

MEMORIAL—INDIANS—CHEROKEE DELEGATION.

MEMORIAL

OF

THE DELEGATION OF THE CHEROKEE NATION.

MARCH 9, 1840.

Presented by Mr. CORWIN, and referred to the Committee on Indian Affairs.

MARCH 12, 1840.

Ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled :*

The petition and memorial of the undersigned, delegates and representatives of the Cherokee Nation,

RESPECTFULLY SHOWS AND REPRESENTS :

That the present position of the Cherokee Nation, and the events which have taken place since its cause was humbly submitted two years ago to Congress, are of a character to call for deep and immediate attention.

Your memorialists have no desire, at this juncture, to dwell on the harrowing causes of the removal of the great mass of their people from their native and cultivated country, east of the Mississippi, to the wilderness of the west. The history of that capture is notorious; and that its agonies were mitigated, is owing to the considerateness of the stronger in not demanding of an entire people to say they had acknowledged what it was known they had disavowed, and to the permission humanely accorded to their leading men of personally supervising the compelled removal.

Your memorialists would here respectfully observe, that, when it was found indispensable, under all the circumstances, to change the mode at first contemplated for effecting the transit in question, those of your memorialists who were intrusted with the charge of reconciling their countrymen to it, and of conducting them to their destination, encountered difficulties in the task, of which it may be almost impossible for your honorable bodies to form any imagination. Many were the stern minds they had to alter, who, even when convinced of the hopelessness of retaining the inheritance they held so sacred, could only be persuaded not to die defending it, by a very slowly inspired reliance on promises that their consenting to remove would ensure peace and freedom to their children in a new and permanent home.

For the success of those of your memorialists, and others of their fellow-citizens, who performed this difficult office, it was fortunate that they were encouraged to assure their indignant, reluctant, and incredulous countrymen, that they would at length live unmolested in a region where their inspiring national principle of self government by the power of the majority, was no more to be rendered inoperative; where they were to enjoy their own laws, and to be for ever secured in the glorious privilege of feeling that they were men.

The Cherokee Nation was removed; though, on their first capture by troops of the American republic, estates, large and small, were, upon the instant, seized and sold to any sordid adventurer, at large commissions to the auctioneers, and next to nothing for the owners; though, in the sudden and forced gathering of the people into separate masses by those troops, children were abruptly severed from doating parents who never met them more; though even the young husband was doomed to know that his wife, whom he was not permitted to protect, nor even to behold, had to pause before the rough soldier, on the road to a military camp, and, under these maddening circumstances, hear the first cry of her infant; though vast multitudes of both sexes and of all ages, ever, until then, habituated to domestic comforts, were sickened by the wretchedness and unwholesomeness of being congregated in open fields, and crowded under tents, during the most scorching heat of summer, and thousands of those nearest and dearest to many of us at length sunk into miserable graves: yes, though all these aggravations clustered around us on every side, still the drooping Cherokees were cheered on finding their armed captors eventually withdrawn, and their conduct into exile transferred to persons among themselves in whom they could confide. The welcome change was hailed by them as the harbinger of a realization of the promise that the United States would secure to them elsewhere that national independence, that exemption from intrusive meddlers, from prying and lying tale bearers, and from military protection of the few to overawe the many, from which the ill-starred peculiarities of their previous position had for ever debarred them in the home whence they had departed. A few of their compatriots found themselves circumscribed in the chase by the advancing change in the modes of life, not only all around, but within their native country, and that these few sought hunting grounds in the far west. The place they chose was, at that time, the property of Spain; it passed into the hands of the United States, from whom, when the policy was arising to remove the Indians, our mother-country east of the Mississippi purchased it that her absent children might not be disturbed: thus began the nucleus around which successive emigrants gathered, until at length its boundaries were outstretched by treaty for all Cherokees who might thenceforward follow. At the time the entire nation bent its course towards the region in question, about (as nearly as can be ascertained) one-sixth of its whole population was already established there; and this one-sixth was generally designated as the western Cherokees. These facts will be well remembered by your honorable bodies, and your memorialists only state them to render their story more distinct.

The Cherokee Nation was removed. The great majority now found themselves on the prairies of the far west. There were many sick; there were many who could not even taste the unwholesome pittance of food furnished by their captors, and against which their conductors had remonstrated, but in vain; yet they forgot all this,—forgot even their recent be-

reavements, when they heard the voice of welcome on every side from their long absent brothers. The Cherokees of the west echoed the wish of the great eastern majority to intermingle with them and form again one nation. They had long been wishing for a constitution, which they had never had; and had long been dissatisfied with the vague manner in which their laws were administered: all of which were crude, and but few written. At that juncture, too, their leading chief died, and, instead of being succeeded, in course, by the next in rank, a new one was informally elected by eight of his own council, without any attempt to defer the change to the prescribed season, in the following autumn. These western Cherokees saw, at a glance, that so indefinite a scheme of government could never move in harmony with the more distinct one of the five-sixths of the entire population newly arrived, nor could either be abrogated without some action, and they concurred with their eastern brethren in the necessity for some measure, on the instant, to prevent evil consequences from incompatibilities between the two. The new comers, on their side, although fairly entitled, by their vast majority, to claim the ascendancy at once, waived that advantage, and only asked for equal terms. Spontaneous and universal was the wish for a conference between our respective headmen to devise a plan of union; and that such a plan could not be delayed without inviting troubles of the gravest character, was obvious, because there was no other mode of acquiring authority for a settlement of many momentous affairs among ourselves, and of much vitally important business common to both of us, which remained still open with the United States, and which the extreme destitution of those who had so lately lost their properties and homes, claimed constantly and loudly. It was, therefore, arranged that the councils of the eastern and western Cherokees should meet at Takattokah, for the purpose of bringing the two portions of the nation into one; and many constituents of each, with breathless anxiety, there awaited the fulfilment of the universal desire.

The joint council at Takattokah took place early in June, 1839. After the ceremony of a cordial public reception of their brethren by the western chiefs, they withdrew to consult in private, and to receive from the eastern chiefs a formal intimation of what their wishes were. They were informed that they wished for such joint arrangements as would thenceforward make the Cherokees one undivided people. The western council coldly desired a less ambiguous statement; the eastern answered that reunion was their object; and, under such arrangements, as the actual condition of the whole nation demanded; they proposed, notwithstanding their constituents formed a majority so large, that all their relations should be adjusted by equal committees on each side, of whom their respective chiefs should form a part. The western council answered that they considered the people already virtually united; the eastern emigrants had accepted the welcome of the western chiefs; had shaken hands with them, and this they regarded as an acceptance of them as rulers. The Government and laws of the Cherokees from beyond the Mississippi, they added, could not be admitted in the west, and would greatly dissatisfy their people; nor could two Governments be tolerated in the same region; therefore the eastern emigrants must take the one they found there. It will be discovered, by the printed documents of Congress, that, at the very time this reply was given, these same western chiefs applied to the United States agent to pay into their hands all moneys due to the Cherokee Nation;

thus at once secretly grasping at the common purse. But to resume. The eastern council answered them that they dissented from their assertion that the two people were already one; they denied that the chiefs of the minority derived any right from prior residence, in a region set apart for emigrant Cherokees, generally, to claim allegiance to themselves and to their laws from a body of new comers so infinitely exceeding them in numbers; they reminded them that, in removing from their recent home in the east, it had been distinctly proclaimed by them, and understood and acquiesced in by their brothers, that they did not relinquish a single right or law; but came thither "in their national character, with all the attributes which belonged to them from time immemorial, as a distinct community;" but, for all that, notwithstanding they constituted so large a majority, they had neither the intention nor desire to propose any thing but what might be strictly equitable and just and satisfactory to all; the demands and objections of their brother western chiefs were to them, therefore, equally unlooked-for and surprising. The western chiefs presently, afterward, gave notice to the people that their council was broken up; upon which the people, astonished and dissatisfied, instantly resolved themselves into a National Assembly, and decreed that, as their representatives had failed to accomplish the plan of union they themselves had so much at heart, and for which their representatives, by their desire, had respectively assembled, a national convention should meet on the first day of July to recast the Government upon a system "applicable to their present condition, and providing equally for the peace and happiness of the whole people." Having done this, they separated on the 20th June.

Your memorialists will venture to pause here for a moment, to remind your honorable bodies that the five-sixths of the entire Cherokee population, who were thus repulsed, were, at that very moment, smarting under the sense of having been recently captured, and their land taken from them without their consent, and in mockery of their often reiterated remonstrances; that they were pinched for want of food and raiment and shelter; that many of them had lost their nearest and dearest kindred on the way. Was it for this, cried they, that our leaders lured us, unresisting, to give up our all? Is this our promised change to independence? Have we left an already insupportable thralldom for a worse? Extreme as was the agitation of the people, during the short session of their councils which your memorialists have described, it was much increased by the appearance among the western chiefs, by whom all parties had been amazed and disappointed, of several individuals whom the eastern chiefs had long found it extremely difficult to screen from the consequences of the ancient law prevailing among Indian tribes, which is so well known to your honorable bodies from the history of its memorable execution only a few years past by the Creeks upon their leaders; a law held in peculiar reverence by the entire Cherokee Nation, and especially the elders of it, and which the three most conspicuous of those who had incurred its penalties, had been formerly the most zealous in impressing upon their countrymen; the one by actually inflicting its sentence with his own hand, the other by its promulgation in various recommendatory forms. These individuals had never before been seen at any council in the west, and their appearance and officiousness, amid the unpopular movements of the western chiefs, were obviously calculated to reawaken to irritation; nevertheless, the irritation against them had often assumed a more threatening aspect than upon their



open display of themselves in opposition to the whole nation at the present exciting crisis. Had it been otherwise, those who had shielded them whenever there had really appeared danger of an outbreak, would have still striven to do so, even though they might have striven in vain; but so carefully had the people's real feeling on the occasion been covered from their view, that it was not without extreme surprise that the most conspicuous of these persons were found to have fallen victims to their unfortunate self-exposure, at the very beginning of the short interval when all Government was suspended, and anarchy prevailed.

The national convention met near Illinois, as had been appointed. Both the eastern and western Cherokees were fairly and adequately represented. The first exertions of the national convention were in favor of certain of their people who had been associated with the recent victims of public feeling; and such prudent measures were forthwith devised as might check the course of that severity, with which no one could establish any right to interfere, no matter what his private impression might be either as to its effect or cause. The conciliatory task was rendered doubly difficult by the extreme indiscretion of the individuals themselves, who, apparently emboldened by the course of the United States general on the frontier, armed, and threatened vengeance and death to some of the leading men of the nation, who, at that very moment, were laboring for their safety. Nevertheless, an act of amnesty was effected within a week after the opening of the convention, which guaranteed the personal security of those whose denunciations had offended with every immunity, by degrees, which their own more peaceable demeanor should prove to be consistent with the public tranquillity. Nine persons complied with the easy requirements of the act, and were welcomed to the bosoms of their compatriots; and some half a dozen still stood out. Meanwhile, the national convention proceeded in their work; they passed an act of union between the eastern and western Cherokees; established a police; and, before the expiration of three months, also completed their diligent debates on the plan of a Government for the whole people; adopted a constitution; elected all their national officers and representatives under it; organized their Legislative Council; passed laws, and appointed a delegation, who are composed of Cherokees from both east and west, for the purpose of terminating all unsettled business with the United States. And your memorialists, for themselves and the entire Cherokee Nation, were not a little comforted, on their arrival at the city of Washington, to read a paragraph officially proclaiming that the Executive had determined actually to base its future course in our affairs upon the very principle by which the Cherokees themselves had been governed in all these satisfactory arrangements. "I am instructed by the Secretary of War," says the honorable Commissioner of Indian Affairs, "that the great and liberal principle of modern times is the only one, in his opinion, by which the Cherokee Nation can be made one in feeling, interest, and government; and that the majority shall rule, is an axiom in politics now substantially admitted every where, and one that must prevail universally. It is as applicable, and its adoption as necessary to the Cherokees as to other communities. The minority, unless it amount to nearly an equal proportion, must eventually yield to the great mass." We would here respectfully express our regret that this principle had not prevented the United States' general on the frontier from expecting our principal chief to ferret out the unknown authors of the unhappy trans-

action within ourselves which has been already shown to have occurred under the exasperation while there was no Government; and which our majority had acted on and closed. Meanwhile, that the uncalled-for war-measure of an unpopular search through the country by armed troops, was endured, not only without resistance, but without discourtesy, proves also the prevailing good feeling among us for the United States; and it may not be improper to add, upon this subject, that the charge against our chief of having refused to give up the persons who were thus pursued, was altogether erroneous; as none were ever named or known to him, nor was any direct requisition at any time made by the United States Government, who, no doubt, saw how impracticable it must have been for Mr. Ross to meet a demand which, even if it had taken any specific form, General Arbuckle himself has officially pronounced objectionable to "the greater portion of the Cherokee people."

Your memorialists would humbly observe that, had this principle of deference to the Cherokee people's will been acted on by the United States, no cause could have existed for now troubling your honorable bodies with their appeal; and if the majority of the Cherokees had ever sanctioned many things which had been put forth in their name, most deplorable events would have been averted. But the avowal of this invaluable principle, even at so late a period, revives their hopes, and emboldens them to mention certain minor matters which have passed collaterally with the movements of the united nation. Two of the western chiefs and some few coadjutors, continued to array themselves against the majority, and to endeavor to embarrass them with protests and every variety of troublesome, though impotent opposition. Many of these proceedings passed within the very quarters of the commandant at Fort Gibson, who, although ever disavowing all desire to meddle with the internal affairs of the Cherokees, was sometimes so exceedingly minute in his instructions regarding them, as to indicate, not only the measures, but the men, who, in his opinion, ought to be upheld. Nevertheless, some of those whom he most favored, with mischievous pertinacity, opposed the will of the people to the last, as the following case will prove: Even after one of the three who constituted the western government had withdrawn from his partners to the people, they still persevered in urging the other two, earnestly and affectionately, to join them also; but they were inexorable; and at last took a step by which their best friends were lost. Finding themselves entirely unsupported by their people in their ambition, and that it was impossible for them to rule the whole Cherokee nation against its will, they formally appealed to the United States to overawe the majority in their favor, and to uphold them in their power. On this they were forthwith deposed by their own western constituents; for, although the appeal sent by them to the War Department, and which falsely assumed to be from all three of the chiefs, had been rendered fraudulent and void by the forged signature of one of them, who is one of your memorialists; and though, consequently, that appeal might have been superseded by a protest, yet every true Cherokee felt bound emphatically to rebuke any attempt to fasten rulers on the land by means of the bayonet. This event took place a few weeks before the new constitution was adopted. It left the two deposed western chiefs, with scarcely more adherents than the misguided few who were continuing to defy the national act of amnesty, and to provoke their countrymen by threatening and denouncing persons who deserved no blame. Though there was not a murmur in the nation, nor a

hostile thought, unless in the bosoms of these few individuals, scarcely a day passed without some express from Fort Gibson, conveying ridiculous alarms about threats of murder, and prospects of civil wars, and conspiracies against the frontier. In every instance our authorities insisted on sifting these stories, and they did so in concert with the United States officers, but, in every instance, the stories fled before them, and at length, like the will-o'-the-wisp, vanished, none knew whither. A covenant to attack Fort Illinois, turned out to be a temperance pledge; and a gathering to massacre the neighboring counties, proved to be a meeting of our police to drive out the whiskey-barrels which had been smuggled from the United States. When one of the many extraordinary fables of secret armings among the Cherokees was gravely communicated to the national convention, they mentioned, in disclaiming all unfriendly purposes, that they were about to send a committee to the two western chiefs, who were then holding out against them, but it would be armed with prudence and discretion; whereupon General Arbuckle forthwith warned them, in reply, that he had called on the Governors of Arkansas and Missouri to defend the border; and the committee in question, on reaching the western chiefs, found them actually surrounded by the individuals who had already done so much mischief, and who were so thoroughly equipped with arms, and so loud in threats, that the committee had to throw themselves upon the prudence and discretion which had caused all this alarm, and, for the sake of peace, return without accomplishing their friendly mission. Unfortunately, however, though absurdities of this description are only worthy of a laugh, their consequences were very serious to the Cherokees; for they afforded pretexts for the most harassing intrusions and injurious slanders. One of our citizens, for instance, was charged with meditating the surprise of a garrison; and it was distinctly proved that he was at the time fifty miles from the place and persons where, and before whom, he was reported to have made the threat: nevertheless, the same Cherokee was charged with being concerned in a murder which took place when he and his family were on a visit at an entirely different part of the country. But, even this was not enough. A white man, who had entered the country in violation of the non-intercourse law, fired this selfsame Cherokee's house, and was caught by him in attempting to carry off one of his negroes; for the scuffle which ensued, the Cherokee was dragged over the border by the United States military and must remain a prisoner in the jail at Little Rock till the court sits in the spring. The same jail contains another Cherokee, conveyed out of his country in the same manner, on a charge of assault and battery, for which he is only amenable to our own Cherokee laws.

Your memorialists most respectfully represent, that, if the relations between the Cherokees and the United States remain so indefinite as to permit these evil courses, if they may continue to be fretted and worried, and baffled, and slandered, and injured, the Cherokee people never will be persuaded that the promise to do every thing for their repose and happiness, is to be trusted. The instances which have been cited are only a small sample out of thousands of the same character, even the strongest of which are trifles compared with many and deeply important matters now requiring the attention of the United States to their affairs with the Cherokee Nation. To solicit this attention is the mission of your memorialists to the city of Washington, and to obtain it they have duly presented themselves to the proper officers. They lament that on their so doing they were repelled, and

were answered that their principal chief, who, by unanimous appointment, heads the delegation, would not be permitted any voice in the proceedings, nor would he be received by the authorities of the United States. As the honorable Secretary of War was perfectly well apprized of the election of Mr. Ross to the first magistracy of the Cherokee Nation, and that, from his position and the nature of our joint powers, no arrangement of any sort could be binding without him, your memorialists were exceedingly perplexed by this unexpected difficulty. They were still more surprised at its being assigned as a reason that certain murders had been perpetrated in the Cherokee country; and your memorialists were really at a loss to understand how the perpetration of alleged crimes within their borders, and out of the jurisdiction of the United States, could be made to affect the claim of any regularly constituted delegation, or any part of it, to be heard upon the pressing business of the Cherokee Nation. Although your memorialists are not aware that any law exists to justify the Secretary of War in requiring the majority of their people to be controlled by his will, in the selection of delegates upon their public affairs, especially after his own proclamation that the will of the majority is to be held sacred in his dealings with the Cherokees, yet your memorialists imagined that possibly the honorable Secretary might be under some mistake, which had unduly prejudiced him against Mr. Ross; and, therefore, to remove that prejudice, and to prevent the appearance, which their silence might create, of their lending any sanction to it, they requested to know the grounds of objection to Mr. Ross, and they also requested, if any charge had been made against their respected and perfectly innocent chief, to be furnished with the names of his accusers, and the nature of the accusation. Mr. Ross, himself, also made a similar request in his own name. To the latter no answer was returned; but your memorialists were told that the evidence which influenced the department would be produced in an investigation which the honorable Secretary stated then to be in progress; but that, in the meantime, no communication would be held with John Ross, nor with your memorialists in relation to him. Thus is the regular channel for arranging the important affairs of the nation closed by the honorable Secretary; and as we had seen the consequences of a negotiation touching the vital interests of the whole people, by associations otherwise composed than as that people had authorized, we were warned, by the unfortunate past, only to act when we could present ourselves as instructed by our country. Your memorialists, at the same time, although they cannot but acknowledge how deeply they feel themselves and their country aggrieved by the course pursued in relation to their embassy, think it due to their principal chief to declare that they (your memorialists) solemnly pledge themselves, for John Ross, and John Ross also solemnly, in his own name, avers, that John Ross has had no agency, direct or indirect, in the death of the three persons whose fall is assigned as the reason for keeping the Cherokee Nation in suspense and penury; and, with equal emphasis, your memorialists and John Ross likewise pronounce the charge of John Ross having sent "wampum and warlike talks to the Creek and Seminole chiefs, thereby seeking to excite hostile feelings against the United States," an impudent falsehood. We are convinced that the honorable Secretary of War can have no personal spite to satiate in this matter—that seems utterly impossible; therefore, we should have been entirely at a loss to account for his procedure, had we not discovered in the past an index to influences by which his



opinions may have been warped. The Rev. Mr. Schermerhorn, when announcing his consummation of the fatal fraud which has caused all our afflictions, exults to the late Executive that, "after this, John Ross is prostrate—the power of the nation is taken from him:" as if it were a darling point of policy, with certain confidants of those intrusted with the management of Indian affairs, to crush our principal chief, no matter by what means. Such is the vindictiveness which must have poisoned the ears of the Secretary of War against Mr. Ross: else, on his arrival, he surely never would have been repulsed upon the calumny of murder; nor, previous to his arrival, would an order have issued from the department for his arrest and trial (as we first learned from a recent document of Congress), based on the equally absurd calumny of his having violated the non-intercourse act, by agitating the neighboring tribes. If justice were in view, and not merely accusation for effect, why is the ground of accusation against our principal chief perpetually changing with every change of place and circumstances? As for agitating the neighboring tribes, the same printed document of Congress which we have just quoted shows that the only attempt to agitate any neighboring tribe came, on the contrary, from the United States commandant, General Arbuckle, by whom a call was made for a thousand Creeks to hold themselves in readiness, obviously to march into the Cherokee country when there was no cause whatever for alarm.

Your memorialists would not have considered the fabrications of which they have spoken as entitled to notice, had it not been for the consequences they must bring upon their important embassy, unless those consequences are averted by your honorable bodies. Your memorialists most humbly represent, that, if some mode of settling the concerns of the Cherokees with the United States is not presently adopted, their people will be reduced to ruin and despair; and it is their ardent hope that your honorable bodies will assist them to prevent such a result as all must deprecate, and not permit any pretence, however plausibly urged, to exclude us from being heard in the name of our people. The greater portion of them will, presently, be without food, as the period for supplying the new emigrants with rations is just expiring. They have no means; they have not so much as the implements of husbandry; and their arms, which were taken from them some years ago, having never been restored, as promised, they cannot supply themselves with game. The existing relations between us and the United States are so ambiguous, and capable of such opposite constructions, that that even an obligation which is assumed to preserve peace, and to prevent intestine commotion, is, at this very moment, so exercised as to create the very evils it professes to remedy, and to defeat the very principle of recognising the power of the majority, which the Cherokees are instructed to consider as the principle of the United States in their dealings regarding them. We ask that these ambiguities may be cleared away. When our eastern country was lately taken from us without the consent of the majority, and the great mass of our people captured, they said that it was hard; but they were the weaker, and would not resist. They were doubted, but not a hand was raised; and now, those who have survived are in the west. We have done our part. We have given up all. What has been done by the United States? Nothing. Notwithstanding these things, have we yet acted towards the United States otherwise than with the meekest spirit of endurance? No one can say we ever did. We implore the great Republic to remember this in our favor; and we will then echo in its praise the benison of the Savior God himself: "Blessed are the peacemakers."

Your memorialists, therefore, humbly state that, having full powers from the Cherokee people to bring all questions between them and the United States to a close, they have been waiting for some time in Washington, for the purpose—

1st. Of obtaining indemnification for the country which has been taken away from them east of the Mississippi, and for the loss of private property, and for injuries sustained, in their forced removal.

2d. Of establishing a satisfactory definition of the tenure under which they are to hold their lands in the west.

3d. Of procuring some specific stipulations of the relations which are to exist between them and the United States. And,

4th. Of bringing the balance yet due for the expenses of their recent emigration under General Scott to an immediate settlement.

And your memorialists throw themselves on the humanity and justice of your honorable bodies, as the only resource now left for the arrangement of these momentous affairs, to open the door for their relief, by such action as the wisdom of your honorable bodies may devise, and the circumstances of our case urgently demand.

And your memorialists will ever pray.

JOHN ROSS,	
JOHN LOONEY,	his x mark.
E. HICKS,	
ARCHIBALD CAMPBELL,	his x mark.
JOSEPH M. LYNCH,	his x mark.
EDWARD GUNTER,	
LOONEY PRICE,	his x mark.
GEORGE HICKS.	

WASHINGTON CITY,  
February 28, 1840.

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WASHINGTON CITY, March 5, 1840.

SIR : The accompanying papers were handed me by Mr. Jos. Vann, assistant principal chief, on the eve of my leaving home, to be submitted to the delegation. They will show the transactions which have taken place since your departure from the west, in relation to our public affairs there. You will perceive, upon their perusal, that the council was again convened at the request of General Arbuckle, in December last, to consider the communications addressed to him from the honorable Secretary of War. The United States agent was in attendance and addressed the council. The only business transacted was an arrangement for a general meeting of the people of the nation on the 15th of January, for the objects as explained in the written agreement. Timely notice was given throughout the whole country, and a friendly invitation to all persons and parties to assemble. The people promptly responded to this call. The small portion, however, who are opposed to the act of union, refused to attend, as they were not supported in their pretensions by numbers. The United States agent and Captain Page, of the United States army, were present, to witness the proceedings of the meeting. These proceedings gave general satisfaction through the nation. Captain Armstrong, superintendent of Indian Affairs, General Arbuckle, and Governor Stokes, expressed their belief that these proceedings would be satisfactory to the Government, and that the questions

of excitement in our country were now settled, and that peace and quiet would be restored. It was the understanding of the Cherokees that they had done all which they could do to settle these matters; and in doing what they did, they complied with the wishes of the Government, as intimated in the communications from the War Department. They were not aware that they could do more, or that more would be required.

Respectfully, sir, your obedient servant,

W. SHOREY COODEY.

Mr. JOHN ROSS,

*Principal Chief, Cherokee Nation.*

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, December 5, 1839.*

SIR: I herewith enclose the copy of a communication from the Secretary of War, respecting the difficulties that have, and are now, existing in the Cherokee Nation, and request that an answer may be returned as soon as possible, in order that the same may be forwarded to Washington, in accordance with the request of the Secretary. This is addressed to you with a request that you may call together the principal men of the late emigrants, and furnish me with a reply.

I am, sir, respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOSEPH VAN

*Assistant Chief of the emigrant Cherokees.*

P. S.—Please acknowledge the receipt of this by return of the bearer.

M. A.

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WAR DEPARTMENT, *October 12, 1839.*

SIR: Your communications of the 4th ultimo, and others, addressed to the Adjutant General, have been submitted to me, and duly considered. The letter of the Commissioner of Indian Affairs to the agent will have informed you of the views of this department in relation to the political differences unfortunately existing between the former and recent emigrants of the Cherokee Nation. It is highly desirable, and it is the wish of the Government, that they should assemble in council together, and be governed by the declared will of the majority of the whole nation, fairly and properly obtained.

But while this principle will govern the department in the exercise of its superintendence over the tribe, it will not suffer that majority to exercise any tyranny towards those persons who may be odious to them; nor especially to commit any outrage upon those Cherokees who signed or adhered to the treaty of New Echota.

The news of the cruel murder of the Ridges was received with just indignation by the department, and the summons of George W. Adair, J. A. Bell, and others, to appear before the council on the 4th September, to answer for their conduct in signing that treaty, is regarded as a gross usurpation of power, which will not be sanctioned or allowed. Whatever may be the opinion of the chiefs and people who emigrated last, as to the character of that transaction, they shall not be permitted to punish or persecute those

who, in good faith and with upright and honest intentions, executed that instrument, and faithfully complied with its provisions. You will, without delay, communicate this determination of the department to the chiefs and headmen of the Cherokee Nation, and convey to me, with all possible despatch, their reply, in order that, if they persist in these unjustifiable measures, prompt and efficient steps may be taken to protect the parties threatened with further outrage, and to bring to justice the perpetrators of such acts of violence.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Brig. Gen. M. ARBUCKLE, *Fort Gibson, W. T.*

True copy.

