

THE
TREATY OF 1866
WITH THE
MUSCOGEE (CREEK) NATION
ARTICLE 2.

The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribes, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof,] shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of what-so ever race or color, who may be adopted as citizens or members of said tribe.

THE DAWES COMMISSION
AND THE ALLOTMENT OF THE FIVE CIVILIZED TRIBES, 1893-1914
BY KENT CARTER p.49

Determining an applicant's degree of Indian blood proved to be difficult and became a source of intense controversy later when congressional legislation based restrictions and eligibility for benefits on it. None of the rolls taken before 1896 had included a "blood quantum," and only a few of them recorded whether a person was "full-blood" or "mixed blood"---the only distinction most tribes considered important at the time. It appears that if an applicant did not claim to be a full-blood, the enrollment clerks estimated the fraction which they put in the "degree of blood" column on the official card based on answers given about parents and grandparents. Some applicants claimed to be full-bloods because they were afraid that admitting one of their relatives was not an Indian would prevent them from being enrolled. In cases where an applicant's parent were members of different tribes, the commission calculated the degree of blood based strictly on the mother's tribe; this resulted in the enrollment of the child of a full-blood Seminole father and a full-blood Creek mother as one-half Creek, even though the child had 100% "Indian blood." In cases of mixed freedmen and Indian parents, which was common among the Creeks and Seminoles, the applicant was always enrolled as a "freedman" and not given credit for having any Indian blood.