. Ct.
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	In re Eastern Cherokees (1911)	220 U.S. 83	Sup. Ct.
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	Cherokee Nation v. United States (1926)	270 U.S. 476	Sup. Ct.
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	Swain County (1930)	46 F.2d 99	Dist. Ct., W.D. N.C.
199.2	1-Mar-1836	Cherokee	448	7 Stat. 488	A	Western or Old Settler Cherokees v. United States (1936)	82 Ct. Cl. 566	Ct. Cl.
201	28-Mar-1836	Ottawa; Chippewa	450	7 Stat. 491				
201.1	31-Mar-1836	Ottawa; Chippewa	456	7 Stat. 496	A	—	—	M
216	28-Sep-1836	Sac and Fox	474	7 Stat. 517		—	—	M
216.1	28-Sep-1836	Sac and Fox	476	7 Stat. 520	A	—	—	M
219	14-Jan-1837	Chippewa; Saginaw	482	7 Stat. 528				
219.1	20-Dec-1837	Chippewa; Saginaw	501	7 Stat. 547	A	Shepard v. Northwestern Life Insurance Co. (1889)	40 F. 341	C.D.E.D. Mich.
219.1	20-Dec-1837	Chippewa; Saginaw	501	7 Stat. 547	A	Chippewa Indians of Minnesota v. United States (1937)	301 U.S. 358	Sup. Ct.
230	15-Jan-1838	New York Indians	502	7 Stat. 550				

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
230.1	13-Feb-1838	Mohawk:St. Regis	512	7 Stat. 561	A	New York Indians v. United States (1898)	170 U.S. 1	Sup. Ct.
235	23-Nov-1838	Creek	524	7 Stat. 574		—	—	M
235.1	13-Jun-1854	Creek	647	11 Stat. 599	A	—	—	M
237	7-Feb-1839	Chippewa:Saginaw	528	7 Stat. 578		—	—	M
237.1	7-Feb-1839	Chippewa:Saginaw	528	7 Stat. 579	A	—	—	M
253	18-Oct-1848	Menominee	572	9 Stat. 952				
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	Beecher v. Wetherby (1877)	95 U.S. 517	Sup. Ct.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	Minnesota v. Hitchcock (1902)	185 U.S. 373	Sup. Ct.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	United States v. Morrison (1916)	240 U.S. 192	Sup. Ct.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	Wisconsin v. Lane (1918)	245 U.S. 427	Sup. Ct.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	United States ex rel. Besaw v. Work (1925)	6 F.2d 694	D.C. Cir.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	State v. Tucker (1941)	296 N.W. 645	Sup. Ct., Wis.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	Menominee Tribe of Indians v. United States (1968)	391 U.S. 404	Sup. Ct.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	State v. Sanapaw (1969)	124 N.W.2d 41	Sup. Ct., Wis.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	Pillager Bands of Chippewa Indians v. United States (1970)	192 Ct. Cl. 698	Ct. Cl.
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	Menominee Indian Tribe of Wisconsin v. Thompson (1996)	922 F. Supp. 184	Dist. Ct., W.D. Wis.

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
253.1	12-May-1854	Menominee	626	10 Stat. 1064	T-269	Menominee Indian Tribe of Wisconsin v. United States (1997)	39 Fed. Cl. 441	Fed. Cl.
265	15-Mar-1854	Oto and Missouri	608	10 Stat. 1038				
265.1	9-Dec-1854	Oto and Missouri	660	10 Stat. 1130; 11 Stat. 605	T-280	Otoe and Missouri Tribe v. United States (1955)	131 Ct. Cl. 593	Ct. Cl.
291	11-Jun-1855	Nez Perce	702	12 Stat. 957				
291.1	9-Jun-1863	Nez Perce	843	14 Stat. 647	T-323	Caldwell v. Robinson (1894)	59 F. 653	C.C.D. Idaho
291.1	9-Jun-1863	Nez Perce	843	14 Stat. 647	T-323	United States v. Nez Perce County (1938)	95 F.2d 232	Cir. 9
291.1	9-Jun-1863	Nez Perce	843	14 Stat. 647	T-323	Nez Perce Tribe of Indians v. United States (1941)	95 Ct. Cl. 1	Ct. Cl.
291.1	9-Jun-1863	Nez Perce	843	14 Stat. 647	T-323	Potawatomie Nation of Indians v. United States (1974)	205 Ct. Cl. 765	Ct. Cl.
291.1	9-Jun-1863	Nez Perce	843	14 Stat. 647	T-323	Navajo Tribe of Indians v. New Mexico (1987)	809 F.2d 1455	Cir. 10
291.1	9-Jun-1863	Nez Perce	843	14 Stat. 647	T-323	United States v. Oregon (1992)	787 F. Supp. 1557	Dist. Ct., D. Wash.
291.1	9-Jun-1863	Nez Perce	843	14 Stat. 647	T-323	United States v. Webb (2000)	219 F.3d 1127	Cir. 9
293	25-Jun-1855	Walla Walla;	714	12 Stat. 963				
293.1	15-Nov-1865	Walla Walla;	908	14 Stat. 751	T-351	Warm Spring Tribe of Indians v. United States (1941)	95 Ct. Cl. 23	Ct. Cl.