S. G. SIMMONS, *A. D. C.*

*and A. A. Adj. Gen., 2d Dept., W. Division.*

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, December 14, 1839.*

GENTLEMEN: I herewith transmit, for your information, an extract of a letter addressed to me from the War Department, under date of the 19th ultimo, containing the determination of the Government in relation to the murderers of the Ridges and Boudinot; and, in addition, it is proper that I should inform you that Major Armstrong will be instructed to pay no more money to the Cherokees until this matter is settled, and peace is restored to the Cherokee Nation. To effect these highly important objects, a union of the old settlers and the late emigrants is indispensably necessary; and it is, therefore, earnestly hoped that the ambitious or selfish views of no one will prevent the accomplishment of this object at an early period; and this, it is believed, can be effected without delay, provided it should be determined that each party shall be represented in the new government by individuals of their own choice, and in proportion to their numbers. I have understood that some of the Cherokees have expressed the belief that I have prevented the money due to them being paid: I therefore regard it proper to assure you that I have never written a word to the Government on that subject; on the contrary, I am fully apprized of the needy condition of the late emigrants, and hope you will adopt such measures as will, at an early period, remove all difficulties in relation to that matter.

The Government will no doubt expect to be informed if the decrees, affecting the treaty party, will be repealed or enforced.

In relation to the murderers of the Ridges and Boudinot, it is not my wish to have any apprehended, except the leaders of the parties, and those that were materially concerned in committing those murders.

If I can be of any service to you in effecting a union of the Cherokee people, I will most cheerfully render you every aid in my power, and, should you think proper to visit this post, or the parties agree to a meeting here, they may rely on my best exertions in assisting them to restore quiet to the Cherokee Nation, or to furnish them every facility to accomplish that object themselves.

I am, gentlemen, very respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOSEPH VANN, *Assistant Chief of the  
late emigrant Cherokees, and others, in council.*



[EXTRACT.]

WAR DEPARTMENT, *November 9, 1839.*

SIR: Your several communications, with their enclosures, relating all to the extraordinary conduct and unwarrantable pretensions of the Cherokee chiefs, have been received and considered with all the care and attention their importance demands.

The President recognises the right of the majority of the Cherokees to frame a constitution, and to enact all laws necessary for the government of the nation; but at the same time, he supposed that this right would be exercised judiciously, and in a manner not calculated to authorize murder and excite intestine commotions. The chiefs and council of the Cherokee nation cannot be ignorant, that, to condemn to outlawry and death the chiefs, who, in the exercise of the authority vested in them, signed a treaty with the United States, for the alleged crime of executing that instrument, is to exceed the powers vested in them as legislators, and that such acts are as illegal as they are cruel and vicious.

The Government of the United States is not disposed to interfere with the enactment, or the execution of laws, which do not violate natural rights, lead to domestic strife, and provoke intestine wars; but in all such cases it becomes its paramount duty to interpose, and in this instance, treaty stipulations positively require the performance of that duty.

In the remonstrance of the chiefs against the demand of the United States for the murderers of the Ridges and Boudinot to be delivered up to them, they say that "such persons are not amenable to the laws of the United States, and ought not to be arrested and imprisoned for murdering an Indian, because the United States courts can entertain no jurisdiction of a crime committed by an Indian against the person and property of another Indian." The chiefs who signed that document labor under an error, and the interests of all concerned require that they should be promptly disabused. The Government of the United States has a right to take all proper measures to preserve the peace of the country, and to protect the innocent against the vindictive passions of their persecutors, who, in sating their vengeance, may compromit that important interest. This sovereign right cannot be relinquished. The provisions of the treaty of 1835, render it the imperative duty of the Government to extend their protection to the western Cherokees, who have been thus cruelly assailed by the late emigrants; and they can do so in no manner so effectually as by seizing and punishing the assassins who murdered the Ridges and Boudinot. \* \* \*

Very respectfully, your most obedient servant,

J. R. POINSETT.

Brigadier General M. ARBUCKLE,  
*Fort Gibson, Arkansas.*

True extract.

S. G. SIMMONS, A. D. C.  
*and A. A. Adj. Gen., 2d Dept., W. Division.*

HEADQUARTERS, 2D DEPT., W. DIVISION,  
Fort Gibson, December 19, 1839.

GENTLEMEN: I received by the mail last evening, a copy of a communication from the Commissioner of Indian Affairs to Captain Armstrong, a copy of which is herewith transmitted for your information.

It is with your council at once to settle all difficulties in the Cherokee Nation, which, as I judge, cannot be effected except on terms of perfect justice to both parties. I therefore entreat you to act promptly in this highly important matter, that the Cherokee people may be restored to quiet and good feelings towards each other. Captain Armstrong has informed me that he is appointed to act on the claims of the Cherokees against the Osages, and that he will attend to that duty soon after his return from Red river, where he is at present.

I am, gentlemen, very respectfully, your obedient servant,  
M. ARBUCKLE,  
Brevet Brig. General, U. S. A.

JOSEPH VANN,  
Assistant Chief of the late emigrants,  
and others, in council, near Illinois River.

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WAR DEPARTMENT,  
OFFICE INDIAN AFFAIRS, November 9, 1839.

SIR: I am directed by the Secretary of War to inform you that no further payment will be made to the Cherokees until the excitement now existing in the nation is composed, and their difficulties settled; and this determination, I have to request, that you will communicate to the Indians immediately on the receipt hereof. Should any of the agents have moneys in a course of disbursement, you will please to arrest it until otherwise directed.

This instruction is not intended to interfere with the issuing of rations to them in completion of the year's subsistence.

Very respectfully, your most obedient servant,  
T. HARTLEY CRAWFORD.

Captain WILLIAM ARMSTRONG,  
Choctaw Agency, west.

True copy.

S. G. SIMMONS, A. D. C.  
and A. A. Adj. Gen., 2d Dept., W. Division.

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*To the chiefs, council, and headmen of the Cherokee Nation:*

FRIENDS AND BROTHERS: I am directed to attend this meeting, to make some explanations as to the views of the Government of the United States with regard to the Cherokee people, and to obtain from you information of what has been done, or will now be done by the Cherokee people, in order to allay and put down the great excitement existing among them.

And first, whether this council or the headmen of the different parties of the Cherokee people will do any thing more than has already been done by John Rogers, John Smith, and Dutch, in their proposition for uniting the whole Cherokee people as one nation, acknowledged by all.

Secondly. Whether this council and the headmen will give assurances to the Government of the United States, that they will desist from further oppressing or persecuting the party called the Ridge party or Treaty party.

Thirdly. Whether this council, by a decree or by agreement among yourselves, will so far unite in a government for the nation at present, as have at least one chief from each party of old settlers and late emigrants, until an election can be held under the direction of a majority of the whole people.

Fourthly. Whether this council and headmen will agree that the whole Cherokee people shall be invited to meet during this winter, or early in the spring, at Fort Gibson, and there vote upon a constitution and form of government, and terms of union for the whole Cherokee people. The reason for naming Fort Gibson is this, that the expense of providing for so many people will be more conveniently furnished at the depot of public stores than any where else. And I am authorized by General Arbuckle, the commandant of all the forces upon this western frontier, to say to this council, that he will do every thing in his power for the accommodation of the Cherokee people; that he will assign them a house, or other suitable place for their deliberations; and that he will not interfere in their proceedings in any way, unless called upon by them. I recommend this course to be adopted by you. Now, my friends and brothers, I expect you are ready to ask why you should do what is here recommended. I will answer you plainly and truly. Many among you believe that the constitution and declaration of union, as well as the appointments made at this place in July last, form the true and legitimate government and organization of the Cherokee people. It is my duty to inform you the President of the United States, and many of the principal men of the old settlers, do not recognise this as the settled government of the Cherokee Nation. The convention, held at this place in July, 1839, made a constitution and a declaration of union in the nature of a bill of rights, setting forth the rights of the Cherokee people. But you see by the proceedings of the late council at the Double Springs, in October, 1839, that they have proceeded to elect chiefs, and to appoint other officers of Government, in direct opposition to the decrees of the council held at this place in July, 1839. And I am assured from authority considered good, that upward of one thousand of the old settlers approve of the proceedings at the Double Springs in October last. I am informed from the same source, that most or all of these old settlers are opposed to John Ross being a chief, and I have been requested to propose to this council to displace him. I am unwilling to do any thing relating to him in his absence.

My friends and brothers: I deem it to be my duty to tell you some plain truths, that require your serious consideration and speedy determination. I am informed and believe that the Cherokee funds or moneys, secured by treaty stipulations, will not be paid until the nation is settled down into a regular government, which shall be acknowledged as such by the President of the United States. I will state other reasons why you ought at once to settle your party disputes. Many poor Cherokees, of both parties, are at this time in need of relief for the support of themselves and their families. I will not say that the Government of the United States will refuse this necessary support. But it is my opinion that this relief will more readily

be granted, should you settle down into a regular Cherokee government, acknowledged by a majority of the people of both parties, and recognised by the President of the United States. I will further say, that many of the Cherokee people are dissatisfied at being removed from their former homes, east of the Mississippi river. These discontented people may deceive themselves and others, but they cannot deceive me. I have seen both countries, and I say that the Cherokee Nation owns a better country for procuring the means of support and prosperity, than the country they left. As to the value of gold mines east of the Mississippi, within the Cherokee lands, I know nothing of them, and will say nothing about them. I will further observe, that I believe I know the wishes of a great majority of the people of the United States respecting the red people, having lived in the United States upward of seventy years, and often engaged in public employments. I think I may venture to say that a majority of the citizens of the United States desire the welfare and happiness of the red people. I therefore solemnly warn you against any unfriendly proceedings against the whites, as such conduct will tend to the destruction of your people. The present dissension is not the only one by many that has existed among you. In the time of the Revolutionary war between the United States and England, the Cherokee chief, Dragging Canoe, differed from a majority of the nation, and carried his people to Chick-a-mogga. He was a friend to the British cause. Friends and brothers, I have occupied much of your time, but I will say one thing more as an inducement for you to settle your domestic disputes. If you settle down into a regular Cherokee government, the United States, in more than one treaty, has promised you a Representative in the Congress of the United States. They do no more for their own people, and you can ask nothing further. I have an earnest desire to see your nation flourish in peace, happiness, and prosperity. I have done all in my power to further this desirable object, without partiality to any party. The order of the Secretary of War and the letter of General Arbuckle are in my hands, but as they are also in the hands of Mr. Joseph Vann, it is not necessary to present them. I have no more to say at this time.

Your friend,

M. STOKES,

*Agent for Cherokee Nation*

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The following understanding and agreement is entered into between Montfort Stokes, United States agent for the Cherokee Nation, and Joseph Vann, David Vann, Richard Taylor, Charles Coodey, and W. S. Coodey, a committee specially appointed thereto by the national council:

It is mutually agreed that a general and friendly invitation shall be given to all the Cherokee people to assemble at Tahlequah on the 15th of January, 1840, in order that the will of the majority of the Cherokees may then and there be fairly and properly ascertained in relation to the government of the nation. The object being to establish peace and restore quiet among the people, and to satisfy the Government of the United States, which is the Government of their choice.

The Cherokees promise, on their part, that no person of the treaty party, or of any other party or politics, shall be molested in attending said meeting, either in coming, while remaining, or returning to their homes, and



will use every exertion to prevent the introduction of spirits, and to maintain strict order and propriety; that the proposed meeting shall be of a friendly character, and all business transacted in harmony and good feeling.

The agent of the United States agrees, on his part, that no interruption or molestation shall take place in the deliberation or business of said council, or of individuals in attendance in the exercise of their free privilege of voting during said meeting.

Written notices shall be sent throughout the country, signed by the undersigned, requesting prompt and general attendance of all parties at the time designated; and the declared will of the majority at the meeting shall be reported to the Government of the United States as the decision of the Cherokees in relation to their future government.

M. STOKES,  
*Agent for Cherokee Nation.*  
J. VANN,  
*Assistant Principal Chief.*  
CHARLES COODEY,  
DAVID VANN,  
R. TAYLOR,  
W. SHOREY COODEY.

TAHLEQUAH, CHEROKEE NATION,  
December 20, 1839.

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*To the Cherokee People:*

You are hereby invited and requested to assemble at Tahlequah, near the Illinois river, on the 15th day of January next, then and there to decide by vote which shall be the government of the Cherokee Nation, in order that peace and friendship may be restored throughout the country, and the Government of the United States satisfied as to the will and choice of the Cherokees in relation to this matter.

The undersigned have entered into an agreement that this meeting shall be conducted with strict order, and that no person of the treaty party, or of any other party or politics, shall be molested or ill-treated, either in coming to, while remaining at, or returning from, the council to their homes, and all business transacted in good feeling and harmony. All the people, of all parties whatever, are invited and desired to be in prompt attendance to declare their will by their vote, that future strife may subside, and the same reported to the President of the United States.

M. STOKES,  
*Agent for Cherokee Nation.*  
J. VANN,  
*Assistant Principal Chief.*  
DAVID VANN,  
CHARLES COODEY,  
R. TAYLOR,  
W. SHOREY COODEY.

TAHLEQUAH, CHEROKEE NATION,  
December 20, 1839.

HEADQUARTERS, 2D DEPT., W. DIVISION,  
Fort Gibson, December 23, 1839.

SIR: I, this evening, received from Governor Stokes, your agent, the proceedings of your last council, among which there is no reference made to the subject for which the council was called, viz: the communication from the War Department, under date of the 12th of October, an answer to which is required by the Secretary of War, and was requested by me.

I have now to repeat my solicitation, and urge that an answer be given in relation to that document. Your reply is requested by return of express.

I am, sir, respectfully, your obedient servant,

M. ARBUCKLE,  
Brevet Brig. General, U. S. A.

J. VANN,

*Assistant Chief late emigrants near Neosho river.*

P. S. An officer from Washington is now awaiting your answer at this post. M. A.

HEADQUARTERS, 2D DEPT., W. DIVISION,  
Fort Gibson, January 3, 1839.

SIR: The present state of the Cherokee people, is such as to render it my first duty to give security and peace to your nation, rather than to seek for a few men who have committed crimes, as it is believed, by the orders or approbation of their superiors; therefore, if these unfortunate men abstain from further violence on any one, I will not interrupt them in any way until after something is done to give peace and quiet to the Cherokee Nation, and, at least, until after your proposed meeting of the Cherokee people on the 15th instant has been adjourned; and you are authorized and requested to notify them of my determination in this particular.

I request that you will acknowledge the receipt of this by the return of the express.

I am, sir, very respectfully, your obedient servant,

M. ARBUCKLE,  
Brevet Brig. General, U. S. A.

Mr. JOSEPH VANN,

*Assistant Chief of the late emigrant Cherokees,  
and others, near Neosho river.*

HEADQUARTERS, 2D DEPT., W. DIVISION,  
Fort Gibson, January 14, 1840.

FRIENDS: I received from your assistant chief, Mr. Joseph Vann, and others, an invitation to attend a meeting of the Cherokee people on the 15th instant, for the purpose of being correctly informed (if I understand the object of the meeting), which of the two governments in the Cherokee nation is preferred by a majority of the people.

I would, with great pleasure, attend the proposed assemblage of your people, had not the old settlers refused to attend; and you failed to make a

proposition calculated to settle the protracted contest for authority in the Cherokee Nation, on terms that would restore peace to the Cherokee people. I will, however (as I am required to have peace restored to the Cherokee Nation), send Captain Page, an officer of high character, to witness or certify to any fact you may regard material to your pretensions to the government of the Cherokee Nation.

The President of the United States has very justly recognised the right of a majority to rule, but at the same time he supposed that this right would be exercised judiciously, and in a manner not calculated to authorize murder, and excite intestine commotions. If, therefore, your government has authorized murder, and excited intestine commotions, you will perceive that these objections be removed in a peaceable manner, before it is liable to be acknowledged by the United States. Had your late council transacted the business for which it was mainly called, in the way anticipated, you would have been relieved from some of the embarrassments you labor under: yet, independent of these, from which you can relieve yourselves at the proposed meeting, you will perceive that it is necessary that you should restore peace to the Cherokee people.

I would ask you how peace can be given to the Cherokees, and violence and murder prevented in your nation, except by your uniting with the old settlers, who have made frequent propositions to you to effect that object without success? and it appears to me that you must now be fully convinced that there is no other plan by which the present excitement in your nation can be allayed, and peace and security given to the Cherokee people. You are, no doubt, informed that John Smith, one of the signers of the treaty of 1835, and a chief of the old settlers, and Star, with several of the relations of the signers of that treaty, with some of the old settlers, have been compelled to leave their homes of late, in consequence of attempts made to kill some of them, and threats (as it is said), by the late emigrants; and you cannot be uninformed that acts of violence take place very frequently of late in your nation; and that these outrages principally result from party feeling. How is this wretched state of things to be prevented, except by a friendly union of the parties on terms of justice, by which each party would be represented in a new government by individuals *of their own choice*, agreeably to their number?

It is not contended by any one, so far as I am informed, that the old settlers and those that have joined them, are a majority of the Cherokee Nation; therefore, if it should be decided that three chiefs shall be at the head of the Cherokee government, two of them, of course, would be from the late emigrants, and one from the old settlers; and if these chiefs were selected with discretion, you will, no doubt, fully agree with me, that peace would readily be restored to the Cherokee Nation: and is not the peace and security of the Cherokee people to be preferred to a further effort, on your part, to sustain a government to which a large portion of your people are totally unwilling to submit; and in which they are not represented by a single individual? This is the question you have to decide, and I can assure you that it is a matter of no small importance to the Cherokee people how you decide it.

You are not to understand that I am authorized by the old settlers to suggest the terms on which they would be willing to enter into a union with you, yet I have ventured to make the foregoing remarks from the belief that they will not contend for more than they are justly entitled to.

Their chiefs, and a number of their principal men, were here of late (by an arrangement of their own), when they were prevailed on (as they would not attend your meeting) to make another proposition to unite with you, which is herewith enclosed; and if accepted by you, will, I believe, at an early period, give quiet to the Cherokee people, whose condition will be more deplorable if rejected. If the proposition is accepted, I will furnish provisions for the committees, and every accommodation in my power to enable them to transact their business with comfort; and I can assure you that no counsel will be given to any individual or party by myself, or those under my orders, unless called for by both parties.

I have already fully communicated to you my opinion of the only proper means known to me to restore peace to the Cherokee people; and I most earnestly hope that my views on this subject may receive from you the weight they are entitled to; and from the unfortunate situation of the Cherokee people for the last six months, and nothing having been done to alleviate their sufferings, it now becomes necessary that something should be done, without further delay, to give them relief and quiet.

I request that you will favor me, at an early period, with the result of your deliberations in relation to the subjects referred to in this communication.

I am, gentlemen, with great respect, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOSEPH VANN, *Assistant Principal Chief,*

and the late emigrant Cherokees, and others,

at Tahlequah, near Illinois river.

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, January 14, 1840.*

SIR: You will (by my address of this date to the late emigrants and others) be informed of my opinion of the measures that are necessary to restore security and peace to the Cherokee people, and I greatly hope that your intended meeting will not adjourn without giving suitable attention to this object. If the proposition of the old settlers is accepted (and I am not informed of any other plan that will give quiet to your nation, and that may fail if violent partisans are appointed on either or both sides; yet the prospect of success is certainly sufficient to render it highly important that the trial should be made), I request that you will call on me as soon as your meeting adjourns.

I am, sir, very respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOSEPH VANN, *Assistant Principal Chief*

*of the late emigrants, and others, near Illinois river.*

FRIENDS AND BROTHERS: I have again met you, according to our agreement made at this place on the 20th December, 1839. On the 27th of December, 1839, I attended a meeting, at Fort Gibson, of the chiefs of the old settlers who were chosen at the Double Springs in October last. This



late meeting or council, at Fort Gibson, was attended by several of the treaty or Ridge party, as it is called, and by some of the old settlers.

They have made proposition to the chiefs and headmen of this council, for the purpose of settling all differences between the parties which now divide the Cherokee people. I am authorized to propose, that the two parties appoint twelve of each, to meet at Fort Gibson, at any time this council may name, for the purpose of "making such arrangements for the future government of the Cherokee Nation as may be calculated to restore peace to the Cherokee people;" and they "agree to abide the decision of said committees." I herewith lay a copy of these proceedings before you; and as peace, and a union of all the Cherokee people, are much desired by all good men, and would be most pleasing to the President of the United States, I hope you will give the proposition and proceedings a serious and unprejudiced consideration.

Brothers: The President of the United States has been informed, and I have understood, that the council held at this place in July and August, 1839, passed a law or decree of outlawry against all the treaty party, disqualifying them, for many years, from partaking of the benefits of the Cherokee Government, as enjoyed by all the other Cherokees. Permit me to say to you, my friends, that this is not the best way to reconcile and unite the Cherokee people. And I further inform you, that by very late instructions from the War Department, this decree is disapproved of by the Government of the United States. For the sake of yourselves and the Cherokee people, for the sake of peace, for the sake of humanity, and for the sake of the wishes of the President of the United States, whose wishes you are bound to respect, I earnestly hope that this council will abolish that harsh decree; and, in that hope, I have drawn up a decree of oblivion and forgetfulness for all past political offences, and submit the same for your consideration. I have it from the mouths of several of the signers of the late treaty, that nothing short of this will satisfy them. You all profess to desire peace and union of parties: then let this be the first step towards accomplishing that great object.

I have no more to say at this time.

Your friend,

M. STOKES,  
*Agent for Cherokee Nation.*

Whereas, a decree was passed by the Cherokee people, in national convention, at the campground, near Illinois river, dated July, 1839, in reference to certain individuals who, by their conduct, had subjected themselves to the displeasure of the Cherokee people, and declaring them ineligible to office for five years:

Now, for reasons satisfactory to the Cherokee people, and to evince to the Government of the United States their disinclination to involve their country in a difficulty with the United States in a matter of so small an import: therefore,

We, the people of the Cherokee Nation, in national convention assembled, do revoke and abolish the aforesaid decree, and the same is hereby revoked and abolished; and all persons who were affected by its provisions are declared to be entitled, under the constitution and laws of this nation, to the

same privileges, immunities, and protection, as provided for and enjoyed by other citizens under the government of the nation.

Done at Tahlequah, Cherokee Nation, this 16th day of January, 1840.

JOS. VANN,

*Assistant Principal Chief.*

W. SHOREY COODEY,

*President National Committee.*

For and in behalf of from sixteen to seventeen hundred adult Cherokee males, who voted in favor of the above; there being no votes in the negative.

Whereas, a meeting of the Cherokee people was agreed on and requested by the United States agent, and the assistant principal chief and others, on the 15th instant at this place, and general notification given throughout the country to all parties whatever, and requesting their prompt attendance, for the purpose of ascertaining fairly and properly the sense and choice of a majority of the nation in relation to the subject of their future government; and whereas, we, the people of the Cherokee Nation, having assembled under this call, and having heard read and interpreted the act of union adopted by the eastern and western Cherokees, dated July, 1839, and the constitution framed by a convention composed of members from both parties, in pursuance of the provisions of the aforesaid act, and being satisfied with the same, we do hereby approve, ratify, and confirm the said act of union and constitution, and acknowledge and make known that the government based upon this act and this constitution is the legitimate government of the Cherokee Nation and of our choice, and that it has both our confidence and support.

Done at Tahlequah, Cherokee Nation, this 16th day of January, 1840.

J. VANN,

*Assistant Principal Chief.*

W. SHOREY COODEY,

*President National Committee.*

For and in behalf of from eighteen to nineteen hundred adult Cherokee males, who voted in favor of the above; there being no votes in the negative.

TAHLEQUAH, CHEROKEE NATION,

*January 17, 1840.*

SIR: The national council, now in session, have again before them the communications submitted to the late meeting in December in relation to the difficulties among the Cherokees, and also the letter addressed to General Arbuckle and yourself by John Rogers, John Smith, and Dutch, dated 27th December, 1839.

The council in December did not believe that they could then make such a reply to the several subjects embraced in the papers submitted by yourself and General Arbuckle as would be satisfactory to your Government; and, particularly, in reference to the decree of July, 1839, of which the President had signified his disapproval; and chose rather to defer their reply until the assemblage of the people on the 15th instant, as was then agreed.

This decree was not the act of the legislative council, but of the people, and could only be rescinded by the same authority. The assemblage of the people has afforded the first and only opportunity for any proper measure in relation to this matter; and the enclosed papers will show their proceedings, both in regard to this as well as the subject of their future government. The decree of July has been abolished by the people, and the voting was witnessed by yourself and Captain Page, who attended the meeting at the request of General Arbuckle. It was passed prior to the act of union between the eastern and western Cherokees, and of course before the adoption of the constitution which followed that act. In this constitution and all the legislation by the national council, there is no allusion or reference to the decree; nor is there a single word which marks a difference or distinction with regard to the enjoyment of equal rights, privileges, and justice among all the Cherokee people. We regret the impression which seems to be entertained by the honorable Secretary that our laws or public acts authorize *murder* and "intestine commotions;" and that you may be fully satisfied of the truth of our denial, we forward you a copy of the constitution and laws for your examination.

The sense and choice of a large majority of the Cherokee Nation in relation to the subject of their own local government, you will find fairly and correctly made known in the other enclosed paper, the voting on which you also witnessed with Captain Page.

The constitution, you will discover, requires of all persons holding office to be sworn, and they are bound by oath to its support. It was approved and ratified by the people before the elections for officers, and it has been again confirmed. How, then, can these officers or this council delegate twelve persons to meet at Fort Gibson, as proposed by Rogers and others, and proceed by their act or bargain to alter or change the form or provisions of this government in opposition to the expressed will and choice of the majority of the people? The council cannot change this constitution, much less can they bestow upon individuals the power to do so. There may be a small portion of our citizens who, from some circumstances, are dissatisfied, but it is not believed even that fact can justify the introduction of new difficulties and greater excitement, as would assuredly be the case, if a change of government is attempted *merely* to gratify a small number who are in opposition. It is not admitted that those who signed the letter to you of December 27, are in truth chiefs of the *western Cherokees*. There are no *western Cherokees* in contradistinction to *eastern Cherokees*. They are all the same, inhabiting the same territory, and possessed of the same rights and the same interests. They are again made one people by the acts of the United States and their own. The meeting at the Double Springs last fall, which gave to these persons the name of chiefs, represented only the few who were there, and not the people of the country. The usages and regulations of the old settlers, as prevailed while they were separate, did not legalize their acts. They were not observed; the people sent no regular members to that council, and the few persons who attended there possessed no lawful right to act for them. The question in relation to the future government of the nation we consider settled. All has been done which seemed to be required on our part, and the people have spoken for themselves. The wishes of the President have been complied with, as far as understood, and this council is not aware that any thing more can be done. The establishment of a regular government, a government of *laws* and not

of undefined regulations, has been our highest aim, under which equal justice shall be meted to all, and the peace and improvement of our people secured and advanced.

Very respectfully, your obedient servants,

W. SHOREY GOODEY,  
President National Committee.

YOUNG WOLF,  
Speaker National Council.

J. VANN,  
Assistant Principal Chief.

DAVID CARTER,  
Clerk Council.

M. STOKES, Esq.,  
United States Agent.

TAHLEQUAH, CHEROKEE NATION,  
January 17, 1840.

SIR: The meeting of the Cherokee people, under an agreement for their assemblage with the United States agent, has taken place, and your communication of the 14th instant, with other papers, in relation to the differences in the nation, read, interpreted, and duly considered.

The two enclosed papers will show the acts and proceedings of this meeting with regard to the decree of July, 1839, and the subject of the government of the nation. The decree was the act of the people who convened in July, and could only be removed by them, the national council having no authority to set aside an act adopted by the people; and this, it is hoped, will explain to you why the council in December did not act upon the subject, and chose rather to defer a reply to the honorable Secretary's communication until this time. The council could not then make such a reply as would be satisfactory. You will perceive that the decree has been abolished, and that equal privileges and equal justice are secured to all, without exceptions of any kind. We regret the impression which seems to have obtained, that our laws *authorize murder and intestine commotions*; and in order that this error may be corrected, and that the Government and its public officers may be satisfied that such is not the case, the agent has been furnished with a copy of the constitution and laws. There is no wish to oppress any portion of our citizens, or to restrict the enjoyment of natural rights; on the contrary, efforts have been, and will be, used to maintain harmony and the culture of friendly intercourse among all the people.

The other enclosed paper will show the will and choice of the great body of the nation in reference to our own local government. The constitution and new government have been again approved and confirmed; and upon both questions the vote of the people was witnessed by the agent and Captain Page, of the fairness of which they can themselves state.

It is believed that the views and wishes of the Government have been complied with as nearly as possible, and that all has been done which could be to restore quiet to the country.

