

Richmond, Va.
29th December 1861

Sir:

I have the honor herewith to transmit to you an authenticated copy of the Resolutions of the Congress of the Confederate States ratifying, with amendments, the Treaty made between these States and the Choctaw and Chickasaw Nations, on the 12th day of July, 1861.

I also enclose a copy of the President's message and of my report as Commissioner.

By the message you will perceive what objections the President made to the Treaty. These objections were (met?) by the amendments; and I endeavored to have the changes made, in such (shape?) as not materially to affect the Treaty or your interests.

The amendment is Article XXVII specially defines certain rights which your delegates in Congress are to possess, and is preferable to the original provision, since we have no Territories, and therefore it could not be determined what rights under that original (provision?) your delegates would possess. The president's objection, as you will see, was not concurred in by Congress, and the amendment is in no matter prejudicial to your people.

As new States can only be admitted by an act of Congress, your application to be admitted would necessarily have gone before that body, under the original provision in Article XXVIII, and I could not but admit, when the President stated the objection, that it was time that a Treaty could not bind Congress absolutely to admit a State, or give the people of any territory or nation a positive and unqualified right to ad-

mission of your ^{country} territory as a State, in the aspect of a thing that is at some day to take place, and this tends to familiarize both with the idea, and so to bring about its realization at the proper time.

I did not agree with the President that a Treaty could not make your Citizens competent witnesses in the State Courts; but I could not prevail before Congress against his opinion. If Congress had maybe _____ had the power to effect such competency by a Treaty, it would have been done; because all the members or nearly all of them were anxious to do you justice. It is probably better that the proposed change in the State laws should be asked for by the Confederate Government, to avoid any conflict between these laws and the Treaty, which might make the fight of no value. I regret that it has been found necessary to make the change but I feel every confidence that the States which are your neighbors will cheerfully agree to the request of the Confederate Government, and remove a (disability?) equally unjust and ungenerous and quite as unwise and impolite.

The amendment to Article XLIV is so worded as to mean nothing and amount to nothing. It was intended by the _____ as a mark of respect for the State laws as to criminal trials but he did not effect what he intended.

The amendment to Article LVII merely corrects a mistake made by the clerk who copied the Treaty.

Congress has appropriated \$681,000 to carry out the provisions of the _____ Treaties I have made. I shall leave this place tomorrow and take these moneys with me to the superintendent at Fort Smith. As soon as the amendments are ratified by your Legislature, your annuities and annual payments for 1861 will be paid in specie, \$50,000 in Treasury notes paid you as an advance for purchase of arms, and \$2,000 be paid

your delegates and those of your brothers the Chickasaws, and made the Treaty. Your delegates here at present will also reserve the interest due you on the bonds of the State of Virginia, in which parts of your funds are invested.

I respectfully request Sir, that you will Convene in Special Session the Legislature of your nation, and lay before them the Resolutions of Ratification. I venture to hope that you will recommend concurrence in these amendments; since the principal features of the treaty are unaltered, and the benefits and privileges secured by it are not materially diminished. Immediately upon its ratification your moneys will be paid; and the Superintendent will probably attend your Council for that purpose.

I am very truly and respectfully yours

Albert Pike
Commissioner of the Confederate
States and Brig. General

Copies

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By the message you will perceive what objections the President made to the Treaty. These objections were met by the amendments; and I endeavored to have the changes made in such shape as not materially to affect the Treaty or your interests.

The amendment to Article XXVII specially defines certain rights which your Delegates in Congress are to possess, and is preferable to the original provision, since we have no Territories, and therefore it could not be determined what rights under that original provision, your Delegates would possess. The President's objection, as you will see, has not occurred in Congress, and the amendment is in no manner prejudicial to your people.

No new States can now be admitted by an Act

of Congress, your application will be admitted until necessarily
have gone before that body, under the original provision in Article
XXVIII, and I could not but admit, when Mr President stated
the objection, that it was true that a Treaty could not bind
Congress absolutely to admit a State, or give the people of any
territory or nation a positive and unqualified right to ad-
mission. The discretion of Congress can not be controlled, in
that matter; and as it must, after all and in any event,
decide upon the application, and consent or refuse at its
discretion, the amendment effects all that can be effected by
a Treaty; that is, it presents to your people and to ours, the ad-
mission of your territory as a State, in the aspect of a thing
that is at some day to take place, and thus tends to familiar-
ize both with the idea, and so to bring about its realization
at the proper time.

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Albert Pike

Commissioner of the Confederate
States and Dep. General.

Hon. George Hudson

Principal Chief of
the Cherokee Nation.