

**Treaty Between the Republic of Texas
and the Lipan Apache Indians³**

January 8, 1838

A treaty of Peace and perpetual friendship between the Republic of Texas and the Lipan Tribe of Indians. The President of the Republic of Texas being solicitous to secure the peace and friendship of the Lipan tribe of Indians, has given James Power.³³ authority to make pledges and assurances of this wish on behalf of said Republic, and with a view to further and secure the peace and friendship of said tribe of Indians, the said James Power does hereby enter into a treaty of Peace and Perpetual friendship with Cuelgas de Castro the principal and ruling Chief of the said tribe of Lipan Indians, who is vested with full power to act and treat for said tribe of Indians.

Article 1

The Republic of Texas promises and hereby guarantees peace friendship and protection to said tribe of Lipan Indians while they remain peaceable and in good faith, and do not disturb the citizens, their property nor in any manner act unworthy of the friendship of the Republic of Texas.

Article 2

The Lipan Indians do hereby promise and solemnly pledge themselves to be and remain the perpetual friends of the Republic of Texas.

Article 3

The Republic of Texas with a view to manifest to the Lipan's her desire to cultivate and secure their friendship and promote their interest and happiness, do agree to appoint a Trader or Traders or establish a trading House or Houses among them at such points or time as their wandering habits may permit that they may have such articles furnished them as their wants may require and their means enable them to purchase.

³
Winfrey, Dorman H., "Texas Indian Papers 1825-1843", Assisted by James M. Day, George R. Nielsen, J. R. Patterson, Volume 1, Document No. 16, pp. 30-32, Texas State Library, Austin, Texas, 1959.

³₃
The New Handbook of Texas, "James Powers," The General Libraries at the University of Texas at Austin and the Texas State Historical Association, The Texas State Historical Association, 1997.

Article 4

The Republic of Texas by James Power do as a pledge of friendship for said Lipan's agree to give their Chief the value of Two Hundred and fifty dollars in articles which may administer most to the present wants of said Lipan, and they in consideration of the same and with a further view to show their friendship to the Republic of Texas and her Citizens, do agree to deliver over to the Citizens of said Republic all Cattle, Horses, Mules or other property which may come into their hands, provided the right to the same can be established by marks, brands, or other lawful means to be established by the President of the Republic of Texas, provided that said Lipan's shall be paid at the time of delivering such property a just and fair consideration for taking and delivering such property to the owners thereof, the mode of providing the right to the same shall be prescribed by the President of the Republic of Texas.

Article 5

It is mutually agreed between the contracting parties that should any of the said Lipan commit any violence upon any of the citizens of the Republic or any outrages or wrongful seizures of the property of the citizens of said Republic, the said ruling Chief Castro agrees on the behalf of his people to deliver over to the authorities of said Republic the Indians committing such violence, who shall be amenable to the law of the Republic and restore the property taken and the Republic of Texas by James Powers agrees, should any violence be done by any of the citizens of Texas to an of said Lipan's upon report of the same being made by the Chief of the Lipan to the President of the Republic, to have the offenders punished according to the laws of Texas and to have their property restored to them, should proof be made that any of the Citizens of the Republic should have unlawfully taken the same and in no case shall either party take redress into their own hands, for outrages, violence, or wrongful acts which any Lipan may commit upon the persons or property of the Citizens of Texas, or for any violence, outrages, or wrongful acts, which may be committed by the Citizens of said Republic upon the persons or property of any of said Lipan Indians, but application for justice and redress shall be made by and through the ruling authorities of each of the contracting parties, according to the spirit and tenor of this article.

Article 6

It is further agreed by the contracting parties that the persons and property of any of the Lipan shall be secure and not be disturbed by any of the Citizens of the Republic while they may be passing through any part of the same in a peaceful manner, and the persons and property of the Citizens of the Republic and all other persons and their property at peace with this Republic, or such other persons and their property who may be invited to this Republic by its policy or authorities shall not be molested nor disturbed by any of the Lipan ,while passing through any part of this Republic, excepting such Indian tribes as the Lipan may be at open war with.

James Power (L. S.) Cuelgas de Castro (L. S.) [By his x mark]

Signed, Sealed and delivered in good faith at Live Oak Point by James Power on behalf of the Republic of Texas and by Cuelgas de Castro ruling Chief of the Lipan on this Eighth day of January in the year of our Lord Eighteen Hundred and Thirty Eight in the presence of:

Samuel A. Plummer
George. W. Sutton
Thomas Bines, Indian Interpreter
R. D. Dunlap

[Endorsed] Treaty with Lipan Indians

Texas Indian Papers 1825-1843, Edited from the original manuscript copies in the Texas State Archives by Dorman H. Winfrey , assisted by James M, Day, George R. Nielsen, Albert D. Pattillo, Austin, Texas State Library, 1959 Texas Indians Papers, 1825 - 1943.

The Live Oak Treaty with the Republic of Texas was Read and Adopted by the Republic of Texas Senate on December 19, 1837, Concurred by Arthur Robertson, Secretary of the Republic of Texas