It is desirable that peace should prevail, and there is nothing to prevent it, unless the continued opposition of a small number to the known will and feelings of a large majority of the people should defeat this expectation. As



it regards the proposition of John Rogers and others for the appointment of a committee to meet at Fort Gibson, it will be proper to state that all who hold office are required by the constitution to be sworn to a faithful discharge of the trust reposed in them; and an effort to destroy or change the provisions of this instrument, otherwise than by the mode prescribed, would be more than any are inclined to attempt. This council cannot change or alter the government, and, of course, could not bestow upon a committee such authority. The frightful picture of crimes and proscription which accompanies the proposal, is altogether ideal, and the style of chiefs used by the signers gives neither weight nor authority. The appointment of those persons at the Double Springs was not in conformity with any provisions, usage, or regulations; nor is it approved or sustained but by the very limited number who were there; and it may be properly said they represent only themselves. The complaint that the old settlers are not represented in the new government we think ill-founded, when one of the two chiefs, and near one-half of all the officers of the government, are old settlers. The great object sought after in framing the government was a regular system of laws, equal rights, and equal justice—a system suited to the wants and improved condition of the people; and their proper execution cannot but tend to the preservation of order, and the promotion of the general welfare. It is our earnest desire that the Government of the United States may be fully satisfied of the peaceable disposition of all the Cherokee people, and that there does not exist any inclination, whatever, to disturb a friendship extending back to the administration of the first President of the United States, and which we are taught by every day's experience it is our interest to cherish and maintain.

The reports which have reached you that several of the treaty party and their relatives have been forced to leave their homes, in consequence of attempts to murder them, we are confident in stating, are entirely incorrect. No such attempts have been made—neither by the late emigrants nor others; and we are satisfied that these reports have been founded either upon false fears or a settled design to keep up excitement by their propagation, and ought, in justice to the nation, to be cautiously received.

We have the honor to be, very respectfully, your obedient servants,

W. SHOREY COODEY,

*President of National Committee.*

YOUNG WOLF,

*Speaker of National Council.*

J. VANN,

*Assistant Principal Chief.*

DAVID CARTER,

*Clerk of Council.*

M. ARBUCKLE,

*Brevet Brigadier General, U. S. A.*

## TAHLEQUAH, CHEROKEE NATION.

October 12, 1839.

Whereas, a national convention of the people of the eastern and western Cherokees was assembled on the first day of July, 1839, for the purpose of forming a union of the two communities (brought together by the late removal of the eastern Cherokees), and of adopting measures for the preservation of order and the advancement of the general welfare. And whereas, the desired union has been consummated by general consent; and, by the conditions of said union, "all rights and title to public Cherokee lands on the east and west of the river Mississippi, with all other public interests which may have vested, heretofore, in either branch of the Cherokee family," are declared, "henceforward, to vest, entire and unimpaired, in the Cherokee Nation, as constituted by this union."

And whereas, various important questions, and much business with the Government of the United States, both of a public and private character, remain in an unsettled state, and require to be definitively adjusted as early as practicable: therefore,

*Be it enacted by the national council,* That John Ross, principal chief, W. Shorey Coodey, Edward Gunter, Richard Taylor, Joseph M. Lynch, Looney Price, John Looney, Elijah Hicks, and Jesse Bushyhead, be appointed a delegation to represent the Cherokee people before the Government of the United States; and that they be, and they are hereby, vested with full powers to enter into arrangements with the Government of the United States for the final adjustment of all matters mutually interesting to the United States and to the Cherokee people.

*Be it further enacted,* That the abovenamed John Ross, W. Shorey Coodey, Edward Gunter, Richard Taylor, Joseph M. Lynch, Looney Price, John Looney, Elijah Hicks, and Jesse Bushyhead, be, and they are hereby, authorized to apply to the Government of the United States, or to the proper officers thereof, for all sums of money due or which may become due to the Cherokee Nation, on any account whatever, and to receive and receipt for the same for and on behalf of the said Cherokee Nation.

*And be it further enacted,* That in case of vacancy in the aforesaid delegation, the principal chief of this nation, be, and he is hereby authorized to fill such vacancy by appointment.

W. SHOREY COODEY,  
*President National Committee.*

Concurre

YOUNG WOLF,  
*Speaker National Council.*

J. M. LYNCH, *Clerk, pro tem.*

DAVID CARTER, *Clerk to National Council.*

Approved.

JOHN ROSS.

WASHINGTON CITY, December 31, 1839.

The compliments of the undersigned, representatives of the Cherokee people, to the Hon. Joel R. Poinsett, Secretary of War, and beg leave to report their arrival in the city on business of the Cherokee nation with

the United States Government. The delegation would be happy to pay their personal respects to the Hon. Secretary of War and the President of the United States at such time as they may be pleased to designate.

We have the honor to be, sir, very respectfully, your obedient humble servants,

JOHN ROSS,  
JOSEPH M. LYNCH,  
LOONEY PRICE,  
ELIJAH HICKS,  
EDWD. GUNTER,  
GEO. HICKS,  
ARCHD. CAMPBELL, x  
JOHN LOONEY, x

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WAR DEPARTMENT, *January 2, 1840.*

The Secretary of War is instructed by the President to say, in reply to the Cherokees claiming to be the representatives of that people, and expressing their desire to pay their personal respects to the President and Secretary of War, that, until a full investigation has been had of all the circumstances attending the foul and cruel murders lately perpetrated in the Cherokee country upon the innocent and unoffending chiefs, the Ridges and Boudinot, the Government will hold no communication with John Ross. The Secretary of War will receive the other members of the delegation to-morrow at 1 o'clock.

J. R. POINSETT.

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WASHINGTON CITY, *January 3, 1840.*

SIR: The undersigned, a portion of the delegation from the Cherokee Nation, have the honor to acknowledge the receipt of your communication of yesterday; they regret to learn that the Government has determined "to hold no communication with John Ross, the principal chief of the nation," until a full investigation has been had of all the circumstances attending the foul and cruel murders lately perpetrated in the Cherokee country upon the innocent and unoffending Ridges and Boudinot.

If an investigation had been made, and the guilt of Mr. Ross had been established, or even if pregnant circumstances of suspicion had been exhibited upon a full and impartial examination of the case, the undersigned would have felt no surprise at the view indicated in your communication: when such investigation shall be instituted, Mr. Ross will be prepared to meet it. None such, however, has yet been made, and ignorant as we are of any circumstances that can fix upon Mr. Ross any participation in the acts of which he is thus at least impliedly accused, it appears to us that, independently of other reasons for our course, it might appear that we lent our sanction to the charge if we were, under existing circumstances, to accept the invitation you have been pleased to offer, of waiting upon you to-day to the exclusion of Mr. Ross, one of the constituent members of the delegation.

Having averred our ignorance of the grounds upon which Mr. Ross has been thus gravely and publicly accused, we hope we shall not be considered as going beyond the strict line of our duty if we request that you will furnish to us the names of Mr. Ross's accusers, and the evidence which has been exhibited to the department, implicating him in the acts to which you have alluded.

We have the honor to be, sir, your obedient humble servants,

JOSEPH M. LYNCH,  
ELIJAH HICKS,  
EDWARD GUNTER,  
ARCHIBALD CAMPBELL,

In behalf of others.

HON. JOEL R. POINSETT,  
*Secretary of War.*

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WASHINGTON CITY, *January 3, 1840.*

SIR: The undersigned had seen, with pain and astonishment, the reference to him by name as connected with recent disturbances in the Cherokee country in your recent official report; with similar feelings he has perceived that he is, by strong implication, accused by you in your communication to those associated with him as delegates from the Cherokee Nation to this Government, of having participated in the murders of the Ridges and Boudinot. The grounds upon which so serious an accusation has been thus preferred by so high an authority as yourself, are unknown to the undersigned; but he cannot but presume them to be strong in themselves, and emanating from a credible source before they would have been deemed sufficient to justify so weighty a charge and such confidence in its truth as to lead to an ignominious exclusion from participating in the important public business intrusted to him, in conjunction with others. These circumstances impose upon me a duty, and, I conceive, confer upon me a right, to call for the names of my accusers, and the evidence upon which my name has been thus associated with acts of which I was, at the time, entirely ignorant, and of the guilt connected, with which I am absolutely innocent.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. ROSS.

HON. J. R. POINSETT,  
*Secretary of War.*

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WAR DEPARTMENT, *January 4, 1840.*

The undersigned has received the note of the Cherokee delegation declining the invitation tendered to them, and asking to be furnished with the name of John Ross's accusers, and the evidence which has been exhibited to the department implicating him in the acts to which allusion was made, meaning, as the undersigned supposes, the cruel murders committed in the Cherokee country.



The evidence which has led this department to regard John Ross as the instigator and the abettor of those foul deeds of blood, as he is confessedly the defender of the murderers, shall be produced in the progress of the investigation which has been instituted. In the meantime, it is the unalterable determination of the department, to hold no communication with him. From the remaining portion of the delegation, the undersigned is ready to receive any communications relating to the business which has brought them to Washington; but will hold no further correspondence with them in relation to John Ross.

J. R. POINSETT.

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JUNE 9, 1838.

We have heard with intense emotions, your address of the 10th of May. We have, with more or less distinctness, heard rumors of subsequent orders, and of their execution. We have considered them with all the seriousness and care of which we were capable, and which their portentous character demands. A most formidable military force is arrayed against us—for declining to comply with the requirements of the instrument of New Echota. If this be a crime, sir, it has been committed in the honesty of our hearts, and in pursuance of the principles of justice, in which we have been instructed by your own most honored chiefs. But, sir, we do not appear before you in this our humble address to discuss the merits of that compact, which, even under the most appalling circumstances, we dare not in conscience recognise in any other character than that of a fraud upon the United States, as well as upon the Cherokees. We approach you, sir, in the character of individuals of a besieged nation. We offer no resistance to your troops. We seek not to hide ourselves by flight; we are at all times accessible, as you have had ample proof; we are entirely at your mercy; we are altogether in your hands. But, sir, bad as our condition is, we cannot but rejoice that we have fallen into the hands of a commander who can appreciate our feelings, as lovers of our country, and lovers of right; we venerate the virtues of the patriot chieftain, whose life has been hazarded in defence of his country's rights; who has braved the terrors of the battle field, in defence of the very principles to which we humbly presume to cling. We respect the humanity which breathes through your orders, the care for our comfort which they evince, and the deprecation of destruction of the Cherokees which they express.

In this dark hour it is consoling to be told, that our father the President has commanded the duties with which you are charged to be executed in mercy, and that "such is the wish of the whole American people." It is consoling, also, to perceive that the same sentiment is expressed in the President's communication to the Governors concerned, and in the opinion of the Secretary of War, approved by the President, and by him laid before Congress, as well as in the honorable Secretary's letter to yourself of the 23d of May.

Indulging, also, the assurance of your own good feeling toward our people, as well from your communications as from the known magnanimity and generosity of your character, we cannot but entertain the hope, that

this our humble address will meet with your favorable regard, especially as our requests are in perfect conformity with the expressed sentiments of high functionaries of Government, and the whole American people.

Our request, sir, is this : that the capture and emigration of our people may not be executed with so much haste at the present season of the year, as threatening an amount of suffering, disease, and death, so frightful as to excite forebodings little short of the extermination of our whole race. The journey to Arkansas has often been performed from this country ; our people are well acquainted with the results which have uniformly attended it. Under favorable circumstances, in healthful seasons, with willing emigrants, and in numbers so small as to admit of their being immediately accommodated by their friends with shelter from worst effects of the insalubrity of the climate, an alarming amount of sickness and death has been the constant attendant. And what can be expected, if the remainder of sixteen or seventeen thousand souls be captured in one day and sent off at once in this sickly season ? In complying with this our most importunate request, we can conceive of no disadvantage which it would occasion to the service with which you are charged, as the business of capturing our whole people can be effected any day you may be pleased to order it. With regard to those already made prisoners, our request is, that they may be indulged with the privilege of a parole until the season will admit of their emigrating with greater security to their health. With regard to the faithful observance of the parole, we are willing to pledge ourselves to guarantee their punctual appearance at the time you may prescribe ; and if you should think the guarantee of the national council necessary, we hesitate not to say, that it shall be given as early as a session can be convened.

We ask for no delay that can in the least interfere with the measures of Government, as expressed in the documents referred to. It is very evident, sir, that the emigrants, if taken off at this time, will arrive there at the commencement of the sickly season. They will have no shelter, no furniture, few tools, and no health to use them, so as to prepare for their own comfort and that of their families ; so that they will be exposed through the whole season to the ravages of that sickly climate ; whereas, in the fall, they would arrive at the commencement of the healthy season, which would afford them opportunity to provide for the comfort of themselves and families. To be taken by thousands from this healthful country, and set down on the banks of Arkansas in the month of July, or to be detained on that sickly stream on account of low waters, far short of the place of destination, is a thought at which our hearts sicken ; our wives and children, our aged and infirm, and our strongest men, laid prostrate together, is a consideration which breaks our hearts, which unmans our firmest nerve.

In conclusion, sir, permit us to appeal to your magnanimity, to your humanity, to your compassion ; the lives of our whole nation are at your disposal ; at your word, thousands of people may die, and their names be forgotten ; at your word, they may live ; and by the favor of Providence their posterity may bless your name, and transmit in gratitude its remembrance to the latest generation. Assuredly, sir, this is no common occurrence. The annals of time exhibit few instances in which an individual is placed in a condition to confer benefits lasting and substantial on a great portion of our race.

We add no more. With the most solicitous anxiety, we await the result of this application. Your favorable attention will cheer our hearts; your rejection of our suit will seal our despair.

With the most profound respect, we are, sir, your humble servants,  
 GEORGE LOWRY,  
 THOMAS FOREMAN,  
 L. W. HILDEBRAND,  
 J. BUSHYHEAD,  
 LEWIS ROSS,  
 GOING SNAKE, and others.

Major General Scott,  
*U. S. A. Commanding, Cherokee Nation.*

P. S.—A report has reached us that several hundred of our people, now at or near Ross's landing, are to be sent off in a few days. Pardon us, sir, if we cannot conceal our anxiety on their account. We feel for them as friends condemned to die.

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CHEROKEE AGENCY, *June 11, 1838.*

SIR: We, your humble petitioners (and who, before this may reach your eye, will, no doubt, most of us, be your prisoners), ask permission, very respectfully, to represent:

That the orders of our great ally and protector, the President of the United States, as contained in your address of the 10th of May, has filled our minds with astonishment and dismay. We have relied, with unwavering confidence, on the good faith of the United States; when told by the makers of the unjust paper of New Echota that we were deceiving ourselves by doing so, we could not believe them; and we were fully persuaded that all our difficulties originated in the corrupt principles and practices of the promoters and makers of that instrument, on both sides, and that nothing but a fair representation of the case was required to ensure to us ample justice. We solicited investigation with all earnestness. A special agent from the President came to our last general council for that purpose. In all frankness and friendship, he was hailed and honored at our council ground. Nothing was concealed from him. We anticipated a fair report to the President, and an immediate abrogation of that perfidious instrument. That report has lately been published: we have read it with unmingled satisfaction: *It is the truth*, and the maker of it will long be remembered with gratitude and honor by the Cherokee people.

Why the execution of that compact should be urged with such precipitancy, in the face of that illustration of its character, we cannot conceive, nor is this the place to discuss that point. Our present object is to address yourself, sir, as having the unquestioned control of our destinies, so far as physical force is concerned; to propitiate your compassion, in the exercise of your power, so as to mitigate horrors which must result from carrying into effect the course intimated in a part of your address, which says, "that before another moon shall have passed away, every Cherokee man, woman, and child, must be in motion to join their brethren in the far west." This, sir, would bring us to Arkansas just at the beginning of the sickly season; and it cannot but be hazardous in the extreme, and more fearfully so for constitutions habituated to this healthful atmosphere, to crowd together, at so unfavorable a season, a whole nation of people, with all the conditions of age and infirmity and sex and helplessness, in all the varieties, which

such a concourse must comprise, and without houses, to be exposed to deleterious fogs and winds and heats, most fatal to health. The inevitable consequence of such a course must be most appalling ravage of disease and death. This measure, sir, we most solemnly and most earnestly deprecate. Our petition is urgent, sir, but we bespeak your patience to suffer us to urge the most pressing considerations of humanity and of mercy. We urge it, sir, by the sentiments expressed by yourself, that "it is the desire of every one of us to execute this painful duty in mercy." "We are commanded," you say, "by the President to act towards you in that spirit, and such also is the wish of the whole American people." If it be painful to you, sir, to contemplate the work, what must be the feelings of the Cherokees who are to be the subjects of the disaster and ruin which must ensue? For, sir, if we are hurried off at this season, we must, unavoidably, fall a prey to that cruel climate, and our complaints will be for ever silenced.

Do not upbraid us, sir, with neglecting to make preparation, and with wasting the time allowed for that purpose. The President cannot do so, with Colonel Mason's report in his hands. The President has made no treaty with us on the basis of removal, although we have, by our delegation, asked him to do so. We cannot but feel aggrieved, to be charged with neglect and unfaithfulness by a power to which we dare not reply. Your age and experience can appreciate this our feeling of mortification and feebleness.

You have us completely in your power, sir; on this point there is no controversy; our whole people are your prisoners, or expect to be so in a few days; therefore, whatever you may do to alleviate our distresses, must be viewed by us as emanating from your own magnanimity and the feeling of humanity, and must be so viewed by the intelligent and virtuous of the United States, and of other nations, who will wear for you a wreath of fairer laurels than can be gathered by the destruction of the unoffending, unarmed, and unwarlike Cherokees.

Pardon, sir, the freedom with which we have urged our anxious plea: Our case is pressing, and will admit of no delay: We ask most respectfully, and most humbly, that we may not be sent to the west till fall, when the prospect of health will be more favorable: Our humble petition is before you: We hope for a favorable answer.

GEORGE LOWRY,  
L. W. HILDEBRAND,  
THOMAS FOREMAN,  
J. BUSHYHEAD,  
LEWIS ROSS,  
GOING SNAKE, and others.

Major General SCOTT,  
*United States Army, Cherokee Country.*

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CHEROKEE AGENCY, June 11, 1838.

SIR: The express which brings this is the bearer of two petitions from our citizens. It will oblige them to receive your answer, addressed to me at this place.

With the highest esteem, I have the honor to be, sir, your most obedient servant,

GEORGE LOWRY.

Major General SCOTT,  
*United States Army.*



HEADQUARTERS, EASTERN DIVISION,  
Cherokee Agency, June 19, 1838.

GENTLEMEN: I have received two memorials numerously signed by yourselves and other Cherokees, dated, respectively, the 9th and 11th of this month, praying:

1. That the collection of the Cherokees by the troops for emigration may be delayed, or relaxed, and
2. That the families and individuals so collected, or who have voluntarily come in, may not be sent off to the west of the Mississippi before the next autumn.

Under my instructions from the President no delay or relaxation can be permitted in the collection of the whole Cherokee people east, preparatory to their early emigration west.

In respect to the second proposition, I am disposed to grant indulgence, if the chiefs and headmen present will give me a written pledge for themselves and the other chiefs and headmen absent, to the following conditions:

1. That each will discountenance and suppress, among the Cherokee people, the idea that there is the slightest intention on the part of the United States to suspend the emigration beyond the 1st of September next, for in all that month, it is my solemn expectation and purpose to put in motion from the emigrating depots, every Cherokee east, for the Cherokee country west of the Mississippi.

2. That the chiefs and headmen will, in good faith, exert their authority to prevent their people from escaping or straggling from the camps which may be assigned, or leaving the latter beyond the limits prescribed, except on special written permissions, to be signed by the nearest commander of troops, or by the superintendent of Cherokee emigration.

3. That the same authority will be employed to preserve good order among the Indians in the respective camps, to prevent drinking, to prevent any injury to the citizens or their property, and to aid the emigrating officers and agents in obtaining an exact list, or register, by names, families, ages, and sexes, of all the Cherokees who are to be emigrated.

Expecting a prompt acceptance of the foregoing conditions, I remain your friend,

WINFIELD SCOTT.

TO MESSRS. G. LOWRY, T. FOREMAN, L. W. HILDEBRAND, J. BUSHY-HEAD, L. ROSS, GOING SNAKE, and other Chiefs and Headmen of the Cherokee people.

CHEROKEE AGENCY, June 19, 1838.

SIR: We have the honor of acknowledging the reception of your communication of the present instant, in answer to our petitions of the 9th and 11th of the present month. Sir, we shall ever feel under much obligation to you for the indulgence which you seem disposed to allow us upon the conditions specified in your communication. Without specifying particulars, we respectfully accept those conditions, and hereby pledge ourselves to use our best efforts to have them strictly complied with.

We have, sir, the honor to be your friends,

GEORGE LOWRY,  
LEWIS ROSS,

THOMAS FOREMAN,  
 OLD FIELDS,  
 GEORGE STILL,  
 HARE CONRAD,  
 GOING SNAKE,  
 TAQUO,  
 JOHN WATTS,  
 JOHN KEYS,  
 JOHN OTTERLIFTER,  
 CHARLES,  
 COOLAHCHEE,  
 THOMAS PETTIT,  
 THOMAS WOODARD,  
 ALANETAH,  
 KETCHER,  
 BRIDGEMAKER,  
 L. W. HELTHERBRAND,  
 STEPHEN FOREMAN,  
 JESSE BUSHYHEAD,  
 JAMES SPEARS.

Major General Scott,  
*Army United States, commanding.*

Whereas, the whole population of the Cherokee Nation have been captured by order of the President of the United States, in order to their transportation from the land of their fathers to the west of the river Mississippi, in execution of the alleged stipulations of an instrument purporting to be a treaty made at New Echota in 1835, but against the validity of which the Cherokees have always earnestly protested :

And whereas, Major General Winfield Scott, having the execution of this order in charge, had actually commenced their transportation, but from motives of humanity was pleased kindly to entertain the memorials presented to him by a part of our people on behalf of the whole, and in compliance with their prayer magnanimously agreed to suspend their further transportation until the 1st of September :

And whereas, our delegation has just returned from Washington city, and having important suggestions to make to the commanding general, under a special understanding with the honorable Secretary of War, in reference to the removal of the nation to the west, have submitted the matter to this council for advice :

*Resolved, therefore, by the National Committee and Council and People of the Cherokee Nation in General Council assembled,* That it is the decided sense and desire of this general council that the whole business of the emigration of our people shall be undertaken by the nation, and the delegation are hereby advised to negotiate the necessary arrangements with the commanding general for that purpose.

Rich Taylor, *Fres. Nat. Com.*

■ Hicks

James D. Wofford

Samuel Gunter

Glass

Softshell Turtle

Beanstick

Small Back

Thomas Foreman  
 Hare Conrad  
 John F. Baldrige  
 George Hicks  
 William Proctor  
 James Hawkins  
 Na-hoo-lah  
 Kalahsatchee  
 Tsu-noo lah-hu-ski  
 Old Fields  
 Stephen Foreman, *Clerk of  
 the Committee*  
 Going Snake, *Speaker of the  
 Council*  
 John Watts  
 White Path  
 The Bark  
 James Spears  
 John Otterlifter  
 John Keys

AQUOHEE CAMP, July 21, 1838.

Sitewakee  
 Colonel Coon  
 Taquo  
 Tsu-wa-loo-kee  
 Charles Peter  
 Money Cryer  
 Moses Daniel  
 William L. Holt  
 James McDaniel  
 David Sanders  
 Ooyakee  
 Catcher  
 Weelookur  
 Oo ya-la-ca tle  
 Te-sau you-hee  
 Robert Muskrat  
 Thomas Mannon  
 George Bramer Tanaée  
 Fonomee Ahtoheskee

*Resolved by the Committee and Council and people in General Council assembled, That Messrs. John Ross, Richard Taylor, Samuel Gunter, Edward Gunter, James Brown, Elijah Hicks, Sitiwagy, and White Path, be and they are hereby authorized and fully empowered, on the part of the Cherokee Nation, to make and enter into any and all such arrangements with Major General Winfield Scott, on the part of the United States, which they may deem necessary and proper for effecting the entire removal of the Cherokee people from the east to the west of the Mississippi river; and also to enter into such further arrangements with the commanding general, in relation to the payment of such sums of money by the United States, as may be necessary for the removal and subsistence of all the Cherokee people. And they are hereby further authorized and empowered to make any such selections of persons, as they may deem necessary, to aid and assist in the said removal of the Cherokees to the western country.*

AQUOHEE CAMP, July 26, 1838.

Richard Taylor, *President Na-  
 tional Committee.*  
 James Wofford  
 John F. Baldrige  
 Samuel Gunter  
 George Hicks  
 Thomas Foreman  
 Old Fields  
 Hair Conrad

George Still  
 James Hawkins  
 Nahoolah  
 Choonoohusky  
 Elijah Hicks  
 William Procter  
 Katoosatihu  
 Stephen Foreman,  
*Clerk Nat'l Committee.*

Going Snake, *Speaker National Council.*

James Spear  
John Watts  
Smallback  
Wahachee  
The Bark  
Money Crier  
Oolenowea  
Bean-Stick  
John Otterlifter

Welukah  
Kalachu  
'Tuff  
Oosanale  
Chulasky  
Lying Fish

Approved.

John Keys  
White Path  
Charles  
Chuwalooky  
John Wayne  
Siliwakee  
Peter  
Sweet Water  
Taquah  
Rackoon  
Jesse Bushyhead.

*Clerk National Council.*

Ned  
Michael Bridgemaker  
Ooqualooky  
Tanac  
Toonowec  
Ooyalagatte

*In behalf of all the people.*

JOHN ROSS, *Principal Chief.*  
GEORGE LOWRY, *Assist't Prin. Chief.*  
LEWIS ROSS,  
EDWARD GUNTER,  
*Executive Council.*

Whereas, the General Council of the Cherokee Nation did, on the 26th day of July, by a special resolution, authorize the undersigned to enter into, in behalf of the nation, such arrangements with Major General Winfield Scott as were deemed necessary and proper, to place in the hands of the Cherokees the entire control and management of their emigration west of the Mississippi: and whereas, the said arrangements having been entered into and the whole management of the emigration committed to the undersigned, and it being extremely desirable that there may be no delay in the preparatory arrangements for removal, and in order to expedite the completion of the same; therefore, it is by this committee, in behalf of the nation, determined that John Ross be, and he is hereby, fully authorized and empowered to make such requisitions for money, as from time to time he may deem necessary for the Cherokee emigration, upon such officers of the United States Government as may have the control of funds for this service, and to receive for the same for the Cherokee Nation.

CHEROKEE AGENCY, *August 1, 1838.*

RICHARD TAYLOR,  
SAMUEL GUNTER,  
EDWARD GUNTER,  
JAMES BROWN,  
ELIJAH HICKS,  
SITIWAKEE,  
WHITE PATH.



Whereas, the title of the Cherokee people to their lands is the most ancient, pure, and absolute, known to man ; its date is beyond the reach of human record ; its validity confirmed and illustrated by possession and enjoyment, antecedent to all pretence of claim by any other portion of the human race :

And whereas, the free consent of the Cherokee people is indispensable to a valid transfer of the Cherokee title ; and whereas, the said Cherokee people have, neither by themselves nor their representatives, given such consent ; it follows, that the original title and ownership of said lands still rest in the Cherokee Nation, unimpaired and absolute :

*Resolved, therefore, by the Committee and Council and People of the Cherokee Nation in General Council assembled,* That the whole Cherokee territory, as described in the 1st article of the treaty of 1819 between the United States and the Cherokee Nation, and, also, in the constitution of the Cherokee Nation, still remains the rightful and undoubted property of the said Cherokee Nation ; and that all damages and losses, direct or indirect, resulting from the enforcement of the alleged stipulations of the pretended treaty of New Echota, are, in justice and equity, chargeable to the account of the United States.

And whereas, the Cherokee people have existed as a distinct national community, in the possession and exercise of the appropriate and essential attributes of sovereignty, for a period extending into antiquity beyond the dates and records and memory of man :

And whereas, these attributes, with the rights and franchises which they involve, have never been relinquished by the Cherokee people ; but are now in full force and virtue :

And whereas, the natural, political, and moral relations subsisting among the citizens of the Cherokee Nation, toward each other and towards the body politic, cannot, in reason and justice, be dissolved by the expulsion of the nation from its own territory by the power of the United States Government :

*Resolved, therefore, by the National Committee and Council and People of the Cherokee Nation in General Council assembled,* That the inherent sovereignty of the Cherokee Nation, together with the constitution, laws, and usages, of the same, are, and, by the authority aforesaid, are hereby declared to be, in full force and virtue, and shall continue so to be in perpetuity, subject to such modifications as the general welfare may render expedient.