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
293.1	15-Nov-1865	Walla Walla; Wasco	908	14 Stat. 751	T-351	Whitefoot v. United States (1961) Consolidated Tribes of Warm Springs Reservation v. United States (1966)	155 Ct. Cl. 127	Ct. Cl.
293.1	15-Nov-1865	Walla Walla; Wasco	908	14 Stat. 751	T-351	Miller Lacs Band of Chippewa Indians v. Minnesota (1997)	177 Ct. Cl. 184	Ct. Cl.
293.1	15-Nov-1865	Walla Walla; Wasco	908	14 Stat. 751	T-351	United States (1966)	124 F.3d 904	Cir. 8
306	12-Mar-1858	Ponca	772	12 Stat. 997		United States ex rel. Standing Bear v. Crook (1879)	25 F. Cas. 695 (No. 14,891)	C. C. D. Neb.
306.1	10-Mar-1865	Ponca	875	14 Stat. 675	T-336	Ponca Tribe of Indians v. United States (1968)	183 Ct. Cl. 673	Ct. Cl.
306.1	10-Mar-1865	Ponca	875	14 Stat. 675	T-336			
308	19-Jun-1858	Sioux: Mdewakanton and Wahpekiye	781	12 Stat. 1031				
308.1	27-Jun-1860	Sioux: Mdewakanton and Wahpekiye	789	12 Stat. 1042	A	Sisseton and Wahpeton Bands of Sioux Indians v. United States (1923)	58 Ct. Cl. 302	Ct. Cl.
308.1	27-Jun-1860	Sioux: Mdewakanton and Wahpekiye	789	12 Stat. 1042	A	Sisseton and Wahpeton Bands of Sioux Indians v. United States (1928)	277 U.S. 424	Sup. Ct.

Ratified Treaty Number	Treaty Signing Date	Signatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
308.1	27-Jun-1860	Sioux: Mdewakanton and Wahpekute	789	12 Stat. 1042	A	Sioux Tribe of Indians v. United States (1942)	95 Ct. Cl. 592	Ct. Cl.
309	19-Jun-1858	Sioux: Sisseton and Wahpeton	785	12 Stat. 1037				
309.1	27-Jun-1860	Sioux: Sisseton and Wahpeton	789	12 Stat. 1042	A	Sisseton and Wahpeton Bands of Sioux Indians v. United States (1923)	58 Ct. Cl. 302	Ct. Cl.
309.1	27-Jun-1860	Sioux: Sisseton and Wahpeton	789	12 Stat. 1042	A	Sisseton and Wahpeton Bands of Sioux Indians v. United States (1928)	277 U.S. 424	Sup. Ct.
327	2-Oct-1863	Chippewa: Red Lake and Pembina	853	13 Stat. 667				
327.1	12-Apr-1864	Chippewa: Red Lake and Pembina	861	13 Stat. 689	T-330	Forty-three Cases Cognac Brandy (1882)	14 F. 539	C.C.D. Minn.
327.1	12-Apr-1864	Chippewa: Red Lake and Pembina	861	13 Stat. 689	T-330	Chippewa Indians of Minnesota v. United States (1935)	80 Ct. Cl. 410	Ct. Cl.
327.1	12-Apr-1864	Chippewa: Red Lake and Pembina	861	13 Stat. 689	T-330	Chippewa Indians of Minnesota v. United States (1937)	301 U.S. 358	Sup. Ct.

Ratiofied Treaty Number	Treaty Signing DateSignatory Tribe(s)	Kappler Page Number	Statutes at Large	Supplement Type	Case Title	Citation	Court
327.1	12-Apr-1864Chippewa: Red Lake and Pembina	861	13 Stat. 689	T-330	Red Lake, Pembina, and White Earth Bands v. United States (1964)	164 Ct. Cl. 389	Ct. Cl.
327.1	12-Apr-1864Chippewa: Red Lake and Pembina	861	13 Stat. 689	T-330	Red Lake Band v. United States (1982)	229 Ct. Cl. 816	Ct. Cl.
358	19-Jul-1866Cherokee	942	14 Stat. 799				
358.1	27-Apr-1868Cherokee	996	16 Stat. 727	T-368	Holden v. Joy (1872)	84 U.S. 211	Sup. Ct.
358.1	27-Apr-1868Cherokee	996	16 Stat. 727	T-368	United State v. Cherokee Nation (1906)	202 U.S. 101	Sup. Ct.
364	21-Oct-1867Kiowa;	977	15 Stat. 581				
364.1	Comanche						
364.1	21-Oct-1867Kiowa;	982	15 Stat. 589	T-365	Lone Wolf v. Hitchcock (1903)	187 U.S. 553	Sup. Ct.
364.1	Comanche; Apache:Plains						
364.1	21-Oct-1867Kiowa;	982	15 Stat. 589	T-365	Tooisgah v. United States (1943)	137 F.2d 713	Cir. 10
364.1	Comanche; Apache:Plains						
364.1	21-Oct-1867Kiowa;	982	15 Stat. 589	T-365	Tooisgah v. United States (1950)	186 F.2d 93	Cir. 10
364.1	Comanche; Apache:Plains						
364.1	21-Oct-1867Kiowa;	982	15 Stat. 589	T-365	United States v. Kiowa, Comanche and Apache Tribes of Indians (1958)	143 Ct. Cl. 534	Ct. Cl.
364.1	Comanche; Apache:Plains						
364.1	21-Oct-1867Kiowa;	982	15 Stat. 589	T-365	Isoosie v. United States (1986)	11 Ct. Cl. 62	Ct. Cl.
364.1	Comanche; Apache:Plains						