*Resolved, further,* That the Cherokee people, in consenting to an investigation of their individual claims, and receiving payment upon them, and for their improvements, do not intend that it shall be so construed as yielding or giving their sanction or approval to the pretended treaty of 1835 ; nor as compromising, in any manner, their just claim against the United States hereafter, for a full and satisfactory indemnification for their country and for all individual losses and injuries.

*Be it further resolved,* That the principal chief be, and he is hereby, authorized to select and appoint such persons as he may deem necessary and suitable, for the purpose of collecting and registering all individual claims against the United States, with the proofs, and to report to him their proceedings as they progress.

RICHARD TAYLOR,

*President of the National Committee.*

GOING SNAKE,

*Speaker of the Council.*

Captain Broom,  
Toonowee,  
Katetah,  
Ooyakee,  
Richard Foreman,  
Samuel Foreman,

William,  
Howester,  
Beaber Carrier,  
Samuel Christy,  
Kotauasker.

Signed by a committee in behalf of the whole people.

AQUOHEE CAMP, August 1, 1838.

ILLINOIS, April 23, 1839.

SIR: From the many complaints which are daily made to me by Cherokees, who have recently been removed into this country, of their sufferings from the want of being properly subsisted with provisions, I am constrained to address you this hasty letter. It is reported that, apart from the scantiness of the ration allowed under the contract, made on the part of the United States Government, with Glasgow & Harrison, many inconveniences have been experienced by the Cherokee people, from the irregularity of proceedings on the part of those employed for carrying out the contract. It has also been stated, that the contractors were only required to furnish "one pound of fresh beef, three half-pints of corn, and four quarts of salt to every 100 lbs. of beef; or, if they (the contractors) choose, they might furnish, in lieu of the beef, three-fourths lb. salt pork or bacon, provided the Indians will receive it." The beef being poor, and not considered wholesome at this season of the year, the Cherokees have generally objected to and refused receiving it; and have insisted on being furnished with pork or bacon in lieu of the beef; but it seems that the contractors do not choose, and have refused to comply with the demand, saying that they were only bound to furnish beef ration. Yet, they would commute the ration, by paying in money one dollar per month for the same. Thus the Cherokees are placed in a situation, by compulsion, to accept either the beef or the money offered, or to go unsupplied altogether. Here I must beg leave to remark, that, previous to the removal of the Cherokees from the east to the west, the subject of providing subsistence for them, after arrival in this country, was fully discussed with Major General Scott, who communicated with the War Department in reference to it; and we were afterward informed by that distinguished officer, that the honorable Secretary of War had decided that the Cherokees should, at least for a time, be subsisted with provisions in kind, until they could amply provide for themselves, and then such an arrangement as would be most satisfactory to them should be made with them through Captain Collins. Now, sir, it is evident from the exorbitant prices of meat and breadstuffs in this country, that the Cherokees, who have thus been forced to receive commutation in money from the contractors, at the rate stated, will soon be found in a starving condition, instead of being provided with *subsistence, as was anticipated and promised them.*

If the articles of agreement entered into with the contractors are to be construed so as to leave it wholly optional with them whether to furnish salt pork or bacon in lieu of beef, then it is obvious that there was no practical advantage for the interest of the Cherokees, to have inserted any clause in that instrument in regard to salt pork or bacon; for its effect has only

been, and will continue to mislead the minds of the people; and how it can be reconciled with the obligations imposed by the contract, for the contractors to adopt the mode of commuting the subsistence rations they have engaged to furnish the Cherokees with, and that, too, at a rate fixed by themselves, is a mystery which the Cherokees cannot understand; for it is not pretended that such a right or discretion has ever been given to them by the contract with the agents of the United States Government for subsisting the Cherokees; nor can the sacred principles of justice sanction such a course under existing circumstances. Confiding, however, in the fair intentions of the Government towards them on this subject, the Cherokees still believe that the honorable Secretary of War will, when deemed expedient, commute their rations, at a rate at least equal to any sum fully ample to purchase provisions with for their comfortable subsistence; and that no sum less will be offered than that which others would engage to supply the same for. I beg leave, herewith, to lay before you copies of sundry letters which I have just received from several leading men on behalf of the Cherokees on this very unpleasant subject. And, in conclusion, will further remark, that the health and existence of the whole Cherokee people, who have recently been removed to this distant country, demand a speedy remedy for the inconveniences and evils complained of; and unless a change of the quantity and the kind of rations, as well as of the mode of issuing the same, be made, from that which has heretofore been granted and observed, the Cherokees must inevitably suffer; therefore, to avoid hunger and starvation, they are reduced to the necessity of calling upon you and other officers, as the proper representatives of the United States Government, in this matter, to take such measures as will ensure the subsistence of the Cherokees who have recently been removed here, with ample and wholesome provisions, until such other arrangements, as may be most satisfactory to them, can be made for subsisting themselves, &c.

When every thing in reference to the late removal of the Cherokee Nation from the east to the west is considered and seen that it has been consummated through the military authority of the United States Government, I trust you will pardon me for addressing this communication to you; especially, when you are assured that the Cherokee people have been taught to expect that justice and protection would be extended to them, through the commanding general in this hemisphere.

Permit me to introduce to your friendly acquaintance Mr. Richard Taylor, one of the conductors of the late emigration, and, for many years past, high in the councils and confidence of the Cherokee Nation.

I have the honor to be, sir, very respectfully, your obedient humble servant,

JOHN ROSS,

*Principal Chief, and Sup. Agt. Cher. removal.*

Brig. Gen. M. ARBUCKLE,

*U. S. Army, commanding.*

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CAMP ILLINOIS, C. N., April 25, 1839.

SIR: From information which cannot be questioned, we are to have an attack on us to-morrow night. Situaga, the chief of the Mountain Indians, is at the head of the party. I wish, if possible, to have two or three com-

panies, or all the dragoons, by 3 o'clock to morrow evening. This is no false alarm. The leader in the attack has cautioned a friend in my camp to withdraw.

I have the honor to be, very respectfully, your obedient servant,  
M. C. M. HAMMOND,

*Lieut., commanding.*

Brig. Ge ARBUCKLE, *Fort Gibson.*

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, April 26, 1839.*

SIRS: I herewith enclose the copy of a communication from Lieutenant Hammond, commanding camp on Illinois, which, if true, you must regret as much as myself, as I am confident it is not the wish of the Cherokee people generally to make war against the United States. I therefore request that you will take such steps immediately as will put a check to the disorderly people of your nation.

In haste, I am, gentlemen, respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq., and others,  
*Principal chiefs of the Cherokee Nation.*

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FORT GIBSON, *April 26, 1839.*

DEAR SIR: I have barely time to write you a line by the express. If there is any foundation for such reports, the situation of the frontier will be hazardous. For myself, I consider it a matter of feeling originating between a small portion of your people and the whites.

General Arbuckle has written you, and I hope you will use your usual exertions to give quiet. I shall be here for some days, and would be glad to see you.

In haste, yours,

WM. ARMSTRONG,

*Acting Superintendent, W. T.*

JOHN ROSS, Esq.,  
*Principal chief of the Cherokees.*

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, April 29, 1839.*

SIR: You will receive this from the hand of Captain McCall, who is directed to proceed to camp on Illinois, to ascertain the facts, as far as possible, in relation to the late disturbances at that post, and I should be well pleased (if convenience will permit) to have you accompany him for that purpose; if you cannot, it will materially aid him if you will send with him some one or more principal men of the Cherokee Nation to that quarter.



For your information I enclose you the copy of a statement made to Captain Trenor, by an Indian countryman, at camp on Illinois, which embraces materially all the information I have received in relation to the late anticipated disturbances in that quarter.

I am, sir, very respectfully, your obedient servant.

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,

*Principal chief of the emigrant Cherokees.*

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FORT GIBSON, *May 3, 1839.*

SIR: In obedience to your orders of the 29th instant, to proceed to Camp Illinois, and obtain, as far as possible, all information in relation to the reports of Indian hostilities in that quarter, I rode to the residence of John Ross, Esq., and delivered your letter requesting him to accompany me on that duty. At Mr. Ross's house I found many of the principal men of the party recently arrived in this country; and Mr. Ross informed me they had had the subject in conversation that morning, and were desirous that the matter should be thoroughly investigated for the satisfaction of all concerned. He, at the same time, told me the object of the meeting was the settlement of the accounts of the conductors of detachments of the late emigrants, the payment of claims, &c.; and that, in the event of his leaving home at that moment, the meeting must be adjourned, which would lead to considerable inconvenience to a great number of the Cherokees. He regretted that this state of things would prevent his accompanying me in person agreeably to your request; but he immediately selected Judge Adair and Mr. Stephen Foreman for that service. And here I would beg leave to remark that I found them to be men of intelligence and extensive information, who evinced throughout our joint proceedings every disposition to sift the matter to the last, and ascertain the facts in relation to the affair in question.

We mounted our horses, and proceeded that night to Tinners. The following morning we moved on to the house of Mr. Bushyhead, from whom it was expected we would gain a clew to further investigation. Mr. B., however, had gone to Cane Hill; and we passed on to Camp Illinois. Here I requested Lieutenant Hammond, the commanding officer, to send for the individual who had advised him of intended hostilities on the part of the Cherokees.

In compliance with this request, a Cherokee, named John Mosely, residing in the vicinity of Camp Illinois, was brought into the presence of Mr. Foreman, Judge Adair, Lieutenant Hammond, and myself. He said his information had been communicated for the purpose of preventing hostilities, and he requested that his name might not be mentioned, except to yourself and Mr. Ross, until a regular and formal investigation could be had; as he was well aware that Nicholson (one of the individuals implicated) would shoot him as soon as he knew he had informed against him. The amount of Mosely's information was this: that, about three or four weeks since, John Nicholson, a Cherokee, had stopped all night at his house—had spoken much of the situation of the Cherokees in this country, and had declared himself in favor of the suppression of the sale of whiskey; that,

about two weeks since (as near as he can recollect), J. Nicholson again came to his (Mosely's) house in company with two men whose names, he said, were John Smith and David Webber (Cherokees). Mosely said he had never seen John Smith, and did not know him personally; but that he had seen David Webber once, about four years ago, and thinks it was the person he now saw.

These three Cherokees spoke to Mosely of the condition of their people; said they were oppressed, and had lost their liberty; that they could not stand it any longer, as there was now a country to which they could retreat; that it was the duty of every brave man and patriot to take up arms against the whites; that the troops at Camp Illinois were the same that shot some of their people in the mountains of Carolina; and that, by overpowering them, they would get a supply of arms and ammunition with which to begin the war. They then produced a paper which, they said, contained the signatures of many Cherokees who had bound themselves to attack Camp Illinois whenever the proper arrangements could be made, and asked him to join them.

Mosely cannot read, and only knows what they told him. Mosely told them he would take time to consider it, and so put them off. They left him, and went in the direction of Baettre's prairie; he supposed they were going to Ridges' settlement. Mosely says that, during the above conversation, Nicholson was the principal speaker, and that the three occasionally spoke among themselves in Cherokee. In contradiction to this statement, I will mention what was told me by Judge Adair. Adair, sometime since, bought the improvements of Widow Webber, who was married in March last to John Smith abovenamed; that Smith and D. Webber, who is the son of the widow Webber (now Mrs. Smith), were staying at his (Adair's) house for two or three weeks previous to the 20th of April last; that D. Webber left there on the 20th with a drove of cattle for Smith's place, which is not far from John Ross's; that Smith and his wife left there on the 22d in a wagon for the same place; that, during the time Smith was staying at his (Adair's) house, Adair does not believe he was absent more than one day when he went to the lines with his wife.

On our return from Camp Illinois, we again called at Bushyhead's, but he had not returned.

And the foregoing statement of Mosely's contains all the information I had deemed worthy of notice, except that we learned that a white man, who is married to a Cherokee, and named Quentine, having put into the hands of Crittenden (a Cherokee) some whiskey to be sold, the whiskey was taken by order of Lieutenant Hammond, and destroyed; in consequence of which (it is supposed) Quentine said he could raise one hundred Cherokees; and that, with that number, he could take the fort. Quentine, however, is represented to be a man without influence.

On my return, I again called on Mr. Ross, who desired me to say that he would write to you as soon as practicable on the subject.

It may not be amiss to remark that, on my journey, I observed the Cherokees were very generally employed in building houses, clearing and fencing land, and planting.

I also learned that two associations have been entered into by individual Cherokees for the suppression of the sale of whiskey. One was held at Bushyhead's about the first of last week, at which Thomas Foreman, the brother of Stephen Foreman, presided, and the resolutions were adopted by

about one hundred signers. The other was held at Judge Adair's, a few days afterward, at which Mr. Gunter presided. Judge Adair was the secretary of the meeting, and showed me the original proceedings, to which there were sixty-two signatures. The spirit of the resolutions adopted at both places was to this effect: that all whiskey brought into the nation by Cherokees should be destroyed, and the offenders punished; that if whiskey should be brought in by a white man, it should be taken from him, and the fact reported to the commanding officer of the nearest military post. A company of light horse was organized, consisting of a captain lieutenant, and twenty men, whose duty it was to carry these resolutions into effect, and the signers bound themselves to render all assistance in their power.

I have the honor to be, very respectfully, sir, your most obedient servant,  
 GEO. A. McCALL,  
*Captain 4th Infantry.*

General M. ARBUCKLE,  
*Commanding, &c., Fort Gibson.*

True copy.

S. G. SIMMONS, A. D. C.  
*and A. A. Adj't Gen., 2d Dept., W. Division.*

PARK HILL, CHEROKEE NATION, *May 4, 1839.*

DEAR SIR: Your deputation appointed to accompany Captain McCall to Camp Illinois on the 4th ultimo, for the purpose of investigating a certain report relative to the hostile movements of certain Cherokees, make the following report: Agreeably to your instructions, we accompanied Captain McCall to Camp Illinois. On our way, we called on J. Nicholson, one of the individuals said to be connected with John Smith and David Webber in procuring the names of Cherokees for the purpose of aiding them in attacking the fort. J. Nicholson denied, in the most positive terms, having any thing to do with such matters, or knowing any thing about them. He also stated that he had not even seen Smith and Webber for some time previous.

From Nicholson's, according to instructions, we went to Mr. J. Bushyhead's; but not finding him at home, we proceeded on to the fort. When we arrived, we found that Captain McCall had sent for Mr. Mosely, the certain Indian countryman who, it seems, was the author of this war report. But for some cause, not known to us, Mr. Mosely did not make his appearance until the morning following our arrival. We questioned him relative to the statements made in the report to General Arbuckle, and found that his verbal statements to us agreed in every respect to that made in the written report. He stated, however, that he was not personally acquainted with Smith, but was told by some person present that one of the men was John Smith. Mosely's wife was at the fort the evening we arrived. She said she had not seen Smith at all. It is rather mysterious that Mosely does not wish to have his name known in this affair.

How much dependance is to be placed on his statements, others will have to decide; from all accounts, he is a man of a bad character. In

conclusion, we are happy to state that we discovered nothing but marks of peace and quietness in that section of country.

W. S. ADAIR,  
STEPHEN FOREMAN.

JOHN ROSS, Esq.

PARK HILL, *May 4, 1839.*

SIR: I had the honor to receive your favor of April 29th, by Captain McCall, communicating a report of hostile movements on the part of certain Cherokees, made to Captain Trenor by an Indian countryman.

It would have given me great pleasure to accompany Captain McCall to the camp, agreeably to your wish, but the pressure of indispensable business, connected with the emigration, rendered it impracticable. Two citizens, however, of standing and intelligence, were appointed to that service.

From the result of their inquiries, it appears that the evidence on which the reports are based, is still involved in an unpleasant obscurity. Since the report of April 25th, from the officer commanding at Camp Illinois, the ground of alarm has been changed. The attack from Sitewakee and the mountain Indians, apprehended "*from information which cannot be questioned,*" is not noticed, or only mentioned incidentally; but other reports are assigned as good cause to apprehend an attack from another quarter.

The state in which the matter now stands, is quite an embarrassing one—the names of individuals are privately handed about as projectors of hostility, and their reputation injured, without the opportunity to defend themselves, while their accusers are, by an injunction of secrecy, to some extent imposed on the investigators, screened from responsibility; and the United States service under your command, and the Cherokee people, are both exposed to serious injury from the covert practices of wicked and designing men. On the whole, I cannot but think it due to the Cherokees, that a full and impartial investigation should be had. I have the honor, therefore, to request that you will cause John Mosely and the other informants to be forthwith brought before yourself, as the commanding general and the superintendent of Indian affairs, for examination. Most of the persons accused have long been residents in this country, but steps will be taken to have them summoned to appear, at such time as the investigation may take place.

I have the honor to be, most respectfully, sir, your obedient servant,  
JOHN ROSS, *Principal Chief.*

Brig. Gen. ARBUCKLE,  
*United States Army, commanding.*

P. S.—I have herewith enclosed you a copy of the report made by the Cherokee deputation who accompanied Captain McCall to Camp Illinois.

ILLINOIS, *April 28, 1839.*

SIR: When I had the honor of a personal interview with you on the 26th instant, at headquarters, on the subject of your communication of that date, relative to Lieutenant Hammond's report of the 25th, to General



Arbuckle, I informed you and the general, that although I was fully satisfied in my own mind of the incorrectness and absurdity of the tale, yet I had deemed it due to propriety and justice to despatch Captain Old Fields forthwith to Camp Illinois and its vicinity, for the purpose of ascertaining as far as practicable the facts upon which it was based. I have now the satisfaction of informing you that Captain Old Fields returned on last evening, and has brought me a letter from the Reverend Evan Jones, who, being at Mr. Jesse Busbyhead's house, had been requested by me to accompany Captain Old Fields to Camp Illinois, to see the officer in command of that post concerning the report. Mr. Jones states, that Captain Old Fields and self reached Camp Illinois in the night of the 26th, and on inquiry of Lieutenant Hammond, commanding, was informed that an individual (whose name he, the lieutenant, thought it best to withhold for the present) had reported that he met Sitewakee somewhere in the vicinity; that Sitewakee advised him to withdraw from the fort, and to try by some means to get the commanding officer to withdraw also, for, that an attack on the camp was to be made on the night of the 26th. The reporter said that Sitewakee spoke but very little English, and it was with great difficulty that he made the foregoing communication. Mr. Jones adds, in contradiction to this report: "I stated that on Wednesday I found Sitewakee at your house, and stayed there with him that night, and left him there on Thursday evening; which rendered it certain that the report was a mistake, or a corrupt fabrication." And that the lieutenant said he learned, through the same informant, that certain individuals, whose names he thought it best not to publish at present, were forming a hostile band, and that they were getting their names subscribed to a paper containing a declaration of their designs, and binding them to faithfulness. The lieutenant further remarked, that much hostile feeling was doubtless excited by the insufficiency in quantity and quality of the rations issued to them at the depots; also, that "it was understood the mountain Indians had determined on the road to this country to revenge on the soldiers the death of their friends and relations who were shot in North Carolina. Moreover, he had heard by some means, that a hostile council was now in session." Captain Old Fields assures me that he found the Cherokees all quiet and ignorant of the evil report in question, and that he believes the report to be a base fabrication, gotten up by some evil-disposed person for effect.

Under all the circumstances of the case, I believe it to be due to truth and justice, and the welfare of the Cherokees, that this matter should be fully investigated, to prevent, as far as practicable, evil-disposed persons from producing mischief; and I trust you will cause it to be done, as it is painful to the feelings of every honest and peaceable man of any community, to labor under wrong suspicions of perfidy and wickedness.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. ROSS.

Captain WILLIAM ARMSTRONG,  
*Superintendent of Indian Affairs.*

MAY 4, 1839.

P. S.—Before I had an opportunity to forward the foregoing, Captain McCall brought from General Arbuckle, the copy of a report made to Captain Trenor by a John Mesely, in consequence of which, a committee was appointed to proceed with Captain McCall to Camp Illinois to investigate

the several reports. The report of that committee has just been received, and I enclose a copy by this conveyance to General Arbuckle, with a request that Mosely and the other informants be forthwith brought before him and yourself for examination. I also beg leave to call your attention to that report, and to urge the importance of a speedy compliance with that request, as the means of allaying unnecessary excitement.

I have the honor to be, sir, very respectfully, your obedient servant,  
JNO. ROSS.

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, May 15, 1839.*

DEAR SIR: From your remarks to me a few days since at this post, in relation to Mosely, who had charged John Smith, and others, with having made an attempt to raise a party of Cherokees to attack the troops at Camp Illinois, and perceiving by your letter to me on that subject, that you had not promised to summons the accuser of Smith, and others (a fact that escaped my attention when I last wrote you), I therefore send instructions to Lieut. Hammond, to summons the accuser, and to send Mosely to this post; and in the event of his arrival here, intended to notify you of the circumstance, that the party accused might be required to attend.

Lieut. Hammond informs me that Mosely is the only accuser, and that he has fled for Georgia (as he is informed): therefore, it will not be necessary that you should give yourself any further trouble in relation to this matter at present.

I am, sir, with much respect, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,

*Principal Chief of the Cherokee emigrants, Illinois.*

P. S. I have received your letter of the 14th instant, with a copy of one to you of the 13th from Mr. John R. Nicholson, who, I must believe, is totally deceived in relation to it being the intention of a company of volunteers to enter the Cherokee Nation with the object of apprehending him and others; and although I apprehend nothing of this kind, I will, by the present mail, and otherwise, take measures to prevent any such circumstance from taking place; but I repeat that I apprehend nothing of the kind.

M. A.

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An Indian countryman, who wishes his name concealed, made to Captain Trenor, 1st dragoons, in the presence of other officers of the army, the following report:

That John Smith, David Webber, and Nicholson, called on him, and requested him to put his name to a paper, containing already the names of a great many, for the purpose of redressing some wrongs; among other things, stating that they were debarred from whiskey, and that the time was come for making a commencement of hostility somewhere; that the little fort was the first place for it, as they could easily overpower the troops

there, and obtain an abundance of ammunition. Webber and Smith were the spokesmen of the party. They mentioned the death of three Indians, killed in the old country (mountains of Carolina), and swore to have satisfaction. That the death of the Indians was caused by Lieut. Hammond. Captain Trenor's informant thinks a Mr. Quentine (white) is attempting to rouse the Indians, and says that he can raise one hundred Indians, and take the fort (Camp Illinois); that he had been badly treated, and would be revenged.

E. TRENOR,  
*Captain, commanding.*

True copy.

S. G. SIMMONS, A. D. C.  
*and A. A. Adj. Gen., 2d Dept., W. Division.*

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, May 8, 1839.*

DEAR SIR: I am very thankful to you for your letter of the 4th instant, and the report accompanying it; and as you remarked, "it is but due to the Cherokees that a full and impartial investigation should be had," in which I fully concur, and I would therefore be much gratified to have the parties concerned (the accusers and the accused) assembled at this post at any time between the 15th and 20th of this month, as best suits your convenience.

I had hoped to receive before this, a communication from you in relation to the two negro men claimed by Colonel Wellbourne, of Alabama, and now in the possession of the late Catharine Vaught.

The Government may already think me inattentive to this matter, and I am therefore desirous of hearing from you in relation to it at an early period.

I am, sir, with great respect, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,  
*Principal Chief of the emigrant Cherokees, Illinois.*

P. S. You will herewith receive a copy of Captain McCall's report.

M. A.

FORT GIBSON, *May 16, 1839.*

DEAR SIR: I wrote to you yesterday by mail, and addressed the letter to Park Hill post office, in which I informed you that Mosely had fled, and therefore that Smith and others would not be expected to attend at this post, and that there is no probability of a company of volunteers (from Arkansas) being sent into the Cherokee Nation in haste.

I am, dear sir, with much respect, your obedient servant,

M. ARBUCKLE.

JOHN ROSS, Esq., *Illinois.*

**FRIENDS:** Through the mysterious dispensations of Providence, we have been permitted to meet in general council on the border of the great plains of the West. Although many of us have, for a series of years past, been separated, yet we have not and cannot lose sight of the fact, that we are all of the household of the Cherokee family, and of one blood. We have already met, shook hands, and conversed together. In recognising and embracing each other as countrymen, friends, and relations; let us kindle our social fire, and take measures for cementing our reunion as a nation, by establishing the basis for a government suited to the condition and wants of the whole people, whereby wholesome laws may be enacted and administered for the security and protection of property, life, and other sacred rights, of the community. Our meeting, on this occasion, is full of interest, and is of peculiar importance to the welfare of our people. I trust, therefore, that harmony and good understanding will continue to prevail, and that the questions which may come up for consideration will be maturely weighed previous to a final decision.

**Friends:** On the 8th of December, 1836, I had the satisfaction, with other delegates who were associated with me, of meeting our Western brethren in council, held at Toluntusky, and submitting before them the proceedings of the Cherokee Nation east, in general council held at Red Clay on the 28th September, 1836, and of receiving the unanimous approval of the council of the western Cherokees to the same; and also of being associated with a delegation appointed by them for the purpose of co operating and uniting with us in a joint effort to negotiate a treaty with the United States, for the best interests of the whole Cherokee people. The joint proceedings of these delegations, and the result of the mission, have been fully made known to you. Since that period, the eastern Cherokees have done no act to compromit or detract from any of the sentiments expressed in relation to those matters. But after the seizure and captivity of the whole Cherokee people east, by the military power of the United States Government, a set of resolutions was adopted in general council expressive of their sentiments, and reaffirming all their previous acts in relation to the rights and interests of the nation. From these facts, it will be clearly seen that the great body of the people who have recently been removed into this country, emigrated in their national character, with all the attributes, from time immemorial, which belonged to them as a distinct community, and which they have never surrendered; and, although being compelled by the strong arm of power to come here, yet, in doing so, they have not trespassed or infringed upon any of the rights and privileges of those who were here previous to themselves; because it is evident, from the facts of the case, that the rights and privileges of the people are equal. Notwithstanding the late emigrants removed in their national capacity, and constitute a large majority, yet there is no intention nor desire on the part of their representatives to propose or require any thing but what may be strictly equitable and just, and satisfactory to the people. Being persuaded that these feelings will be fully reciprocated, I trust that the subject-matter of this council will be referred to the respective representatives of the eastern and western people; and that, in their joint deliberations, we may speedily come to some satisfactory conclusion for the permanent reunion and welfare of our nation. Without referring in detail to our acknowledged treaties, and other documentary facts to show, I will conclude by remarking that there are great interests of a public and private character yet to be adjusted with the Gov-



ernment of the United States, and which can only be secured by a just and amicable course on the part of our nation. The injuries and losses sustained by the nation from the whites, in violation of treaty stipulations, holds a strong claim on the justice of the people and Government of the United States, which it is to be hoped will, in the end, be remunerated. The tenure of the soil on which we now stand, and the relations which shall hereafter exist between our nation and the United States, are questions of the first magnitude, and necessary to be understood and clearly defined by a general compact, for the security and protection of the permanent welfare and happiness of our nation. Let us never forget this self-evident truth—that a house divided against itself, cannot stand; or, “united we stand—divided we fall.”

JOHN ROSS.

JUNE 10, 1839.

ТАКАТТОКАН, June 11, 1839.

The national council is unable to act understandingly upon the propositions of our brother emigrants from the eastern Cherokee Nation. The subject seems to have been too ambiguously presented by them to be understood what their views and real wishes are. The national council respectfully request that the chiefs would ask Messrs. Ross and Lowry to state, in writing, what they really wish and desire, and to give them in in as plain and simple a manner as possible, in order that no misconception can be had upon the subject. After which, the council will act upon it according to your request, and, if possible, to the satisfaction of our brothers.

A. M. VANN,  
President National Council.  
WM. THORNTON, Clerk.

Messrs. JOHN BROWN,  
JOHN LOONEY, and  
JOHN ROGERS,  
Chiefs Cherokee Nation.

We hand this to Messrs. Ross and Lowry, and hope the request of the council will be complied with as soon as convenient.

JOHN BROWN,  
JOHN LOONEY,  
JOHN ROGERS,  
Chiefs Cherokee nation.

COUNCIL GROUND, June 13, 1839.

GENTLEMEN: From the note which you sent us, it appears that you have been requested to ask us, to state in writing what *we really wish and desire*.

We take pleasure to state distinctly, that we *desire* to see the eastern and western Cherokees become *reunited, and again live as one people*. And our sincere wish is, that this desirable and important object may be harmoniously accomplished, to the satisfaction and permanent welfare of the whole Cherokee people.

The representatives of the eastern Cherokees have this day had this important subject under consideration, and have adopted a set of resolutions

in reference to it, based upon the strictest rules of equity and justice, which we take pleasure in laying before you, with the hope that it may also be adopted by the representatives of the western Cherokees.

We are, gentlemen, your obedient servants,

JOHN ROSS,  
GEORGE LOWRY,

*Chiefs of the eastern Cherokees.*

Messrs. JOHN BROWN, JOHN LOONEY, and JOHN ROGERS,

*Chiefs of the western Cherokees.*

TAKATTOKAH, June 13, 1839.

Whereas, the people of the Cherokee Nation east, having been captured and ejected from the land of their fathers by the strong arm of the military power of the United States Government, and forced to remove west of the river Mississippi :

And, whereas, previous to the commencement of the emigration, measures were adopted in general council of the whole nation, on the 21st of July, and August 1st, 1838, wherein the sentiments, rights, and interests, of the Cherokee people were fully expressed and asserted; and, whereas, under those proceedings the removal took place, and the late emigrants arrived in this country and settled among those of their brethren (who had previously emigrated), on lands which had been exchanged for with the United States, by the Cherokee Nation, for lands east of the river Mississippi; and, whereas, the reunion of the people, and the adoption of a code of laws for their future Government are essential to the peace and welfare of the whole nation; and, it being agreed upon, that the eastern and western Cherokees henceforward be united as a body politic, and shall establish a government west of the river Mississippi, to be designated the Cherokee Nation; therefore,

*Resolved, by the Committee and Council of the eastern and western Cherokees, in General Council assembled,* That three of the chiefs of the eastern and western Cherokees each, to wit: John Ross, George Lowry, and Edward Gunter, on the part of the eastern Cherokees, and John Brown, John Looney, and John Rogers, on the part of the western Cherokees, are hereby authorized and required to associate with themselves three other persons, to be selected by them from their respective council or committee, and who shall form a select joint committee, for the purpose of revising and drafting a code of laws for the government of the Cherokee Nation, and that they be and hereby are required to lay the same before the general council of the nation to be held at Takattokah on the — day of — 1839; and which, when approved, shall be immediately submitted to the people for their acceptance.

*Be it further resolved,* That the respective laws and authorities of the eastern and western Cherokees shall continue to be exercised and enforced among themselves until repealed, and the new government which may be adopted, shall be organized and take effect, and that in all matters touching the public interest of the nation with the Government of the United States and the Indian nations, the chiefs and representatives of the nation shall act understandingly and jointly in reference to the same, as well also,

in the passage of any new laws which may be adopted in council after this date affecting the rights, interests, and welfare of the people.

*Members of the Committee.*

Richard Taylor, <i>President Nat. Com.</i>	James Hawkins
Daniel McCoy	Old Field
Hair Conrad	Chu-noo-las-kee
Thomas Foreman	William Procter
George Still	George Hicks
Richard Fields	Nah-hoo-tah
G. W. Gunter	J. D. Wofford

*Members of the Council.*

Going Snake, <i>Speaker</i>	Charles
Sit-u-wa-kee	John Keyes
Soft Shelled Turtle	John Otterlifter
Bean Stick	Small Back
Tah-quoh	Bark
John Watts	Young Squirrel
James Spears	Hunter Langley
Money Crier	Walter Downing
Walking Stick	Peter
Te-nah-lay-we-stah	

TAKATTOKAH, June 14, 1839.

GENTLEMEN: The national council has taken up your propositions of June 13, 1839, and given them due consideration. You state that your wishes are to unite the people. As to that matter, it is believed by the national council that the two people have already been united. Our chiefs have met their brother emigrants, and made them welcome in the country; they are, thereby, made partakers of all the existing laws in the country, enjoy all its benefits; and are, in every respect, the same as ourselves. Since our chiefs have made them welcome, they have come to the chiefs and taken them by the hand, and expressed great satisfaction with the manner in which they have been received. This is sufficient to justify the belief that the people are, in general, very well satisfied; consequently, the national council cannot justify the course of keeping up the uniting question, merely to protract a debate, when the uniting of the people has already been fully and satisfactorily accomplished.

As it respects your wishes for your original laws, created beyond the Mississippi, to be brought here, brought to life, and to have full force in this nation, it is believed by the national council that such an admission is, and would be, entirely repugnant to the government and laws of the Cherokee Nation, which would thereby create great dissatisfaction among the people. To admit two distinct laws or governments in the same country, and for the government of the same people, is something never known to be admitted in any country, or even asked for by any people.

A. M. VANN,  
*President National Council.*  
WILLIAM THORNTON, *Clerk.*

Messrs. Ross and Lowry will please receive this as an answer to their propositions.

Respectfully, yours,

JOHN BROWN,  
JOHN LOONEY,  
JOHN ROGERS,

*Chiefs of the Cherokee Nation.*

Messrs. JOHN ROSS and  
GEORGE LOWRY.

*To the Committee and Council of the Eastern Cherokees :*

COUNCIL GROUND, June 15, 1839.

GENTLEMEN : Your proceedings of the 13th instant have been submitted before our western brethren, as will be seen from the accompanying copy of a letter which we addressed to them; and the result of their deliberations on the subject will be found in the copy of a letter received from them, bearing date the 14th instant, herewith annexed.

You will no doubt feel the regret and surprise that we do, in relation to the singular views entertained and expressed by the signers of this letter.

We deem it our duty to lay before you, at this time, the joint resolutions which were adopted by you, and approved by the people east of the Mississippi on the 21st July and 1st August, 1838; and you, who are the immediate representatives of the people, and as guardians of their rights, understanding their interests, and knowing their sentiments, it is your bounden duty to obey their will when clearly and publicly expressed by themselves; therefore, should we fail in our representative capacity to come to any satisfactory or definite understanding with those who represent our western brethren, in the adoption of measures for reuniting the people under some provisional arrangements for the establishing a new government, it will become your duty to consult the feelings and sentiments of the people, and to take steps for ascertaining their *will* in reference to this important subject.

Respectfully submitted.

JOHN ROSS,  
GEORGE LOWRY.

Messrs. RD. TAYLOR, *President Committee, and*  
GOING SNAKE, *Speaker of Council.*

COUNCIL GROUND, July 19, 1839.

The national committee and council of the eastern Cherokees having had under consideration the communication from those of the western Cherokees, cannot but express their regret at the course pursued by their western brethren, as well as the views entertained by them on a question so important and so indispensable to the welfare of the great Cherokee family as the reunion of the two nations.

To the assertion made in that communication, that "*it is believed by the national council that the two people have already been united,*" we are compelled to refuse our assent.



That the ancient integrity of the eastern nation should be dissolved, and her existence annihilated without discussion, without conditions, and without action of any kind, is utterly inconceivable; and the rejection by the representatives of our western brethren, of the reasonable proposition to unite the two nations on the basis of the strictest rules of justice and equality, is an act equally unlooked-for and surprising. Therefore,

*Resolved*, That the declarations of the general council of the nation, at Aquohee Camp, on the first day of August, 1838, in reference to attributes of sovereignty, derived from our fathers, be, and they are hereby, reasserted and confirmed.

*Resolved*, That the proceedings of the committee and council be forthwith laid before the people, that their sense may be had upon the subject.

RICHARD TAYLOR,

*President National Committee.*

Concurred in.

GOING SNAKE,

*Speaker National Council.*

Approved.

JOHN ROSS,

GEORGE LOWRY.

Whereas, a general council of the eastern and western Cherokees has been convened, and is now in session, for the purpose of effecting a reunion of the two branches of the Cherokee family, and of taking preliminary measures for the establishment of a new government:

And whereas, the proceedings of the representative branches of the council have been laid before us that our sense might be had on the subject: therefore,

*Resolved by us, the people of the eastern and western Cherokees*, That we regret to learn, from these proceedings, that our representatives have not succeeded in effecting the great objects for which this general council was convened; therefore,

*Resolved further*, That we deem it essential to the welfare and happiness of the community that the desired union be speedily formed, and a system of government matured and established applicable to our present condition, and providing equally for the peace and security of the whole people; therefore,

*Resolved*, That a general council of the people of the eastern and western Cherokees be called to meet in national council at Illinois Camp-ground, on Monday the 31st day of July, 1839: that general notice be given for their attendance, and that the chiefs and the members of their respective councils be required to attend also to aid in carrying their important objects into effect.

Signed on behalf of the people, June 20, 1839.

GEORGE GUESS,

*Presiding on behalf of the western Cherokees.*

CAPTAIN BUSHYHEAD,

*Presiding on behalf of the eastern Cherokees.*

STEPHEN FOREMAN, *Clerk.*

TAKATTOKAH COUNCIL GROUND,  
June 21, 1839.

SIR: We deem it our duty to address you on this occasion, for the purpose of communicating the result of this general council. You are aware that the objects for which it was convened were to effect a union of the eastern and western Cherokees, and to take measures for remodelling their government and laws so as to meet the exigencies of both branches of the Cherokee family, and to provide equally for the tranquillity and permanent welfare of the whole people. But we regret to say that the reasonable propositions submitted to the consideration of the representatives of our western brethren have not been received by them in a manner compatible with the wishes of the whole people. They require the unconditional submission of the whole body of the people, who have lately arrived, to laws and regulations, in the making of which they have had no voice. The attempt of a small minority to enforce their will over a great majority contrary to their wishes appears to us to be a course so repugnant to reason and propriety, that it cannot fail to disturb the peace of the community, and to operate injuriously to the best interests of the nation. We are not without hopes, however, that every thing will yet be amicably settled. The sense of the people, who form a branch of this general council, has been expressed on the subject. They deem it essential to the welfare of the nation that the desired union should be formed, and equal and wholesome laws established, by which the general prosperity and happiness of the country may be promoted; and to carry their wishes into effect, they have called a national convention of the eastern and western Cherokees, to meet at Illinois Campground, on Monday, July 1, 1839.

Under these circumstances, we feel it due to the interests of the late emigrants, as well as to all concerned, to request, through your official authority, that no disbursements of moneys due to those whom we represent, nor any other business of a public character affecting their rights, be made or transacted by the agent of the Government with any other Cherokee authority than the undersigned, until a reunion of the people shall be effected.

We have the honor to be, sir, very respectfully your friends and brothers,

JOHN ROSS, *Principal Chief.*

RICHARD TAYLOR,

*President National Committee.*

Geo. W. Gunter

Thos. Foreman

Hair Conrad

Geo. Hicks

William Procter

James Hawkins

Governor M. STOKES,

*United States Agent.*

Jas. D. Wofford

George Still

Old Field

Nah-hoolah

Chu-noo lu has kee

Culsattehee.

PARK HILL, June 22, 1839.

DEAR SIR: It has become my painful duty to report to you that I have just heard that Elias Boudinot is killed. Upon receiving intelligence of this unhappy occurrence, I immediately requested my brother-in-law, John

G. Ross, who, accompanied by Mr. Lenoir and others, repaired to the place for the purpose of ascertaining the facts with the view of reporting the same to you. They have returned with a message from Mrs. Boudinot confirming the report, with the advice from her for me to leave home for safety; saying, that Stand Watie had determined on raising a company of men for the purpose of coming forthwith to take my life. Why I am thus to be murdered without guilt of any crime I cannot conceive. Therefore, with all due respect, in order that justice may be done, I trust that you will deem it expedient forthwith to interpose and prevent the effusion of innocent blood, by exercising your authority, in order that an unbiased investigation might be had in the matter.

Very respectfully, I have the honor to be, sir, your obedient humble servant,

JNO. ROSS.

Gen. ARBUCKLE.

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HEADQUARTERS, 2d DEPT., W. DIVISION,  
*Port Gibson, June 23, 1839.*

DEAR SIR: I received your letter of the 22d late last evening, and, independent of your express, sent your nephew to you advising you to retire to this post immediately, provided you did not feel yourself secure at your residence. I greatly regret the murder of Mr. Boudinot, and fear that the report of John Ridge having been killed is also true; and, if so, there is great danger of a civil war being commenced in your nation. With very little delay I have, therefore, sent an express to the chiefs, John Brown, John Looney, and John Rogers, requesting them to repair to this post with the least delay possible; and I judge they may be here by Tuesday next, when it is hoped some arrangements can be made by them, in conjunction with yourself and other principal men of the late emigrants, to put a stop to further acts of outrage and violence. Be so good as to let me hear from you by the return of the express.

And believe me, dear sir, with great respect, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,  
*Principal Chief of the emigrant Cherokees, Illinois.*

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PARK HILL, *June 23, 1839.*

DEAR SIR: I have the honor to acknowledge the receipt of your despatch of this date, by Lieutenant Porter. Your kind advice, through my nephew, to retire to that post, provided I did not feel secure at my residence, was thankfully received; but the propriety of my remaining at home having been determined previously to the arrival of my nephew, I remain yet in that course, believing it more secure here than in attempting to go to the fort, as there is at this time a party of armed men in this immediate neighborhood, who, by message this day received, hold me accountable for the murder of Boudinot, and are still gathering their forces, for what purpose I know not, unless it be for an attack upon my residence.

A portion of my friends have assembled at my house for the purpose of acting alone on the defensive, in case of an attack, and I would therefore again suggest the propriety of your interposition by sending some of the troops up without delay, to prevent any further difficulty.

I will again repeat that I exceedingly regret the disaster that has happened; and if the report of the death of Ridge be true, I assure you that no one will regret the circumstance more than myself. With regard to the meeting of the chiefs, mentioned in your letter, for the purpose of preventing further acts of violence, it meets my entire approbation; and, unless prevented by some providential occurrence, it will afford me pleasure to be present at the time proposed, hoping that some satisfactory arrangement may be made to secure the peace and tranquillity of the people.

Very respectfully, I have the honor to be, sir, your obedient servant,  
JOHN ROSS.

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, June 24, 1839.*

DEAR SIR: A number of the friends of Messrs. Ridge and Boudinot are here. I have advised them of your desire to have a full investigation of the late murders committed in your nation. This, they declare, is all they desire; and they have requested me to say to you that they expect that you will take immediate measures to have the murderers apprehended and brought to trial, agreeably to the laws of the Cherckee Nation. Justice to you requires that I should state to you that they have informed me that they have heard that some of the murderers are now at your house. If this is the case, I must believe that you are not apprized of the fact; and if, on inquiry, the report made to me on this subject is correct, the troops sent out will take charge of them if turned over, and convey them in safety to this post. I hope you will avail yourself of the opportunity of the command to visit this post, as I expect the chiefs named to you in my letter of the 23d ultimo will be here this evening or early to-morrow morning.

I am, sir, with much respect, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,  
*Principal Chief of the Emigrant Cherokees, Illinois.*

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PARK HILL, *June 24, 1839.*

DEAR SIR: Since my communication to you of yesterday's date, by Lieutenant Porter, an additional number of my friends have assembled at this place for the purpose of preventing or repelling an attack upon me, as was reasonably anticipated from the violent threats of personal revenge. I have explained to them fully the contents of your despatch relative to the proposed meeting at Fort Gibson on to-morrow and the nature of my reply to you. They have, after a consultation among themselves, concluded that it is not advisable for me to proceed to Fort Gibson without a sufficient escort of armed men to ensure safety, and have determined, as I am now



informed, that in consequence of the present position of things that I shall be so accompanied. I have, therefore, deemed it proper to apprize you of this fact, and also to assure you that no improper feelings on the part of our people towards the Government or its officers prompts the course they have determined upon, and sincerely hope, with this explanation, that no prejudicial motive will be attributed to such a movement. And I would respectfully suggest, inasmuch as I shall be under the necessity of attending the proposed meeting at Fort Gibson, accompanied by my friends in this manner, whether it would not be more advisable that you request the chiefs and those whom you have requested to attend, to proceed hither, accompanied by yourself or such of your officers as you may designate, and let the proposed consultation be held here. This, it seems to me, would be calculated to give a more general satisfaction and perhaps lead to a more speedy adjustment of any question involving a difference of opinion or feeling among the Cherokee people. A convention of the people will also take place, by a general notification which has been given, on this day week, within a few miles of this place for the purpose of effecting a peaceable and brotherly reunion between the former citizens of this country and the late emigrants from the east. In the late unhappy causes which have thrown the country into excitement, there is no question involved which should produce difficulty or alienation of feeling between the late emigrants and the old citizens of this nation; and, as there is a probability that no definite and conclusive arrangement will be arrived at previous to the general meeting I have referred to, I submit these things for your consideration. If you still think it best to attend at Fort Gibson on to-morrow I will do so, trusting there will be no excitement or feeling produced by the course my friends have determined upon. I shall not move however until your answer is received. If you desire any further information in relation to the subject of this communication, I would respectfully refer you to Messrs. Charles Coodey, Stephen Foreman, and Wm. S. Coodey. They have been deputed to visit you for the purpose, if necessary, of conversing more fully upon this and any other matter upon which you may wish to be informed.

I have the honor to be, dear sir, very respectfully, your obedient, humble servant,

JOHN ROSS.

Brevet Brigadier General M. ARBUCKLE,  
*Headquarters U. S. Army, commanding Fort Gibson.*

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PARK HILL, CHEROKEE NATION, *June 24, 1839.*

DEAR SIR: A few hours since, I despatched a communication to you by Messrs. Coodey and Foreman, who, meeting with Major Lear and his escort, returned with them.

In reply to your communication by Major Lear, offering the safety of a conveyance to Fort Gibson, it may, perhaps, be necessary for me to repeat again that circumstances will not allow me to accept of the kindness of your offer: my reasons will appear more fully from the communication I had already despatched before Major Lear's arrival, and which will be handed you by the gentlemen abovenamed.

If any of the persons charged with the late murders are here, they are not known to me, nor have they been reported to me; and, from the threats

which have been made against me personally, I do not know but that I am looked upon as one myself.

Very respectfully, your obedient, humble servant,

JOHN ROSS,

Brevet Brigadier General M. ARBUCKLE,  
*Headquarters, U. S. A., commanding Fort Gibson.*

CHEROKEE AGENCY, BAYOU MENARD, *June 25, 1839.*

FRIENDS AND BROTHERS: I have received your report from the late Cherokee council, dated 21st instant.

I am exceedingly mortified and distressed at the late transactions in the nation, tending to disturb the peace and tranquillity of the Cherokee people, and most sincerely wish that these violent measures had not been resorted to, because I fear they are not to end now.

With respect to the moneys due for the Cherokee annuities, there has none come on; and, if it should, I shall not feel myself authorized to make a distribution, in the present state of affairs, without express instructions from the War Department.

I am, very respectfully, your friend and brother,

M. STOKES,

*Agent for Cherokee Nation.*

JOHN ROSS, and other CHIEFS and HEADMEN  
Of the Cherokee emigrants.

FORT GIBSON, *June 29, 1839.*

GENTLEMEN: We have the pleasure of enclosing, herewith, a communication to you from the chiefs of the Cherokee Nation, which we hope will be acceptable to you and your people who have arrived here of late from the east; as a compliance with the proposition now made to the late emigrants will, at an early period, enable them to enjoy a full participation in the government of the Cherokee Nation, when such alterations in that government can be made as will secure justice to the whole nation.

If the proposition now made to you by the old settlers is rejected, we can scarcely doubt that serious difficulties and misfortunes will happen to the Cherokee people at an early period, which we hope you will cordially assist us to prevent. We have done all we could with the chiefs and others here to induce them to make the accompanying proposition to you, which we hope and believe you ought to accept, and that you should, without delay, take measures to prevent the further effusion of Cherokee blood. A report was received here yesterday that a party of Cherokees are now ranging through the country about Honey creek, with the object of killing three Cherokees; two of them for former political offences, and the other, as it is supposed, for an offence of a personal nature.

We believe that two governments cannot exist in the Cherokee Nation without producing a civil war, and are of the opinion that the government that existed before the arrival of the late emigrants should continue until it is changed in a regular and peaceable manner. We hope that you will take the proposition of the chiefs into consideration, and make an early decision,

as some of the chiefs and others will remain here until they know the result.

We are, gentlemen, with much respect, your obedient servants,  
M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*  
M. STOKES,  
*Agent for Cherokees.*

JOHN ROSS, Esq., and other CHIEFS,  
OR PRINCIPAL MEN, of the late emigrant Cherokees.

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FORT GIBSON, June 28, 1839.

FRIENDS AND BROTHERS: We, the undersigned, principal chiefs of the Cherokee Nation, having been invited to this post by General Arbuckle, the commandant of the United States troops in this quarter, to take into consideration matters of the greatest importance to the peace and prosperity of our nation. We have met here in accordance with that invitation.

We have received information that three of our people, or three Cherokees who had been received as citizens of our nation, have been killed; and, it is believed, by some of the late emigrants. This has caused us much sorrow and distress. And we learn, further, that other Cherokees are threatened with death wholly or principally for their political acts. This is not all we have to complain of, as it would appear from a communication made by John Ross and other principal men of the late emigrants to General Stokes, Cherokee agent, under date of the 21st June instant, that the late emigrants have called what they denominate a convention of the Cherokee Nation, on Monday, the 1st day of July next, to establish a government for the Cherokee Nation, without the least notice having been given to the undersigned. It must be apparent to Mr. John Ross, and to those who have called this meeting, that these proceedings are altogether irregular; and we feel ourselves bound to protest against all acts that may be passed by the said nominal convention of the Cherokee Nation, that may have the effect to impair the free and undisturbed authority of said nation as it existed and was in force before the arrival of the late emigrants, all of whom have been received as friends and as citizens of the present Cherokee Nation, and allowed fully to participate and enjoy all the privileges and benefits thereby secured to the Cherokee people. It was believed that this kind and just treatment on our part would have been received in the spirit in which it was offered; and that, if our present form of government was not altogether satisfactory to our brethren late from the east, they would, at an early period, have an opportunity of having a full share in that government, when the desired changes might be made.

The undersigned wish nothing but peace and friendship from their brothers late from the east; but, as it appears they are not satisfied, and that mischief has already taken place, the undersigned, in the hope and wish to spare the further shedding of Cherokee blood, will agree to meet their eastern brethren upon the following terms:

That no individual of the Cherokee Nation shall be killed hereafter for their former political acts or opinions; that a convention of the Cherokee Nation shall be held at Fort Gibson, in which both parties shall be equally

represented; and that the said convention shall have power to remodel the government for the Cherokee Nation.

The undersigned do not wish to dictate, or arbitrarily to determine, the number of which this proposed convention shall consist; but they believe that sixteen men from each party, of good understanding and approved character, would be a sufficient number to form a convention calculated to harmonize and reunite the whole Cherokee people; and that they have power to elect a president.

If these propositions are acceded to, it is the sincere belief of the undersigned that it will tend to the re-establishment of peace and confidence in the Cherokee Nation, and greatly promote the happiness and prosperity of the people. If these just and reasonable propositions shall be accepted by our eastern brethren, we shall be much gratified; but if they are disregarded, and an appeal to arms be determined on, however much we may deplore the shedding of more Cherokee blood, and the disasters of such a conflict, we and our friends must meet it, and will meet it, as men unwilling to surrender our own rights, or to invade the rights of others.

If we shall have the good fortune to hear that these propositions, however uncalled for, are accepted by our eastern friends, we further propose, that the convention meet at Fort Gibson, on the twenty fifth day of July next, and proceed to consider and decide upon the important matters confided to them.

The undersigned regard it as a respect due to themselves, and to the Cherokee people, distinctly to state to the principal men of the late emigrants, that they are not insensible of the indignity offered to the Cherokee government and themselves by the late outrages and acts which have been committed in the Cherokee Nation by the late emigrants, and could not, for any other motive than that given, have thought of making a further concession to them, which they do not conceive they are in justice entitled to.

JOHN BROWN,

JOHN LOONEY, his x mark.

JOHN ROGERS,

JOHN SMITH, his x mark.

*Executive Council.*

Witnesses:

M. STOKES, *Agent for Cherokees.*

S. G. SIMMONS, *1st Lieut. 7th Infantry.*

JOHN ROSS, Esq.,

And other chiefs or principal men of the emigrant Cherokees.

PARK HILL, *June 30, 1839.*

GENTLEMEN: Yours, with the accompanying communication, by Captain McCall, has been duly received, and is under serious consideration.

We perfectly coincide with your judgment that two governments cannot, and ought not, to exist in the Cherokee Nation any longer than arrangements can be made for uniting the two communities; and, in conformity with these views, we have used our best endeavors to bring about this desirable event, in a manner which might be satisfactory to all parties, and by which all rights might be provided for, and the peace and well-being of the Cherokees permanently secured.



We have claimed no jurisdiction over our western brethren, nor can we, consistently with the responsibilities with which our constituents have invested us, recognise their jurisdiction over us. We claim to stand on equal ground; we ask for no concessions, nor for any admissions which would be humiliating in the slightest degree. We have no wish to trample on their laws, nor to disregard their rights. And, as proof that we entertained no such disposition, we have not availed ourselves of the advantage of superior numbers in our intercourse with them.

When they refused to mingle councils with us, for free conversation on our affairs, and requested that our wishes might be reduced to writing, we offered to meet them on equal ground. But our just and reasonable overtures were unconditionally rejected by them, and our communication treated with contempt. We have no disposition, however, to stand upon punctilios; but what are we to understand by the propositions now made (and even these, rigorous as they are, it appears, are yielded with reluctance, through your influence and at your instance)? Is it required that the late emigrants relinquish all their rights, and appear before the western chiefs in the attitude of suppliants? If such be their wish, and we know not how otherwise to construe their words, we are compelled to say that we do not believe our brethren, *the western people*, have the least desire to reduce us to so abject a condition. Indeed, they have expressed their sentiments; and, in the exercise of their inalienable and indefeasible rights, have appointed a national convention for Monday, July 1, 1839: and, for ourselves, we are unable to perceive any irregularity in their proceedings; they formed an integral branch of the late general council. Their acts are perfectly legitimate, and we cannot assume the responsibility of protesting against them, or of declaring them invalid.

It appears to us that the western chiefs, in their communication, blend questions which, in their nature, are altogether separate and distinct, and, in so doing, have fallen into glaring inconsistencies. While the eastern Cherokees are denied recognition in the character of a political community, and their representatives are by the western chiefs stripped of their official relations to the people, it would seem somewhat out of character to lay on the shoulders of these *private individuals* the burden of controlling the ebullition of public feeling, and stopping the effusion of Cherokee blood. Regardless, however, of this inconsistency, we feel forward to use our influence and to exert our utmost efforts to stay the hand of violence, and to restore tranquillity with the least possible delay.

We have thought it proper to say this much in advance, by Captain McCall, the subject being still under serious consideration. Entertaining the hope that all excitement may be allayed, and a satisfactory accommodation speedily effected,

We have the honor to be, gentlemen, your obedient servants,

JOHN ROSS,  
GEORGE LOWRY,  
EDWARD GUNTER,  
LEWIS ROSS,

*On behalf of the eastern Cherokees.*

Brig. Gen. M. ARBUCKLE,  
*United States Army, and*  
His Excellency Gov. M. STOKES,  
*United States Agent.*

P. S. Of the report of a party of Cherokees "ranging through the country, at Honey creek, with the object of killing three Cherokees," we have heard nothing, except what is contained in your letter. But we beg you to be assured that no pains, on our part, shall be spared to put a stop to all such proceedings.

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PARK HILL, *June 30, 1839.*

FRIENDS AND BROTHERS: We acknowledge the receipt of your communication of the 28th instant, enclosed from General Arbuckle; its contents are under consideration, and will shortly be acted upon.

The invitation to come up, conveyed to you by a committee, consisting of Jesse Bushyhead, Daniel McCoy, Bark, and Samuel Downing, accompanied by Aaron Price and others of the old settlers, we had hoped would have been accepted; and our hope was, and still is, that amicable and judicious councils may terminate our difficulties, and bring about arrangements which may be satisfactory to the whole Cherokee people.

Very respectfully, your friends and brothers,

JNO. ROSS,  
 GEORGE LOWRY,  
 LEWIS ROSS,  
 and others.

To the CHIEFS of the *Western Cherokees.*

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, July 1, 1839.*

GENTLEMEN: I have received your communication of the 30th ult., in reply to one addressed to you by your agent and myself, under date of the 29th ult., and I very much regret that there should be the least difference of opinion between us, and that the late propositions of the chiefs of the established government of the Cherokees in this country appear to be substantially rejected; as I believe their acceptance would at once have quieted the minds of the Cherokee people, and secured, at an early period, all the eastern Cherokees desire, and I do not believe any other plan can be taken to effect this object. And I can assure you, gentlemen, that I would not regard it proper to offer my opinion to you on this subject, except with the object of restoring harmony and peace between the Cherokee people; as I am fully apprized that I would not otherwise be justified in interfering with the concerns of the Cherokee people.

I have not communicated to the chiefs and others here, your communication (referred to), as I judged it best that they should await the arrival of a communication Captain McCall informed them they would receive to-day. I have taken a copy of the documents sent to me by Mr. Ross, and, if it meets his approbation, (of which I wish to be informed by the return of the bearer), I will transmit them to the Government of the United States, or such of them as relate to the present difficulties in your nation.

I am, gentlemen, with great respect, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

P. S.—There is reason to believe, should the eastern Cherokees accept the main propositions of the chiefs of the old settlers, that there will be no difficulty in inducing them to meet the western Cherokees at the national council ground.

P. S.—Mr. William Coodey received from me, to day, the documents referred to, with the object of returning them to Mr. Ross.

M. A.

JOHN ROSS,  
GEORGE LOWRY,  
EDWARD GUNTER, and  
LEWIS ROSS, Esqs.,

*Acting in behalf of the eastern Cherokees.*

PARK HILL, CHEROKEE NATION,  
*June 30, 1839.*

DEAR SIR: You have no doubt, ere this, been informed of the excitement which pervades this section of country, produced from the unfortunate circumstance of the two Ridges and Boudinot being killed, and the violent threats of revenge made by some of their friends against the lives of innocent persons. To prevent the shedding of innocent blood, a number of the well disposed people have been compelled to assemble with arms in hand, for the sole purpose of acting on the defensive, and repelling any lawless attack that might be made upon the lives of peaceable and unoffending individuals. Since then, several of the persons who had determined on revenge, in the way stated, have gone to Fort Gibson, as they say, for protection. General Arbuckle, previous to this, had invited the chiefs of the western Cherokees, as I was advised, with the view that they, in conjunction with myself and other chiefs of the late emigrants, might take steps to prevent further acts of violence. It having been determined on the part of my friends, that it would be more proper, under existing circumstances, for the chiefs to meet and confer on this important matter at this place, where a large number of the people were assembled, unless the General should still desire myself to meet them at Fort Gibson, and to approve of all who would wish to accompany me, to go also. The General and Governor Stokes, with the chiefs, were therefore invited to meet us here; but the invitation has not been noticed, but a written correspondence opened, embracing matters properly vested in the people alone to determine, and not within the province of any chiefs to settle and enforce by themselves. At a late general council held at Takatukah by the joint appointment of the chiefs of the eastern and western Cherokees, for the purpose of forming a reunion of the people, and taking preliminary measures for remodelling their government and laws upon principles of equity and justice, to ensure the peace and happiness of the nation, the representatives of the people having failed to effect the desired object, the people therefore took the matter into their own hands, and appointed a national convention to meet at the Illinois campground, near to this place, on Monday the 1st July, 1839, where they are now assembling under that good feeling which encourages the strongest hope that every cause of difficulty will be removed, and that the Cherokees once more will become united, and enjoy the blessings of peace and prosperity.

Hoping that it may be practicable for you to visit us at this convention on the present important crisis of Cherokee affairs, I have despatched an express with this special invitation from your Cherokee friends, for you to come and shake them by the hand, and to see that peace and tranquillity are restored on a permanent basis among them. You will be pleased to say to our Choctaw and Chickasaw friends not to apprehend that any serious consequences will result from the late excitement in this country, but to remain at ease and not to listen to bad reports; that all will soon be well.

Very respectfully, your friend and obedient servant,

JOHN ROSS,  
*in behalf of the Cherokees.*

Maj. WILLIAM ARMSTRONG,  
*Superintendent Indian Affairs.*

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ILLINOIS CAMPGROUND,  
*In General Council, July 2, 1839.*

DEAR SIR: Your communication of yesterday has been received, and laid before the general council.

With regard to transmitting to the department copies of the documents referred to, I would respectfully say, that the subjects to which they relate being still under consideration, and undecided upon, it is believed that no good to the Cherokees could result from their being transmitted to the department pending their discussion.

They were sent to you merely for your own satisfaction, in your intercourse with the western chiefs, in accordance with your request for that purpose.

I have the honor to be, sir, your obedient humble servant,

JOHN ROSS.

Brevet Brig. Gen. M. ARBUCKLE, *U. S. Army.*

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FORT GIBSON, *July 2, 1839.*

DEAR SIR: I arrived at this post this morning on board the steamer Trident. Business of a public nature made it necessary for me to go to Little Rock, otherwise I should have had the pleasure of seeing you at the late Cherokee council. While at Little Rock, reports of a very exaggerated character reached that place in relation to murders, &c., among the Cherokees. With no other desire but that of endeavoring to reconcile the Cherokees—and to aid in this desirable object induces me to write you these few lines—having the pleasure of an acquaintance with you is the reason why I do so individually. Understanding that the Cherokees, or a portion of them, are now in council, permit me to request that you delay further action, in order that, what are termed the old emigrants, have an opportunity of participating with you; it strikes me as the only way to reconcile all parties—indeed, without it, nothing like adjustment can take place.

I have not conversed with Major Brown and others of his friends who are here, but believing that nothing can be done, but what is done by both parties, induces me to write you so hastily. I am aware that it is a difficult and delicate point, but the object is one every way connected with the future welfare and destiny of the Cherokees; but I hope you will receive



this communication in the spirit of kind feeling as it is conceived. I am but partially informed of the communications that have passed between the two parties: any suggestion as to time, place, or, indeed, anything to effect a reconciliation, I would be happy to undertake. I hope to hear from you by the return express.

Yours, respectfully,

WM. ARMSTRONG,  
*Acting Superintendent, W. T.*

JOHN ROSS, Esq.

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ILLINOIS CAMPGROUND, C. N., July 2, 1839.

DEAR SIR: Your letter of this day's date has just been handed me by your express, and I hasten to reply by the same. Yesterday, I despatched you a communication in relation to the subject upon which you write, and as the bearer has missed you on your way up, I enclose herewith a copy. I regret the excitement which, at this time, prevails among the people of this country, and feel solicitous that it may be speedily allayed, by the adoption of such a course of measures as will not merely tend to restore quiet, but the peace and harmony of this nation may be so clearly and firmly established, that further danger, from similar causes, may no longer exist. A large number of the Cherokee people are now assembled at this place; and this number composed of both old and late emigrants. This meeting was called for a laudable purpose, and not, as misrepresentation may have given out, to trample upon or abuse the rights and interest of another portion of the Cherokees. The old settlers, jointly with the late emigrants, have invited the chiefs of the old settlers to attend this meeting, and their refusal to do so we cannot but regret. We, however, still hope they will attend, and that the happy result of an amicable adjustment of all matters will follow. The subject requires but to be met in the spirit of friendship and brotherly feeling, to insure its settlement. What course the people, now assembled, will finally determine on, I am not prepared to say; but, inasmuch as the meeting was called by the people I cannot adjourn them. It will afford them much satisfaction to be visited by you, and, perhaps, your influence might be happily exercised by inducing the chiefs, now at Fort Gibson, to come up and unite in the object for which we are assembled. It is not such a question, nor does the circumstances connected with it justify the opinion, that its final adjustment can be affected by a protracted discussion through the medium of express carriers. I hope the propriety of this meeting will be appreciated, and that with its termination all excited feelings will end.

Very respectfully, sir, your obedient servant,

JOHN ROSS.

WM. ARMSTRONG,  
*Acting Superintendent, W. T.*

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ILLINOIS CAMPGROUND, July 2, 1839.

BROTHERS: We look on you as being at the head of our affairs, and we wish you to assist us in adjusting the difficulties with the late emigrants. We flatter ourselves that, if you were here with us, the matter could at once be settled in a friendly and satisfactory way.

Our wish is, in the first place, to adopt measures effectually to prevent the further effusion of Cherokee blood; and, in the second place, to effect a union, on just and reasonable conditions, between the old settlers and the late emigrants; and, in the third place, to lay the foundation for a code of laws by which every man shall be fully protected in the peaceable enjoyment of all his rights and privileges. We, the old settlers, are here in council with the late emigrants, and we want you to come up without delay, that we may talk matters over like friends and brothers. These people are here in great multitudes, and they are perfectly friendly towards us. They have said, over and over again, that they will be glad to see you, and we have full confidence that they will receive you with all friendship. There is no drinking here to disturb the peace, though there are upward of two thousand people on the ground.

We send you these few lines as friends, and we want you to come on without delay, and bring as many of the old settlers as are with you; and we have no doubt but we can have all things amicably and satisfactorily settled.

We are your friends and brothers,

GEO. GUESS, his x mark.  
TOBACCO WILL, his x mark.  
DAVID MELTON,  
LOONEY PRICE,

*In behalf of the old settlers.*

JOHN BROWN, JOHN LOONEY, and

JOHN ROGERS, *Chiefs of western Cherokees.*

ILLINOIS CAMPGROUND, July 5, 1839.

FRIENDS AND BROTHERS: In behalf of ourselves and the people of the eastern and western Cherokees, now in national convention at this place, we affectionately and respectfully invite you, together with the balance of our brethren, to repair to this place without delay, for the purpose of co-operating with us in promoting the peace, tranquillity, and the future prosperity and happiness of *our common country*. In doing this, we are actuated by the kindest feelings, and we hope it will be received in the same spirit; we wish nothing but what is strictly equitable and just between man and man; and we flatter ourselves with the belief that *those desirable objects* can be accomplished, by your coming and co-operating with us.

Very respectfully, your friends and brothers,

JOHN ROSS,  
*Principal Chief of the eastern Cherokees.*

GEORGE LOWRY,  
GEORGE GUESS,  
*Presidents of the Convention.*

*Committee.*

John Drew  
David Melton  
Tobacco Will  
R. Taylor

Going Snake  
Kalsatchee  
Edward Gunter  
Moses Daniel

Looney Price  
George Hicks  
Charles Coodey  
Young Wolf  
Hair Conrad

Archibald Campbell  
George Brewer  
John Benge  
Moses Parris.

S. FOREMAN, *Secretary.*

JOHN BROWN, JOHN LOONEY, and JOHN ROGERS,  
*Chiefs of the western Cherokees.*

FORT GIBSON, *July 6, 1839.*

FRIENDS AND BROTHERS: We received your communication of yesterday, inviting us to meet you in a convention *you have called*, that is now in session. We feel the greatest desire to see unity and harmony prevail with all classes of our Cherokee brethren. To effect this desired object, we proposed to you, in our communication of the 28th ult., to meet you on the 25th of July at this place, in order to adjust all difficulties. When we did so we felt that we were acting with at least doubtful authority; but we believed we had time to consult our *people*, and that our proposition would have met their approbation; of this we entertain no doubt. We regretted very much not to have been favored with an answer to this distinct proposition.

We assure you that nothing would give us more pleasure than to meet our brethren, that our differences might be amicably settled; but we conscientiously entertain the opinion that we cannot do so without consulting our people. Acting under this conviction of our own minds, as well as a proper regard for those whom we represent, we have deemed it expedient and proper to call a council of our people, and such others as choose to attend, on the 22d of July, at the old council-house at the mouth of the Illinois, when your communication will be laid before the people, with every thing likely to produce a good understanding between the Cherokees.

We wish no delay in our meeting beyond a proper time for preparation, and due notice being given our people. We reciprocate the sentiment expressed in your communication—that we wish nothing but justice between man and man; and we fondly cherish the hope that we may all be united as one family.

In the meantime, *we affectionately* call upon our eastern Cherokees to stop the further effusion of Cherokee blood, and to abstain from any further acts calculated to disturb the peace and security of the Cherokee people, until all matters shall be adjusted by a regularly constituted body of Cherokees, which we hope will be consummated without the least delay after the proposed council.

We are, gentlemen, with great respect, your obedient servants,  
JOHN BROWN,  
JOHN LOONEY, his x mark.  
JOHN ROGERS.

JOHN ROSS, *Principal Chief*  
*of the eastern Cherokees, and others.*

FORT GIBSON, *July 7, 1839.*

Lieutenant Robinson will inform Mr. John Ross, that Star and others, Cherokees that had claimed protection at this post, left it yesterday evening, with the object of returning home, where they propose collecting a few of their friends, for the purpose of securing themselves from violence, without the slightest intention of doing injury to any one.

M. A.

A true copy.

FAY ROBINSON,  
*1st Lieut., 1st Dragoons.*

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, July 8, 1839.*

GENTLEMEN: I forwarded to you yesterday, a communication from the chiefs of the Cherokee Nation, or of the old settlers, in this country, by Lieutenant Robinson, who I requested to inform you that Star and other, Cherokees who had claimed protection at this post, had left it on the evening of the 6th instant, with the object as they informed me, of returning home and collecting some of their friends for the purpose of securing themselves from violence, without the slightest intention of injuring any one, and to remain in that state, until some arrangement is made, which will give to them personal security.

In consequence of my efforts to restore peace to the Cherokee people, not having received from you the attention they merit, I determined to have no further concern with the present difficulties in the Cherokee Nation, unless my duty should imperiously require it; and I much regret that the information I have received does not justify me in remaining longer silent. It having been reported here last evening, that our citizens on the western border of Arkansas, have become alarmed, and are leaving their homes in consequence of the critical state of affairs in the Cherokee Nation, and an armed body of Cherokees having passed into that State, as it is reported, and killed Major Ridge, one of your citizens. This has produced a state of things that you cannot fail to perceive must be of short duration, otherwise the most serious consequences may be apprehended on this frontier; and I regard it a duty to call your serious attention to this subject, and to request that you will without delay adopt such measures as you may judge best calculated to quiet the minds of the Cherokee people. If this is effected, the citizens of Arkansas, who have fled from their homes, will no doubt feel secure in returning to them.

It was also reported here last evening, that it has been determined at your present council, to kill a large number of your people for political and other offences. This report, I hope, is destitute of truth. You are no doubt apprized of the obligations of the Government of the United States to protect the Cherokee Nation from domestic strife and foreign enemies, and you ought not to doubt the fulfilment of these obligations; or that the United States will permit the Cherokees to make an unnecessary war which cannot fail to cause the destruction of many American citizens and their property, without holding them accountable for all expenses and losses occasioned by such war.



Gentlemen, it is believed that it is in your power to restore quiet to this frontier, or to adopt such measures as will inevitably lead to a cruel and destructive war; therefore, it is hoped you will, in your wisdom, adopt such measures as will restore peace to your nation, and give security to the frontier of Arkansas; and should you be so unfortunate as to disappoint my just expectations in this particular, women and children and others, without regard to what party they belong, will receive at this post all the protection the military force here can give them.

I request that you will reply to this communication by the return of the express.

I am, gentlemen, with much respect, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,

*Principal Chief, eastern Cherokees,  
and others, Illinois Campground.*

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IN CONVENTION,  
*Illinois Campground, July 9, 1839.*

SIR: Your communication of yesterday has been received, and its contents carefully noticed. We would also acknowledge the receipt of the communication of the western chiefs by Lieut. Robinson, and the substance of a note, saying that Star and other Cherokees who had claimed protection at the fort, had left for their respective homes, "where they propose collecting some of their friends for the purpose of securing themselves from violence until some arrangement is made to give them personal security."

With regard to the communication from the chiefs, we are constrained to express our regret at their refusal to meet with us at this place, as the present occasion so greatly required it. We further regret that those persons who were at the fort for protection, should have left before they were apprized of the result of the measures which were in progress for the relief of themselves and others. Had they awaited that result, they would, in all probability, have retired to the bosoms of their families and the society of their friends, without apprehension of danger, or the necessity of collecting "friends for the purpose of securing themselves from violence." We are again compelled to express our regret at that portion of your communication which relates to our treatment of our western brethren, and of your interposition in behalf of the Cherokee people. It never has been our wish or desire to neglect or maltreat any of them; nor are we forgetful of the kindness proffered by yourself in order to quieting the excitement existing in the country. We are fully apprized of the relation in which we stand to the General Government, and of the high responsibilities under which you are acting; and we feel assured that, with your co-operation, both tranquillity and perfect safety can be secured to the citizens of the United States and the Cherokee people. It has ever been our wish and desire to cultivate the most friendly feelings towards our white brethren, and towards all others. And every reflecting mind must be irresistibly brought to the conclusion (even if there were not paramount considerations), that the weighty and unsettled business between the Government and the Cherokee people forbids the thought of any thing like hostilities on the part of the Cherokees. We would again repeat, that the citizens of the frontier

have no cause of fear from the Cherokees. Of this fact you can give them the most unqualified assurances.

With regard to the report that it was determined by the council to kill a large number of our people for political and other offences, we can only reply that a more base and false fabrication never was invented. Our undivided attention has been constantly directed to the maturing of measures to stop the shedding of blood instead of laying plans for carnage and death.

With great respect, we have the honor to be, sir, your friends and obedient servants,

GEORGE LOWRY,  
GEORGE GUESS,

*Presidents.*

EDWARD GUNTER, and others.

By order of the convention.

JNO. ROSS.

Brig. Gen. M. ARBUCKLE,  
*U. S. Army, commanding.*

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FORT GIBSON, July 8, 1839.

GENTLEMEN: I am aware that General Arbuckle has written you a communication of this date; and, as I am about setting out for my residence, I avail myself of the opportunity to write you. I regret to inform you that the excitement prevailing among the Cherokees has induced a number of the citizens of Arkansas on the line to leave their homes. I am also fully aware of the calls that are made, and are daily making, upon General Arbuckle to take measures to give security to the people, and allay the present excitement. Under these pressing calls, I have no doubt the General will feel himself constrained to call upon the Governor of Arkansas to protect his frontier: this, itself, with the high excitement prevailing among the Cherokees, would, at least, make it doubtful whether the peace of the frontier might not be further endangered. You, perhaps, have heard that Major Ridge was killed in Arkansas, and that a number of the same party have taken refuge in Arkansas; and, as Major Ridge was killed there, the citizens fear that others may share the same fate who have fled there: this has increased their alarm. I am also informed that the authorities of Arkansas will demand those who killed Major Ridge. You will readily see the delicate situation which you are placed in. The public mind is so highly excited that I really give it as my opinion, that if further blood is shed, the sympathies of the people will become so strong that serious consequences may be the result. Surrounded as the commanding general is by different tribes of red people, who, perhaps, would, to some extent at least, take sides with one or the other of your parties, and intrusted with the peace of the frontier, it is my opinion, that if things do not assume very soon a more pacific appearance, he will, doubtless, as mentioned, call upon the Governor of Arkansas, and, perhaps, Missouri. I give you this as my opinion, from what I see and learn here.

I handed the communication the council gave me for the western chiefs. I assured them that you would receive them cordially, and that I had never seen better order or propriety observed with so large an assemblage as was at your convention; that I saw nothing like excitement, or a desire for difficulties. The chiefs, after consulting among themselves, determined that they had no authority to meet you, but would call a council on the

22d to submit your letter to. I understand they have written upon the subject, which, perhaps, you have received before this. I have been invited to attend the council; if my public engagements will permit, I expect to do so.

My great desire is to see you meet at some place together. I entertain the strongest hope if you could get together your difficulties would be settled. I expect to be at home for some time. If, in the meantime, I can be of any service to my Cherokee friends, it will give me pleasure to come at any time. With this feeling I write you, and to let you know what will *likely take place*.

Should I receive any information about funds, &c., or indeed any thing else which may interest you particularly, I will write you.

Yours, very respectfully,

WM. ARMSTRONG,  
*Superintendent, W. T.*

JOHN ROSS, Esq.,

*Principal Chief eastern Cherokees, and others.*

I forgot to mention to you that I had addressed a communication to the Creek chiefs, requesting them to abstain from any interference in your business.

W. A.

ILLINOIS, July 9, 1839.

DEAR SIR: We received your favor by General Arbuckle's express, and were sorry to hear that excitement had worked itself up to so high a pitch. As no fresh facts had occurred, it is clear that there could be no cause for such a state of feeling.

So far as the action of the Cherokees is concerned, their individual efforts have, from the first, been directed to the maturing of measures for effecting a general pacification: and we are happy, sir, that you are yourself an eye and ear witness to this fact.

With regard to the fears entertained on the frontiers, we can assure you they are altogether unnecessary, so far as the Cherokees are concerned, as measures have been adopted by the general convention which will effectually stop further effusion of blood, and remove all cause for alarm.

We feel grateful for your kind offices, to bring the western chiefs to cooperate with us in this work of peace, and regret exceedingly to find that they have been unsuccessful. Their people, however, have taken the matter in hand, and we have little doubt but all matters in controversy will soon be brought to an amicable close. The course of the convention appears more and more to commend itself to the good sense of the western people.

We accept with gratitude the kind offer of your aid in the adjustment of our difficulties and in our efforts to promote tranquillity.

We take the liberty respectfully to request the favor of you to remove any misapprehensions which may be entertained with regard to the peaceable disposition of the Cherokees. We thank you for having addressed the

Creeks on this subject; and we shall be still further obliged by the same favor in regard to the other neighboring tribes.

With great respect, we have the honor to be, your friends and obedient servants,

GEO LOWRY,  
GEO. GUESS, and others.

By order of the convention.

JOHN ROSS.

Major W<sup>m</sup>. ARMSTRONG,  
*Superintendent Indian Affairs.*

HEADQUARTERS, 2<sup>D</sup> DEPT., W. DIVISION,  
*Fort Gibson, July 10, 1839.*

GENTLEMEN: I have received your communication of yesterday's date, by which I notice that you appear determined to proceed with your present convention, without the Cherokee government (which the late emigrants found here), having appointed a single member thereto. It is the continuance of your convention, as it is now constituted, that gives uneasiness to a considerable portion of the Cherokee people and others, particularly as the representatives or chiefs of the old settlers have offered to meet you in convention at an early period, for the purpose of establishing a new government for the Cherokee Nation.

It is not to be understood, from the above statement of facts, that I desire to interfere with the concerns of the Cherokee people, or that I have any motive whatever except the preservation of peace and good order on this frontier. It is, therefore, of no concern to me what measures the Cherokee people may take to form a new government, provided these objects are ensured.

I am, gentlemen, with much respect, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,  
*Principal chief of the eastern Cherokees.*

IN NATIONAL CONVENTION,  
*Illinois Campground, July 12, 1839.*

SIR: We deem it proper to report further to you, for your information, the proceedings of the national convention in reference to the late excitement.

In order effectually to stop the further effusion of blood, the convention has, by decree, buried all past grievances in oblivion, on the sole condition of the parties giving assurances to maintain the peace in future.

Measures have been taken to inform those persons who claimed protection at the fort of these proceedings, so that the collecting their friends to secure themselves from violence is rendered altogether needless.

These provisions, which are in exact conformity with your wishes as well as with our own, will prove to you our determination to prevent mischief and to promote peace.

We have the honor to be, sir, your friends and obedient, humble servants,

GEORGE LOWRY, *President.*  
GEORGE GUESS, *Vice President.*



Young Wolf  
Edward Gunter  
R. Taylor  
Luney Riley  
George Hicks  
Jesse Bushyhead  
G. W. Gunter  
Thos. Foreman  
James Brown  
Thomas Candy  
Moses Parris  
George Brewer

Riley Keys  
John F. Boot  
Archibald Campbell  
Charles Goard  
Stop  
Ashtolatah  
Small Back  
Crying Bird  
Tobacco Will  
Bark  
John Bengé

ELIJAH HICKS, *Secretary.*

By order of the national convention.

JOHN ROSS.

Brevet Brig. Gen. M. ARBUCKLE,  
*United States Army, commanding.*

IN NATIONAL CONVENTION,  
*Illinois Campground, July 13, 1839.*

SIR: Since our communication of yesterday to yourself, we have been honored with the receipt of yours of the 10th instant, but we had not the satisfaction of seeing the officer through whom it was despatched, nor do we know by whom it was delivered. In justice to ourselves, we beg leave to remark, that it appears you have mistaken the true character of this convention. In order, therefore, that it may be fully understood, we will state, that this convention has been called by the Cherokee people, and not by the chiefs or people of the late emigrants alone. Consequently, the undersigned members have derived their appointment and authority directly from the people, in the exercise of their plenary power, and not this—the limited authority vested in any of the chiefs or other delegated functionary. There certainly exists no just cause for uneasiness on the part of any portion of the Cherokees, much less of others, from the apprehension that the sitting of this convention may produce any interruption of peace and good order in the Cherokee community, or on this frontier. And, having full confidence in the sincerity of your disposition not to interfere with the concerns of the Cherokees, and that your efforts are solely directed to the preservation of peace and good order on this frontier, we take pleasure in saying that we hope, by the acts of this convention, to evince to you, and to the Government and people of the United States, that the Cherokee people fully appreciate the blessings of peace and good order, and that every thing in our power will be done to ensure these desirable objects.

We have the honor to be, sir, very respectfully, your obedient humble servants,

GEORGE LOWRY, *President.*  
GEORGE GUESS, *Vice President.*

Edward Gunton  
R. Taylor  
Luney Riley  
Young Wolf  
Geo. Hicks

Jesse Bushyhead  
G. W. Gunter  
Thos. Foreman  
Jas. Brown  
Thos. Candy

Moses Parris  
 Riley Keys  
 John Benge  
 Geo. Brewer  
 Jno. F. Boot  
 Archibald Campbell  
 Charles Goard

Stop  
 Ahstolatah  
 Small Back  
 Crying Bird  
 Tobacco Will  
 Bark

E. HICKS; *Secretary.*

By order of the convention.

JOHN ROSS.

Brevet Brig. Gen. M. ARBUCKLE,  
*United States Army, commanding.*

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, July 14, 1839.*

GENTLEMEN: I addressed to you a communication under date of the 10th instant, in which I acknowledged the receipt of yours of the 9th. At that time I determined not to reply to a portion of your letter, which is unjust to myself, and, as I believe, uncalled for. That part of your letter to which I refer is in the following words: "We are again constrained to express our regret to that portion of your communication which relates to our western brethren, and your interposition in behalf of the Cherokee people."

It is strange that you should, in your *first* letter to me, say that you are *again* constrained to express your regret; and this is rendered more unaccountable, as I have no recollection of receiving a letter from any of your friends containing such remark. To be assured that there is no cause for regret as relates to my communication, I judge it is only necessary for you again to refer to it; and, as relates to any other matter of regret you may have, if you will be so good as to state the facts on which it is based, I shall have no difficulty in convincing you that my conduct, in every particular, connected with this difficulty between the old and new settlers, is entitled to your thanks.

You advise me of the high responsibility under which I act. I am well apprized of that fact, and hope that all who have public business to transact, will respect the high obligations they are under. And you further remark, that, with my co-operation, both tranquillity and perfect safety can be secured to the citizens of the United States and Cherokee people. I can assure you that it will afford me great pleasure to unite with you in any measure calculated to effect this desirable object, which is not positively unjust to others; but, so long as the Cherokee people are divided into parties, you must perceive that there is little left for me to do, except to request each party to abstain from such measures as are liable to lead to acts of violence.

The military force in this country cannot, and will not be employed in conjunction with either party (in the event of difficulties in the Cherokee nation, which, I assure you, I fear will very soon take place), but will only be employed to preserve peace and prevent the shedding of blood, unless self-defence should render the reverse necessary.

It has been reported to me by several individuals of respectability, that your convention has decreed that the signers of the Ridge treaty shall appear before the convention in eight days; and that the time for their appearing will expire to-morrow, when they are required to confess their sorrow for having signed that treaty, and pledge themselves to live peaceably. In that

event, they are permitted to live, but are not eligible to any office for five years, and not then unless the general council of the Cherokee Nation should so decide ; that, in the event they do not appear before the convention within the time prescribed, they will be regarded outlaws and punished accordingly.

You must be assured, gentlemen, if I am correctly informed—and I have no reason to doubt my information on this point being substantially true—that there is much responsibility connected with such a proceeding, in many ways, and that the peace of the frontier is not secure for a single day, after an attempt is made to destroy those that do not come in ; and I am this day informed that several of the signers of the treaty referred to will not accept the terms you have proposed.

Will you be so good as to give me correct information on this subject by the return of the bearer.

You will herewith receive a letter from the Creek nation, which I was requested to forward to you.

I am, gentlemen, with much respect, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,

*Principal Chief of the E. Cherokees, and others.*

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IN CONVENTION,  
*Illinois Campground, July 15, 1839.*

SIR : We have just been honored with your communication of yesterday, by Lieutenant Freeman. As it has been our constant desire so to act as to promote peace and good feeling, we are not a little mortified to find that our proceedings have been misconstrued. In order, therefore, effectually to remove all misunderstanding, we will do ourselves the honor to wait on you to-morrow, by committee, for that purpose.

We have the honor to be, sir, your obedient humble servants,

GEORGE LOWRY, *President.*

GEORGE GUESS, *Vice President.*

Brevet Brig. Gen. ARBUCKLE,

*United States Army, commanding.*

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HEADQUARTERS, 2<sup>D</sup> DEPT., W. DIVISION,  
*Fort Gibson, July 17, 1839.*

GENTLEMEN : I was highly gratified when Mr. Ross and a deputation from your body arrived here yesterday, as I did not doubt that something would be proposed which would enable me to act usefully with you in allaying the excitement now existing in the Cherokee Nation, and securing the continuance of peace on this frontier. This reasonable expectation, I regret to say, has been totally disappointed, as the only thing suggested was my interposition in urging Star, Bell, and others (who took protection here for a short time), to comply with a decree of your body, which renders them ineligible to office in the Cherokee Nation for five years, or should they not come in, require them at least to give the necessary security to keep the peace.

The conduct of these men, in threatening violence to Mr. Ross, I hope is not believed to have received from me the least countenance or approbation, and I can assure you that they have received no encouragement from me, in any way, to act otherwise than in an orderly manner, or assurances that they would receive any protection from the military force, that would not be extended to any individual of your nation.

But you must notice that the character of your decree is such, that if I were to send an officer to induce Bell, Star, and others, to comply with it, no good would result from it, unless that decree was so altered as not to deprive them of the rights of Cherokees.

I have repeatedly assured you of my serious apprehension of difficulties in the Cherokee Nation and on our frontier; and now, without wishing to be understood as expressing any opinion as to what is right or wrong in relation to the subject, I believe that a civil war in the Cherokee Nation is almost certain, unless the decree I refer to is so changed as not to deprive any one of your nation of the rights of Cherokees, and you agree to meet in convention the members that may be appointed by the council of the old settlers, which, you are aware, assembles on the 22d instant.

I take this occasion to again assure you that it matters not to me what course is pursued with regard to the government of the Cherokee Nation, so long as the tranquillity of the nation and of this frontier is preserved.

I am, gentlemen, very respectfully, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,  
*Principal Chief of the eastern Cherokees, and others.*

P. S.—I again request that you will furnish me with a copy of the decree by which a number of your people are disqualified from holding office.

M. A.

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IN CONVENTION,  
*Illinois Campground, July 18, 1839.*

SIR: We have the honor to acknowledge the receipt of your communication of yesterday, but the time fixed for the return of your express, renders it impracticable for us to give to its contents that full consideration which their importance demands. They shall, however, receive the most serious attention of the convention, and the result communicated to you.

We have the honor to be, sir, your obedient humble servants,

GEORGE LOWRY,  
*President N. Convention.*  
GEORGE GUESS,  
*Vice President.*

By order of convention.

JOHN ROSS.

Brev. Brig. Gen. M. ARBUCKLE,  
*U. S. Army, commanding.*



IN NATIONAL CONVENTION,  
*Illinois Campground, July 18, 1839.*

SIR: Our committee, on their way to General Arbuckle's, did themselves the honor to call on you, and to invite your attendance at the national convention now in session. At the conclusion of their interview with the General, they hoped that all misunderstandings were removed; but in consequence of another communication, which has just been received by express, we deem it necessary to repeat the invitation given to you by the committee, and respectfully to call on you, as the agent of the United States, to come up and witness our proceedings, and bear testimony to their peaceful character.

Very respectfully, your friends and brothers,

GEORGE LOWRY, *President of the convention.*

GEORGE GUESS, *Vice-President,* his x mark.

Edward Gunter,		Astoladi,	his x mark.
George Gunter,		George Brewer,	his x mark.
A. Campbell,	his x mark.	Dige chu-lerky,	his x mark.
Moses Parris,		Charles Coodey,	
Richard Taylor,		Bark,	his x mark.
Lewis Melton,		Dee-nah-lay-wee-stah,	his x mark.
Riley Keys,		Bird Doublehead,	
Young Wolf,		Jesse Bushyhead,	
James Brown,		Looney Riley,	
John Benge,		Thomas Foreman.	
Looney Price,			

By order of the convention.

JOHN ROSS.

Gov. M. STOKES,  
*United States Agent.*

CHEROKEE AGENCY, *July 19, 1839.*

FRIENDS AND BROTHERS: I was much pleased to receive by the hands of Mr. R. Coodey, your kind invitation to visit you at the campground. I was preparing and ready to have set off, when I was suddenly and unexpectedly attacked with the return of a complaint which has afflicted me much during the hot weather. I send this by my Cherokee interpreter, Hercules F. Martin, by whose return I hope to hear of your successful labors for the prosperity and happiness of the Cherokee Nation, and, above all, for the promotion and preservation of peace, harmony, and union.

Nothing could afford me greater satisfaction, than to find that peace, friendship, and confidence, in each other were once more restored in the whole Cherokee country.

If I should get better, I will still visit your convention.

I am, with respect, your friend and brother,

M. STOKES,  
*Agent for Cherokee Nation.*

GEORGE LOWRY, and others,  
 of the Cherokee convention at Illinois Campground.

GRAND SALINE, CHEROKEE NATION,  
July 17, 1839.

SIR: I have received information this evening, through a respectable source entitled to credit, that Mr. John Ross intends sending down to our council an armed force, in order to prevent us from holding our contemplated consultation, in a peaceable, lawful, and customary manner, in General Council: therefore, I, as one of the chiefs of this nation, deem it proper to call upon you as my agent, and ask of you to call upon Mr. John Ross, and demand of him the truth or falsehood of this report; and also to forbid him from making any attempt of the kind, as such an act would be considered by this nation equal to a declaration of war, because it would be nothing less than a commencement of hostilities.

If nothing prevents me from it, I will be at Fort Gibson on the 20th of this month, on my way to our council (which is to be held at the mouth of the Illinois), by which time I hope you will be kind enough, and also able, to give me on this important report satisfactory and correct information.

I remain, sir, yours, with respect,

JOHN ROGERS.

Gov. M. STOKES,  
*U. S. Agent for the Cherokees.*

P. S. A copy of the substance of this is sent to General Arbuckle, commanding at Fort Gibson.

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, July —, 1839.*

GENTLEMEN: I deeply regret that reports have reached me this evening, from various quarters, that the late emigrants, or the adherents of Mr. Ross, intend preventing, by force, the assemblage of the old settlers in council, which is to convene on the Illinois on the 22d instant.

I hope, for the welfare of the Cherokee people, that this report is entirely destitute of truth; yet it has been in a measure confirmed, by its having been reported that the force at your convention has been, and is now, daily increasing; and that you intend to have in service, at an early period, at least eight companies of mounted men.

It will be highly gratifying to me to receive from you correct information on this subject by return of the bearer, together with a reply to my communication of the 17th instant.

I am, gentlemen, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,  
*Principal Chief of the emigrant Cherokees, and others.*

P. S.—Should you deem public opinion worthy your consideration, I beg leave to refer you to my communications to your body, particularly that under date of the 10th instant.

M. A.

IN CONVENTION,  
*Illinois Campground, July 19, 1839.*

SIR : We have in former communications assured you that our undivided efforts were directed to the preservation of peace. We now beg leave to repeat the same sentiment, and again to assure you that the reports of our hostile intentions are, as you correctly anticipate, utterly destitute of truth ; but on a charge so grave, we deem it due to ourselves respectfully to demand the names of your informants.

We have the honor to be, sir, your obedient servants,

GEORGE LOWRY,  
 GEORGE GUESS.

By order of the convention.

J. ROSS,  
 JOHN LOONEY.

Brevet Brig. Gen. ARBUCKLE,  
*United States army.*

ILLINOIS CAMPGROUND, *July 19, 1839.*

DEAR SIR : We have just received your very welcome communication of the present date, by your interpreter, and hasten to reply. We are sorry that indisposition has prevented you from visiting us to-day, but hope you will be able soon to do so. Present indications, we think, justify us in the belief that civil war, which appears to have been so much feared of late, will be averted, by the good sense and prudence of the people, from this land, and peace, friendship, harmony, and union, be substituted in its stead. No one in this convention desires the horrid effects of civil war upon this community ; and we are really at a loss to know from what source it would originate : surely not from this place. Several have come in of late and accepted the pardon offered, and are embraced as friends and brothers. John Looney is now here in conference with us ; and, as we ask nothing but what is strictly just, we are persuaded that a few days will give the most satisfactory evidences of what is certainly desirable to us, and we hope to all. We will conclude by assuring you of our hopes of final success in producing the object for which we met, viz, peace and union.

We have the honor to style ourselves your friends and brothers,

GEORGE LOWRY,  
 GEORGE GUESS.

By order of the convention.

JOHN ROSS.

Gov. M. STOKES,  
*United States Agent.*

ILLINOIS CAMPGROUND, *July 20, 1839.*

SIR : We were both surprised and disappointed when your letter of the 17th instant came to hand, as we had flattered ourselves that the interview we had the pleasure of having with you, as well as the attention and kind-

ness received while at the fort, would have given to you not only the greatest assurances of our continued desire to prevent the further effusion of blood, but every disposition, so far as we were able, to restore peace and quiet to the Cherokee people as well as perfect security to the frontier.

The sole object of our trip to the fort was to inform you that we had done all in our power to bring about this result which appeared so desirable to you as well as ourselves, to wit: the prevention of further bloodshed and a restoration of peace and quiet. Your disappointment at not being furnished with any propositions from us to enable you to co-operate in our behalf with the western chiefs and old settlers in settling all our causes of difference, is certainly not rightfully chargeable to us, as we neither wished nor desired to produce disappointment, and feel mortified and hurt at the remarks made on that subject. The view taken by us was this: that having done all we could do, and that in conformity with your request, to prevent bloodshed and promote peace, that you, as our mutual friend, would be prepared to say to the chiefs and others, the emigrants have done their part in this matter, it now behooves you to do your part, and all is quiet: or something to that effect. Such mediation as this is never without its benign influence upon the human heart, and seldom fails in producing the most happy results. The decree which has been passed, so far as we are concerned, throws a veil of oblivion over all passed offences on as reasonable terms as any offenders and violaters of our laws could expect, and a number of those who were exposed to the penalty of our laws have come in, accepted of the terms, been received with open arms, and are now in peace and safety to traverse the country and pursue their common avocations free from the fear of harm. Among those who had violated the laws were individuals connected to many of us by the closest ties of consanguinity: no exceptions were made for them—none were asked; and shall we make distinctions? No! The fiat has passed and cannot be changed; we will never be charged with partiality. If any of our people refuse to abide by Cherokee laws, the world is large, they can leave us; but if they remain in our country, being a part of our people, they must come under our laws. The reports we have, from time to time, received from the fort had induced us to believe that those men who had gone there for protection had received assurances of protection from the military, and that feeling was strengthened by their course since returning home; but we are now bound, from the assurances in your communication of the 17th, which is now before us, to say we were under mistake, and are happy to correct it. We do not apprehend any danger of civil war in this community, and no set of men in Christendom would more deeply deplore such a state of things than we would. We say we do not apprehend any danger of civil war, and for the best of reasons: we are looked on as one of the parties to engage in this war, and of this we have no idea. We have been, and still are, trying, in solemn convention, to wage a war of reason upon our own intellects and those of our western brothers, in order to enable us to unite as one people (which we are), and make such government and laws as will be suitable to our condition and wants. These we consider not only to be lawful, but commendable and praiseworthy motives, and such as every philanthropist and patriot should hail with feelings of the liveliest gratitude. But it appears that our motives and wishes are mistaken and misconstrued, both by our western brothers and white friends, as both seem to entertain fears of our *fendish purposes*. It is not only strange, but passing strange, that such a



report as the one received from you yesterday could have originated, that we designed to prevent the meeting of the old settlers at the mouth of the Illinois by an armed force. We are almost induced to believe that these are groundless fabrications for political effect, and hope that, in future, you will treat them with their merited contempt—silence. We have, among other regulations, it is true, adopted the light-horse system for the purpose of executing the laws of the country, which has been the custom with the Cherokee people for many years, but not for the purpose, as supposed, of hostilities. We have been making such regulations as we think suitable to the Cherokee people, with the view of sending them down to the contemplated meeting of the 22d instant by a respectable committee from our convention, armed and accoutred with prudence and discretion, to show them what has been done, the propriety thereof, and the importance of friendship and union to our future prosperity and happiness.

If there is any thing wrong in all this, we would like to hear it, as we are ready at all times, when in error, to correct it at the earliest period. From the assurances given you of our peaceable feelings towards the citizens of the United States, we do hope, in justice to us and to the citizens on the frontier, you will, without delay, adopt such measures as in your good discretion you may think best to give them quiet; as for danger, they have none to fear from any of us or our adherents. We had forgotten to mention that John Looney (one of the western chiefs) was with us here on yesterday, and expresses himself not only satisfied, but pleased, at what has been done by this convention, and promised to give his influence to our proceedings at the approaching meeting which is just at hand. May we hope for better times or not? Does this look like civil war? We think not. We send you the copy desired, &c.

We have the honor to subscribe ourselves, your friends and humble servants,

GEORGE LOWRY, *President of the Convention.*

GEORGE GUESS, *Vice President,* his x mark.

Richard Taylor		John Drew	
George Hicks		Riley Keys	
Thomas F. Taylor		Luney Riley	
Jesse Bushyhead		Bird Doublehead	
John Martin		Young Wolf	
Thomas Candy		John F. Boot	his x mark.
G. W. Gunter		Bark,	his x mark.
Charles Gourd,	his x mark.	Small Back,	his x mark.
Moses Daniel		Crying Buffalo,	his x mark.
Lewis Ross		Archibald Campbell,	his x mark.
John Benge	his x mark.	Stop,	his x mark.
James Brown		Thomas Foreman.	
Edward Gunter			

By order of the Convention.

Brevet Brig. Gen. M. ARBUCKLE,

*U. S. Army, commanding.*

JOHN ROSS.

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, July 20, 1839.*

GENTLEMEN: I have received your communication of the 19th instant, and was much gratified to learn that the reports which had been received

here in relation to an intended attack on the council of the old settlers, which is to assemble on the 22d instant, is destitute of truth.

You are already informed how and when that report was received at the Grand Saline; and young Mr. Dillard was about the same time at Weber's falls, where he heard several individuals (Cherokees, as I understood him) say that information had been received there, that it was the intention of your convention to send an armed force to the council of the old settlers, with the object of seizing the chiefs and taking them before you.

The names of the individuals who made these statements, I presume, can be ascertained if proper inquiry is made. Gentlemen, I have no doubt of your desire to preserve peace with the United States and with your own people; yet the course you pursue will result very different (as I believe), if not speedily changed; and as you had not permitted me to suppose that any change would take place, I yesterday authorized arms and ammunition to be issued to a portion of the militia residing near the western border of Arkansas, to enable them to protect the frontier, in the event the State is invaded, or the Cherokees should commit acts of hostilities against the citizens of the United States. Except in these cases, they are forbid entering the Cherokee Nation, unless it may be to pass to Fort Wayne to obtain subsistence stores; yet, as they are not required to leave their homes, it is presumed that they will not do so without orders, or some circumstance near the line should render it necessary. And I have also written to the Governor of Arkansas, advising him of the propriety of making preparatory arrangements to promptly send to this frontier a large force, provided it should be necessary.

I most earnestly hope that you will, at an early period, enable me, by a union of the Cherokee people, to say to the citizens of Arkansas that there is no occasion for their leaving their homes, or bearing arms to ensure peace on their western border. To effect this very desirable object, it is only necessary that you should allow the old government of the Cherokees in this country, a just agency in forming a new government, and to forgive all offences, provided individuals who have made threats of violence against others, shall give a satisfactory pledge or security that they will demean themselves in a peaceable manner hereafter; if this course is adopted, and the time has arrived when something of a decisive character must be done, you may expect my hearty co-operation; and if there are any other measures that can be resorted to, to effect this object, I am not apprized of them.

I was much gratified to be informed to-day, by my aid-de camp, Lieutenant Simmons, who visited you yesterday, that you intended to send a deputation from your body to visit the council of the old settlers. Send such men as Mr. Lowry, or men as similar to him in temper as you can find them, with an offer to them of a just participation in forming a new government, and a pledge to forgive offences on the terms stated, and all difficulties will soon subside in the Cherokee nation. I hope you will think well of all I have said in this communication, and if so, you and the old settlers, and all others will soon be united as brothers.

I am, gentlemen, with great respect, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq.,

*Principal Chief of the eastern Cherokees,*

*and others, in council,*

P. S.—It is not to be understood that the terms I have suggested for an accommodation of all difficulties in the Cherokee Nation, is intended to dictate to you, as I can assure you that if the object is effected by any other peaceable means, it will be equally agreeable to me. With respect to Bell, Star, and others similarly situated, a moment's reflection must satisfy you that your decree in relation to them must be revoked, except so much as requires them to keep the peace, before I could act usefully in settling the difficulty with them.

M. A.

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PARK HILL, July 20, 1839.

SIR: Your communication of the 20th instant has just been received, by the express. I regret that our communication of yesterday could not have reached you before this was despatched; as I feel assured it would have superseded the necessity of any further communication. You will find in that our continued desire to adjust all difficulties with our western brothers, on such terms as we think ought to be satisfactory to any reasonable men; and therefore entertain the hope that a few days will produce union and friendship, of a satisfactory and lasting character, to the Cherokee people. I do most cordially regret that you should have deemed it necessary to call upon the Governor of Arkansas to place the citizens of that State in an attitude for its defence, or that you should have thought it necessary to have directed the issue of arms and ammunition to the citizens for their defence against the eastern Cherokees. I thought the assurance we had given would have been satisfactory; but in addition to those heretofore given, the communication of yesterday contains repeated assurances of our feelings and desires, and a request that you will, in justice to us, take immediate steps to assure the citizens of that State of our peaceable intentions toward them, and of the unnecessary alarm which they entertain from us— which I hope you will do.

With much respect, I subscribe myself, your friend and humble servant,

JOHN ROSS,

*Principal Chief.*

Brevet Brig. Gen. M. ARBUCKLE,  
*United States Army, commanding.*

P. S.—Your despatch reached me to day, when on a visit to my family, at home; and I have deemed proper to address you this letter individually, but will take pleasure in laying the same before the convention when it meets on to-morrow morning. The committee deputed to visit our brothers at the mouth of the Illinois, are men of respectability and worth. Among the eight individuals who have come in under the decree, and given assurances of their future peaceable demeanor, &c., is Charles Foreman, son of Thomas Foreman, who came in last evening.

JOHN ROSS.

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ILLINOIS CAMPGROUND, July 22, 1839.

SIR: Your communication of the 20th inst. is before us. We have considered its contents. We are much gratified that you have no doubt of our desire to preserve peace with the United States, and with our own people; but we are utterly at a loss to discover why the course we are pursuing should produce a different result. Our proceedings are altogether pacific.

and forgiving. No harsh feature has marked any of our actions. Every measure is, on all hands, allowed to be perfectly just, and reasonable, and generous. And yet, so strong is your apprehension of hostilities, as to call for the issue of arms and ammunition, and levying forces on the frontier, to repel invasion from the Cherokees. We, the people of this convention, have repeatedly assured you of our peaceable intention, and you have assented to the sincerity of our declaration. Permit us to ask, sir, who are the projectors of hostility, and against whom is it designed to operate? We respectfully ask, are hostilities meditated against us from any quarter? If so, we ought to be apprized of the facts.

Perhaps we do not fully understand the import of the "just agency of the old Government;" if the meaning be that the old chiefs should share in the work of forming a new Government, we are perfectly agreed; such has been our constant desire, as our repeated declarations and invitations have evinced.

With regard to the postscript, we beg leave to refer to the sentiments expressed on the subject in our communication of the 20th inst.

With great respect, we have the honor to be, sir, your obedient servants,  
 GEORGE LOWRY, *President*.  
 GEORGE GUESS, *Vice President*, and others.

By order of the convention.

J. ROSS.

Brevet Brig. Gen. M. ARBUCKLE,  
*United States Army, commanding.*

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, July 22, 1839.*

GENTLEMEN: I have received a copy of your decree of the 7th instant, together with your communications of the 19th and 20th, and a letter from Mr. Ross, of the 21st.

It would appear by your decree that the people of the eastern and western Cherokees were justly represented at your convention. If this is true, there certainly can be no just cause to apprehend a civil war in the Cherokee Nation; and this would have been rendered less probable, had your decree contained nothing more than is shown by your communication to me of the 17th instant.

You will receive herewith a copy of my letter to the chiefs of the Cherokee Nation of this date, which I hope will receive from them the serious consideration its importance demands; and if so, and your proceedings are such as they can approve, it is believed that security will at once be given to the Cherokee Nation and its inhabitants on its borders; when it will afford me much pleasure to inform the Governor of Arkansas, and the citizens of the frontier, that there is no occasion for them to be in readiness to defend their homes.

I judge that my letters previous to this date have fully informed you of all that my duty requires, and, therefore, have nothing more to add, except my sincere desire for the peace and happiness of the Cherokee people.

I am, gentlemen, with great respect, your obedient servant,  
 M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq., and others,  
 In convention at Illinois Campground.



HEADQUARTERS, 2D DEPT., W. DIVISION,  
Fort Gibson, July 22, 1839.

GENTLEMEN: I received last evening a communication from the convention in session at the campground, on the Illinois, by which I am notified that Mr. John Looney has visited that body, and is well pleased with its proceedings, which I am informed will be laid before you by a committee of the convention duly appointed for that purpose; and as these proceedings have already been approved by one of you, it is earnestly hoped that the other two, and your council generally, will approve of them, and, by that measure, at once give quiet and security to the Cherokee people. It is for them that you are acting, and to them that you are responsible; therefore, you will act wisely, and without any motive except the general good of your people and to ensure their welfare.

Gentlemen, you have already admitted that a new government for the Cherokee Nation is proper and necessary, and that it ought to go into effect at the earliest period possible. Under such circumstances, it is earnestly hoped and expected that notions of form or ceremony will not influence your conduct on so important a subject.

I have received the decree of the convention in relation to Bell, Star, and others similarly situated, by which it appears that "the time specified for their giving assurance for the future maintenance of peace is extended until further provision shall be made by the convention for that purpose." A copy of this communication will be transmitted to the convention now in session at the Illinois campground.

I am, gentlemen, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

MESSRS. JOHN BROWN,  
JOHN LOONEY, and  
JOHN ROGERS,

*Chiefs of the Cherokee Nation.*

P. S.—The decree in relation to Bell, Star, and others similarly situated, will be sent to Washington, with such other papers as are regarded necessary to a correct understanding of that decree. If you cannot concur in the proceeding of the convention, I hope you will not, for a moment, think of resorting to violent measures, but will again, and at an early period, offer to meet your eastern friends in convention for the purpose of establishing a new government for the Cherokee Nation. M. A.

True copy.

S. G. SIMMONS, A. D. C.  
*and A. A. Adj. Gen., 2d Dept., W. Div.*

IN CONVENTION,  
*Illinois Campground, July 24, 1839.*

SIR: We received your communication of the 22d instant by express, and also a copy of that to Messrs. Brown, Looney, and Rogers. Your advice to them in regard to the proceedings of this convention, if accepted and followed, will no doubt lead to a speedy removal of all misunderstanding. And we conceive those proceedings to be based upon principles so

equitable and reasonable, as to justify the belief that they would at once be approved, if not opposed by counsels of a different tendency.

We deputed a committee from our body, to go to the council at the mouth of the Illinois, to report to the people assembled there the proceedings of the convention, so far as they have progressed, but we were greatly surprised this morning, to see the greater number of them return. They had been compelled to retire from the council, to escape the massacre of some of their number, by the company of Star, Bell, and others, who appeared there in arms, and who were watching an opportunity to execute their fell purposes. We deem it proper to communicate this to you, because they had placed themselves under your protection, and appear still to consider themselves sustained by your power.

This is the ground on which their friends defend their course, and sustain their hopes of success. It is boasted by them, that you had advised Brown to hold on to his laws, and by no means to give them up, and that they shall be sustained by the forces of the United States, and the people of the nation compelled to submit.

These are things, sir, to which we shall be slow to yield our assent; but as the assertions are made in argument, to sustain the feasibility of the course of these men, we deem it proper that you should know it.

The troubles with which we appear to be threatened, bring forcibly to our minds the statements often made, and the arguments often pressed on the attention of the late emigrants, to induce them to remove to this country. Here they were to have peace; to have a government of their own choice; to make and enjoy the benefits of their own laws, without interruption and without control; and those of us who had previously resided in this country, were ready to receive our brethren, and to do all in our power to realize the hopes which these declarations were justly calculated to produce. Among the promises and assurances so often repeated, it was never hinted that they were to be reduced to a state of vassalage, to an undefined despotism.

It is well known to you, sir, that the late emigrants are not in this country by their own procurement, but in conformity with the mandate of the United States Government. But they have come in peace; and peacefulness has characterized every part of their conduct in the movements which have brought them here. The toils, and sufferings, and privations, they have endured, cannot be readily estimated.

The loss of property and loss of life have saddened many hearts, made many parents childless, and many children orphans; nor can their wounded and yet bleeding hearts be suddenly healed. And yet, for the sake of peace, all has been borne in silence. Yes, sir, and all their behavior towards the United States, in peace and in war, since the formation of their first connexion, has proved more forcibly than words can do, their disposition to cultivate the most friendly feelings towards your Government and people; their confidence in the magnanimity and justice of the United States has been unqualified, and still they are unwilling to relinquish it. And although they have here been treated with much indignity and insult by a portion of our people, we are not yet prepared to believe they are to be deemed intruders, counted as aliens, and punished as rebels, in the country which their great father had assured them should be their own.

We were surprised to learn from your communication of the 20th instant, that your apprehensions of hostilities were so strong, as to call for the issue

of arms and ammunition, and levying forces, to repel invasion from the Cherokees. But, as we have repeatedly assured you of our peaceable intentions, and you had assented to the sincerity of our declarations, having no doubt of our desire to preserve peace with the United States, and with our own people, we are relieved from the supposition that it was expected to originate from us.

With regard to Messrs. Brown, Looney, and Rogers, having a just agency in the formation of a new government, we can only say, such has been our constant desire, as our repeated declarations and invitations evince. But if they will persist in refusing to come to any understanding, and are determined that nothing short of unconditional submission to their mandate can be admitted, we are compelled, in a friendly and respectful way, to protest against such usurpation. We have inalienable rights, which we are bound to respect, and which we cannot relinquish consistently with our sense of duty to ourselves and our families.

With great respect, we have the honor to be, sir, your obedient servants,

GEORGE LOWRY, *President.*

Lewis Ross  
Bird Doublehead  
Charles Coodey  
Jesse Bushyhead  
Luney Riley  
Riley Keys  
Stephen Foreman  
R. Taylor  
Edward Gunter  
Young Wolf  
G. W. Gunter

Geo. Guess  
Charles Gourd  
Thos. Foreman  
John Bengé  
Tobaceo Will  
Small Bark  
The Bark  
George Brewer  
Crying Bird  
Jas. Brown.

By order of the convention.

JOHN ROSS.

Brevet Brig. Gen. ARBUCKLE,  
*United States Army, commanding.*

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IN NATIONAL CONVENTION,  
*Illinois Campground, July 25, 1839.*

FRIENDS AND BROTHERS: Actuated by the most earnest desire to promote the best interest of the whole Cherokee family, we have met here in national convention, agreeably to a call regularly and legitimately made at the late general council, at Takattokah.

It has been our uniform desire, to act in a spirit of frankness, justice, and conciliation, in the discharge of the important duties which we have assembled to perform. We have asked for nothing; we have wished for nothing, that is not perfectly equitable and just; and in accordance with these feelings, we have invited your attendance and co-operation. And being informed by a communication from Messrs. Brown, Looney, and Rogers, dated at Fort Gibson, July 6, 1839, that they conscientiously entertained the opinion, that they could not do so without consulting their people, and that they had called a council of their people for the 22d July, at the mouth of the Illinois, when our communication would be laid before the people, we deemed it proper to appoint a committee from our body to proceed to your council, and to report correctly the doings of this convention, so far as they

had progressed, and to give such explanations as might be needed, and again respectfully to invite your attendance and co operation. And we deemed this course the more proper, inasmuch as we had been informed that reports of the most injurious tendency had been put into circulation by some evil-disposed persons, enemies to the peace and well-being of the Cherokee people. But we were greatly surprised to learn by the sudden return of the greater number of our committee, that they were compelled to retire from your council, to escape the murderous design formed against them by the company of Star, Bell, and others, who appeared there in arms. The committee was composed of peaceable and respectable men, all unarmed, and unapprehensive of danger; but on their arrival, they were soon informed that their lives were in imminent danger from these men, who were watching for an opportunity to effect their fell purposes. We cannot suppose that your council would for a moment countenance the interference of such persons in the peaceable objects of the eastern and western Cherokees. And as the remaining members of our committee have the proceedings of the convention in their hands, we still hope they will be read and considered, and approved by you, and that you will deem it proper to come up, and co-operate with us in our endeavors to advance the best interests of the whole Cherokee people, and to provide for their permanent prosperity.

Be assured, brethren, that the people composing this convention have no disposition to disturb the rights of the old settlers. And if those who wish to be contradistinguished by that appellation, persist in viewing those lately arrived as strangers and intruders, and absolutely refuse to unite with them, they may enjoy their own laws, and we, the people composing this convention, will quietly proceed to make such regulations for our government, as we may deem most beneficial. And committing our cause to the care and guidance of a kind Providence,

We remain your friends and brothers,

GEORGE LOWRY,

GEORGE GUESS, and others.

Messrs. BROWN, LOONEY, and ROGERS, and the people assembled in council at the mouth of the Illinois.

P. S. We shall expect to hear from you immediately by the return of our committee.

By order of the convention.

JOHN ROSS.

HEADQUARTERS, 2D DEPT., W. DIVISION,  
Fort Gibson, July 29, 1839.

GENTLEMEN: Your communication of the 24th instant was handed to me yesterday; and, in reply, I have to remark, that I had hoped that my letter of the 22d instant, with the documents accompanying it, would have closed my correspondence with you in relation to the difficulties you have produced in the Cherokee Nation, as an examination of the papers referred to, and my previous communication to you, cannot fail to show my strong desire to see peace and friendship restored to the Cherokee people; and it will not be found that I am in the habit of giving *counsel* different from what is contained in my public communications.

The chiefs of the Cherokee Nation have informed me of a number of your committee having left their councils, and expressed their regret that



they should have taken alarm from idle reports. Be this as it may, it cannot be doubted that the killing of the Ridges and Boudinot, and the proceedings of your convention, have greatly dissatisfied many individuals of the Cherokee Nation, who might, under their present excitement, commit the greatest outrage.

In relation to promises made to Bell, Star, and others, who claim protection at this post for a short time, you are already fully informed; and as respects the boast attributed to them, of my having advised Brown to hold on to his laws, and by no means to give them up—that they shall be sustained by the United States forces, the documents now in your possession fully establish the falsehood of this statement, without regard by *whom* it may have *originated*.

You say much of the trouble with which you are threatened, and hint that you are not permitted to enjoy your own laws in this country, agreeably to the promise made to you before your departure from the east. If you have any difficulties in this respect, you have created them yourselves, as the chiefs of the Cherokee government you found here have repeatedly offered to meet you in convention for the purpose of forming a new government, and thereby (as the late emigrants are more numerous than the old settlers) to give you up the offices. What more could you reasonably desire? Have you accepted these propositions, or have you determined, without the agency of that government, to establish a government for the Cherokee Nation? thereby declaring that you will not accept the offices from the existing government of the country, which are offered to you, but that you will take them. This is the positive state of affairs in the Cherokee country, so far as I understand them; and in order that further and greater violence than has already taken place, may not happen, you will notice (by my letter to the chiefs of the 22d instant) that I have urged them in substance to yield to your will and pleasure; yet I can assure that I have no certainty that they will comply with my recommendation; and, if not, and your present course to obtain power, which you could obtain in a peaceable manner, is continued, it is uncertain to what measures you may drive the old settlers, or compel them and others to adopt, in defence of their governments and rights.

It would appear that you are surprised that a portion of the citizens of Arkansas have been armed and equipped for the defence of their frontier, in consequence of the state of affairs in the Cherokee Nation. I earnestly hope that there will be no occasion for them to leave their home. This, you can render necessary or otherwise, as you think proper—not that you may have the least desire of going to war, but that your course may be so unjust and oppressive to others, that it will not be submitted to. And, finally, you have charged the old settlers or chiefs with usurpation. The facts above given will tend to show to whom that charge applies.

Gentlemen, I can assure you that, in order to ensure the continuance of peace in the Cherokee Nation, and on this frontier, I deem it necessary that the change of government you have commenced be speedily terminated in a peaceable manner; and it is clearly shown by this communication that you have the power of doing so, if you desire it.

I am, gentlemen, with much respect, your obedient servant,

M. ARBUCKLE,  
Brevet Brig. General, U. S. A.

JOHN ROSS, Esq, and others, in  
convention, at Illinois Campground.



TOLLUNTUSKY, August 2, 1839.

GENTLEMEN: The national council has, by order of the chiefs, appointed a select committee of fifteen men to meet the same number appointed by yourself and the emigrants lately arrived into the country. The two committees thus selected to meet and devise such means and come upon such terms as will settle all the difficulties and differences existing between the said emigrants and the old settlers and others coming under the laws of the nation. Whatever terms the said select committee may come to for the settlement of the said difficulties and differences, will be laid before the national council for consideration, and the approval or rejection of the chiefs. If approved of or agreed to by the national council, and sanctioned by the chiefs, the terms then shall be lawful and binding upon all concerned. It is proposed to meet at Fort Gibson, where regulations will be made for the boarding of the committees.

You will please set the time within three or four days from the time your answer starts back, or any time soon as possible thereafter. Old settlers on your part of the committee will be rejected; that is, no old settler must be appointed to serve on your part of the committee, as the old settlers here refuse meeting them. The chiefs will please forward this to Mr. Ross, if they approve of the measure adopted by the national council.

DUTCH, *President National Council.*

JOHN BROWN,

JOHN LOONEY, his x mark.

JOHN ROGERS.

WM. THONTON, *Clerk.*

Approved.

Messrs. JOHN ROSS and others.

AUGUST 2, 1839.

GENTLEMEN: In accordance with the request of the national council, we transmit this to you, and hope it will meet the approbation of you and your people. Please return an answer by the bearer.

JOHN BROWN,

JOHN LOONEY, his x mark.

JOHN ROGERS.

Messrs. JOHN ROSS and others.

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, August 4, 1839.*

GENTLEMEN: You will herewith receive a copy of my communication of this date to the chiefs of the Cherokee Nation, in relation to their recent proposition to you, which I confess is not as well understood by me as I could wish, or in strict accordance with the first proposition made to you by the chiefs on this subject; yet I must believe that the meeting of the representatives of the eastern and western Cherokees at this post would result in securing to the former all they desire, and in giving quiet to the Cherokee people.

You are already apprized of what I regard just to the late emigrants, which I will continue to urge in their favor, and in the event you accept of the proposition made to you by the old settlers, and Mr. Ross should

desire to attend the convention, he may be assured that he will not at this post require a guard of his own people to give him personal security.

I am, gentlemen, with much respect, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

Messrs. JOHN ROSS and others, in Convention at Illinois campground.

P. S.—A reply is requested.

M. A.

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, August 4, 1839.*

GENTLEMEN: I have received yours of the 2d instant, with a copy of your last proposition to Mr. Ross and the late emigrants, which, I understand, you have forwarded to them by a deputation from your council.

I am much gratified to find—if I understand your proposition—that you are still willing that the late emigrants shall, at an early period, have a full participation in the government of the Cherokee Nation.

The object of the committees from the old settlers and the late emigrants, you say, is to settle all difficulties in the Cherokee Nation, and, I presume, organize themselves into a convention for the purpose of forming a constitution or rules by which the new Government will be limited in the exercise of its authority, and by which the rights of the people will be secured. It appears to me that your committee cannot effect these objects without a president at their head, to decide when the votes of the members may be equal.

The next difficulty may be in relation to the individual to preside. He ought, I judge, if possible, to be some one who has not attached himself to either party, and is intelligent and honest, and not desirous of holding office. Perhaps Judge Martin would, in that situation, give more general satisfaction than any other individual; yet, if a more intelligent and disinterested Cherokee can be found, he ought to be preferred.

The proceedings of the convention, I judge, ought to be submitted to the whole of the Cherokee people for their approval, before they are finally acted on.

In relation to the chiefs that may be necessary to elect for the new Government, it would, perhaps, give the most general satisfaction, if one individual was nominated by the old settlers, and one by the late emigrants; and, if a third should be required, that he should be nominated by the convention. These three to be voted for, and the one having the highest number of votes to be first chief; the one having the next highest number the second chief; and the other to be regarded the third chief. These suggestions are made that you may give them such consideration as you may judge they merit. You are apprized that Mr. Ross has declared his intention of re-establishing the Government of the eastern Cherokees in this country, if you do not unite with them or permit them to enjoy a full participation in the government of the Cherokee Nation. This would produce no immediate difficulty if the eastern Cherokees, or late emigrants, were settled in a tract of country by themselves; but, as they are now located with the old settlers, an attempt of this kind would unavoidably

lead to great disorders in the Cherokee Nation, and place the Cherokee people in a worse condition than they would be if they had no Government. Hence the necessity of an early union.

Should the convention you propose think proper to assemble at this post, I will furnish a good building for it to assemble in, and such other rooms as the members will require to lodge in, and will supply the provisions necessary for the use of the convention, with a good room to mess in, and a kitchen and such tables, &c. as can be spared. I cannot have horses taken care of; and it is expected that the convention will employ some one to cook and keep table for them.

It is possible that some objection may be made to the convention meeting at this post from an apprehension that white men may unnecessarily interfere with its proceedings. As relates to this I will take such measures, if required, as will prevent all white men from visiting the building in which the convention may be assembled, and all others except by permission of that body.

I am, gentlemen, with great respect, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN BROWN,

JOHN LOONEY,

JOHN ROGERS,

*Chiefs of the Cherokee Nation.*

P. S.—A copy of this will be sent to the convention on the campground on the Illinois. M. A.

True copy.

S. G. SIMMONS,

*A. D. C. of M. A., acting General.*

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IN CONVENTION,  
*Convention Ground, August 6, 1839.*

FRIENDS AND BROTHERS: From your letter of July 6, we were given to understand that you were desirous to meet us, and to see unity and harmony prevail among the Cherokees; and that the meeting at the mouth of the Illinois was called for the specific purpose of consulting a portion of the people, of the old settlers, on the subject of your attending and co operating with the convention in maturing and establishing a government for the security and happiness of the Cherokee people.

Being desirous to afford every facility for a clear understanding of the subject, we sent a committee to your council with the proceedings of the national convention, so far as they had been definitively acted upon; and notwithstanding the treatment received by that committee, which compelled the greater number of them to retire from the council, we sent down another communication, to which, as well as to the document in their hands, your attention was called by the remaining members of the committee. But, after waiting many days, they returned, without receiving from you any answer, or any notice whatever.

The communication prepared by your order, dated August 2, 1839, which is now before us, makes no mention of our committee, nor of the documents of which they were the bearers; and, from the intentions avowed in that

paper, it clearly appears to be your desire to deprive us of the rights and privileges of freemen, and to assume, for yourselves, power incompatible with the liberties of the Cherokee people. We cannot consent to appoint a committee to meet you at Fort Gibson on the terms proposed, because the people are allowed no voice in the matter: we are now acting in national convention, in the exercise of our primary and plenary powers as a people, and we cannot agree to surrender these inherent rights. The only question which we consider to be open for discussion and settlement is, the government and laws which shall be established on the basis of the union of the old and late emigrants; and, if you will but seriously reflect on the great importance and necessity of speedily bringing this question to a close, you cannot fail to see, that, on our part, we have done and said every thing in our power to induce you, as brethren, to come forward and co-operate with us in our deliberations, in convention at this place, where every necessary preparation has been made for the accommodation of the people.

There can be no reasonable objection to meeting us here. It is unnecessary to propose a meeting at any other point, as such a change would be attended with much inconvenience, trouble, and expense. Hoping that, on further reflection, you may determine on the expediency of coming up and co-operating with us, we conclude by assuring you of a kind and brotherly reception, and by making the following proposal, viz: That this convention appoint a committee, to meet that appointed by you at this place on the 12th instant, to devise measures for the settlement of existing differences, and forming a system of government providing for the protection of the Cherokee people in the enjoyment of all their rights; and that the proceedings of the said committees be laid before the people for their action.

We remain your friends and brothers,

GEORGE LOWRY, *Presi ent.*

Moses Parris

Young Wolf

Thomas Candy

W. S. Adair

Jack Spears

Luney Riley

Thomas Foreman

John Drew

Riley Keys

Bird Doublehead

Charles Coodey

Edward Gunter

Loony Price

Stephen Foreman

George Guess

George W. Gunter

Tobacco Will

Archibald Campbell

Small Back

The Bark

George Brewer

John Benge

Jesse Bushyhead

Richard Taylor

James Brown

George Hicks.

x

x

x

x

x

x

x

By order of the convention.

JOHN ROSS.

Messrs. BROWN,

LOONEY, and

ROGERS.

IN CONVENTION,

*Convention Ground, August 7, 1839.*

SIR: We, the people of the Cherokee Nation, in national convention assembled, have the honor to acknowledge the receipt of your communication



of the 4th instant, with the accompanying copy of your letter to Messrs. Brown, Looney, and Rogers. Our answer to this communication to us of the 2d instant, a copy of which you will herewith receive, will put you in possession of our views of that document, and also of our earnest desire, by just and honorable means, to bring the present difficulties to an amicable close. From the tenor of your communication of the 29th ultimo, we were not disposed to press that correspondence which you were desirous should be discontinued, and, for that reason, it has not been replied to; but, the receipt of yours of the 4th ultimo having revived the correspondence, we feel it due to ourselves to notice certain paragraphs in yours of the 29th ultimo.

The charge of having produced the existing difficulties among the Cherokees we can by no means admit. And, for proof of our desire to remove difficulties, and to promote peace and friendship, we appeal, with confidence, to our communications and to our conduct, which have been uniformly peaceable and conciliatory. With regard to offers to meet the emigrants, the only offer made, besides that of the 2d instant, was that by Messrs. Brown, Looney, and Rogers, to meet at Fort Gibson on the 25th of July; and that was so unreasonable, so indefinite, and in other respects so inappropriate, that it can hardly be viewed as a serious proposition—unless it was intended that their voice alone should be heard in the matter.

The late emigrants had no desire, whatever, that the old settlers should “yield to their will and pleasure,” but that both parties should meet in the full possession and enjoyment of all their powers and prerogatives, and without yielding up any right, or destroying anything that was valuable in the institutions or resources of either; to combine the virtue, and wisdom, and advantages of both; and to render the whole available to the general welfare. But this desire was not reciprocated. At the general council, composed of the chiefs, councils, and people of both communities, at Takattokah, every movement of the emigrants towards effecting a union was repelled by the western chiefs, and no proposition was made by them on the part of the old settlers. The result was, a failure to effect the object for which the council had been convened. The people who formed a constituent branch of that council, being dissatisfied with the failure of their representatives, passed resolutions expressive of their sentiments, and called a general council of the people of both parties, to meet in national convention on the 1st day of July, 1839; which convention assembled accordingly.

The call of the people under which this convention was assembled invites the attendance of the chiefs of both parties, with the members of their respective councils. They were invited by a committee composed of respectable men of both parties. They were invited by a message from the convention, through the politeness of Captain Armstrong, and also by a special letter from the convention; and, since the meeting of the council at the mouth of the Illinois, the same invitation has been pressed on their attention by a committee from this convention, of whose treatment, and the reasons for their return, we had the honor to report to you on the 24th ultimo, from unquestionable authority; which has since been fully confirmed.

Every thing in the way of courtesy and respect has been done to induce their attendance and co-operation in the important business of providing for the good government and peace of our people; but all have been disregarded. We assure you, sir, that we are equally solicitous with yourself that the government of the nation be speedily and peaceably established.



You will perceive, sir, that we have made a proposition to Messrs. Brown, Looney, and Rogers, to meet their committee on the principles you recommend to them; which we hope their good sense, and their desire for the happiness of the people, will induce them to accept.

With much respect, we have the honor to be, sir, your obedient servants,

GEORGE LOWRY, *President.*

Archibald Campbell		George Beaver	x
George Guess	x	Small Back	x
Edward Gunter		The Bark	x
Young Wolf		Crying Bird	
Moses Parris		Charles Cbody	
Thomas Foreman		Stephen Foreman.	

By order of the convention.

JOHN ROSS.

Brevet Brigadier General ARBUCKLE,  
*United States Army, commanding.*

STATE OF ARKANSAS,  
WASHINGTON COUNTY, *July 30, 1839.*

To GEORGE BUSHYHEAD, and, through you, to your principal chief and headman, JOHN ROSS:

We, the committee of the Cane Hill Independent Regulators, do, in solemn committee assembled, demand the person of Jack or John Nicholson, for the following reasons:

1st. On the night of the 15th June last, the dwelling-house of William C. Wright was burnt to ashes, and Wright and four of his children were most inhumanly butchered and murdered, and one wounded and left for dead.

2d. In consequence of this great outrage, and the insecurity of our common jails, and the many escapes of murderers from justice, occasioned by the delay of the law in this country, the citizens of Washington county organized themselves into the above described company, for the purpose of ferreting out the perpetrators.

3d. Suspicions having rested on some five or six of our citizens, they were taken into custody by said company, and a committee of thirty-eight, of the most respectable citizens, consisting of old grayheaded fathers of the country, and among that number four ministers of the gospel, and one of them the chairman of said committee, after having sat in solemn council for six days, with patience, ferreted out the perpetrators of the diabolical deed. We sentenced three to suffer death by hanging, which sentence was carried into execution on Monday, the 29th instant; and by the confession of John Richmond, one of the convicts, under the solemnity of an oath, sworn to and subscribed before a justice of the peace, in view of eternity, he says, Jack or John Nicholson was one of the murderers: therefore, we, the said committee of said company, demand said Nicholson to be given up. As we are informed he is a Ross man, and knowing great difficulties exist among yourselves, we have thought best to call on you, Mr. Bushyhead, and, through you, on John Ross, believing it best every chief should give up and control his own men.

Your attention and compliance with the above demand and friendly request, we hope will be promptly attended to.

With respect, we remain your very humble servants,

ANDREW BUCKHANAN,  
*Chairman of said Committee.*  
MARK BEAN,  
*Captain, commanding*  
L. EVANS, *Secretary.*

CONVENTION GROUND, August 7, 1839.

SIR: Enclosed herewith you have a true copy of a communication from certain individuals of the State of Arkansas, styling themselves "The Committee of the Cane Hill Independent Regulators," demanding the person of John R. Nicholson, a Cherokee and citizen of this nation, for charges alleged against him, as therein set forth.

Mr. Nicholson is prepared to prove, by as respectable witnesses as this or any other country can produce, that, on the evening he is charged with having committed the atrocious crime, he was in this nation, and at a distance upward of fifty miles from the place where the murders are said to have been committed; and, by other facts, to show clearly that he has been basely and wrongfully charged.

We do not know any thing of this independent association in the State of Arkansas, but we are certain that the course taken and the authority assumed by them on this occasion, in reference to Mr. Nicholson, are not sanctioned by the laws and treaties of the United States in relation to our people, nor can it be approved by the principles of justice. We must, therefore, request that you will take precautionary steps to prevent any unlawful acts of violence from being exercised against the aforesaid Nicholson, or any other Cherokee person of this nation, by the citizens of the United States, which may lead to the disturbance of the peace and tranquillity of the country; assuring you, at the same time, that the Cherokee authorities will always be found ready to comply with any legal demands which might be made in pursuance with the stipulations of our acknowledged treaties with the United States Government.

We are, respectfully, your friends and brothers,

George Lowry  
George Guess  
Edward Gunter  
Looney Price  
Young Wolf  
Jesse Bushyhead  
Richard Taylor  
Moses Parris  
Thomas Candy  
Charles Coodey  
Luney Riley  
George Brewer  
Jack Spears

George Hicks  
James Brown  
Bird Double Head  
Riley Keys  
The Bark  
John Benge  
Archibald Campbell  
Tobacco Will  
Small Back  
John Drew  
Thomas Foreman  
W. S. Adair  
S. Foreman.

By order of the convention.

JOHN ROSS.

General M. STOKES,  
*United States Agent.*

CHEROKEE AGENCY, August 9, 1839.

I received your communication relative to the demand of John R. Nicholson, by Colonel Mark Bean and committee of Washington county, Arkansas. I am very unwell at present, but I will give you my opinion about delivering up Nicholson. The authority that demands him is not legal authority, and I do not think it right for you to give him up to any other than a legal demand from the Governor of Arkansas, or to the marshal of the United States; still, if he has been guilty of the atrocious crimes laid to his charge, it is the duty of the nation to prevent his escape so as to evade a legal trial.

I am your obedient servant,

M. STOKES,  
*Agent for Cherokee Nation.*

GEORGE LOWRY, RICHARD TAYLOR, and others.

CHEROKEE AGENCY,  
*Bayou Menard, August 9, 1839.*

Personally appeared before me, Montfort Stokes, United States agent for the Cherokee Nation, Daniel McCoy (a Cherokee), who states that, on the evening of the 13th of June, 1839, John R. Nicholson, his wife, and two children, came to his house, near the forks of the Illinois river, and remained with him all the night; and that on the 14th of the same month, Nicholson, in company with him, visited the council ground at the Double Springs; and that he also returned on the same evening, with said McCoy, to his house, and there remained until the 15th, about 10 o'clock, and then left his house for Mr. Bevert's, on the bayou Menard; he also returned to my house, in company with me, from the council ground, on Tuesday following, and remained there until Wednesday morning, when he left for his home.

*Question by Agent.* How far do you suppose the distance to have been from your house to where this murder of Wright and his family was committed.

*Answer.* About forty or more miles.

DANIEL MCCOY.

William Williams, a white man, residing in the Cherokee Nation with a Cherokee family, living near Judge Daniel McCoy's, states, upon oath, that, on Thursday the 13th day of June, 1839, he saw John R. Nicholson and his family at the house of Judge Daniel McCoy; and that he remained there, and in the neighborhood, until Saturday the 15th after breakfast; and that he then departed, as he understood, to visit some relations on bayou Menard; and that he saw him on Tuesday evening following with his family at Judge Daniel McCoy's, and left there the Wednesday following for his home.

WILLIAM WILLIAMS.

Looney Price, a Cherokee, living in the Cherokee Nation, about four miles west of Judge Daniel McCoy's, states that, on Saturday the 15th day of June, 1839, he left home, in company with his wife, to visit Mr. Coodey's; and that at Mr. Hilderbrand's, he saw John R. Nicholson, together with his wife

and children ; and that he accompanied them as far as Mr. Joseph Coodey's, on their way to bayou Menard ; and that it was past the middle of the day.

LOONEY PRICE.

Joseph Coody, a white man with a Cherokee family, residing on the waters of bayou Menard, Cherokee Nation, swears, on oath, that, on Saturday the 15th of June, 1839, John R. Nicholson, in company with his wife and children, rode up to his gate ; he would suppose it to have been between 12 and 2 o'clock, in the afternoon, on the way to Mr. Bevert's, at the bayou Menard.

JOSEPH COODY.

Eleanor Bevert, a Cherokee living on bayou Menard, states that, on Saturday the 15th day of June, 1839, John R. Nicholson, with his wife and children, came to her house in the afternoon, and that they remained at her house the night of Saturday and of Sunday, and left the Monday following, after dinner, for Mr. Scrimsher's, on their return home.

ELEANOR BEVERT.

Larkin Bevert, a white man, with a Cherokee family, living in the Cherokee Nation, on bayou Menard, states, on oath, that he saw John R. Nicholson on Friday the 14th of June, 1839, at the council ground at the Double Springs ; and that the said Nicholson informed him he would be at his house the following evening, with his family ; and that he (Bevert) did not return to his home until Sunday morning, about 10 or 11 o'clock in the morning ; and that he found John R. Nicholson and his family there ; and that they remained there that night, until the day following, when he, together with his family, left, after dinner, for Martin Scrimsher's, on their return home.

LARKIN BEVERT.

True copy.

F. A. KERR.

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, August 8, 1839.*

GENTLEMEN: It was reported to me yesterday by a man of the name of Williams (a citizen of the United States), who resides near this post, that he has received satisfactory information that William Coodey, and his brother Daniel, have each declared, within a few days past, that he (Williams) and three or four other white men, who reside in the Cherokee Nation, will have to be killed, before quiet can be restored to the Cherokee people, and that this measure cannot, or ought not, to be longer delayed. I must believe that threats of this character are not countenanced by your body, and that you will not permit them to pass unnoticed. On these points, I request that you will favor me with an early reply by the bearer.

The individual named Williams, has resided near this post for several years, and has generally kept liquor to sell to soldiers and others, and is, therefore a man of indifferent character. Yet the apprehension of violence, he appears to labor under, has satisfied me that he believes the threats alluded to, have been made in relation to himself and others.

You are apprized that it is only necessary for you to apply to your agent to have ill-disposed white men removed from your nation ; and if they disregard his order to do so, that they will be removed by the troops, and that to murder them, would involve your nation in serious difficulties with the United States, unless the murderers were immediately given up for trial. I had hoped, before this, to have received a reply to my communication of the 4th inst.

I am, gentlemen, with much respect, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS and others, in convention near the Illinois river.

P. S. Since writing the above, I have received your letter of the 7th inst., together with a copy of your communication to the chiefs of the Cherokee Nation, which I most earnestly hope they will accept. Yet, I fear they will not do so in consequence of your wishing their committee to meet you at your present convention ground.

M. A.

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CONVENTION GROUND, *August 9, 1839.*

SIR: We have the honor to acknowledge the receipt of your communication of yesterday's date, by express.

From the character you have given of the complainant, and from that, of the individuals implicated, we think there is good reason to believe that the statements are destitute of truth. In justice, however, to Messrs. Wm. S. and Daniel R. Coodey, we deem it proper that they should be apprized of the information we have received, which we will communicate to them.

Your supposition, that threats of this character are not countenanced by us, is correct ; and we beg leave to say that the matter shall receive due notice ; and such action shall be taken in regard to it, as full information may render proper ; and such as may check the fabrication and circulation of reports injurious to the reputation of our respectable citizens.

We hope your fears, that the committee from the council at the mouth of the Illinois will not meet us on the ground you apprehend, will not be realized.

We have the honor to be, sir, your obedient servants,

GEORGE LOWRY, *President.*

ARCHIBALD CAMPBELL,

GEO. BREWER,

ELIJAH HICKS,

YOUNG WOLF,

EDWARD GUNTER,

LUNEY RILEY,

RILEY KEYS,

SINGING BIRD,

BARK

MOSES PARRIS.

By order of the convention.

JOHN ROSS.

Brigadier General M. ARBUCKLE,  
*U. S. A., commanding.*



FORT GIBSON, *August 12, 1839.*

GENTLEMEN: I am apprized that General Arbuckle will furnish you with a copy of a communication from the western Cherokee chiefs, addressed to me, by which you will see that they have appealed to the Government of the United States to protect them in their rights and privileges.

It is useless for me to call your attention to the many ineffectual attempts made by others, as well as yourselves, to adjust the very serious and unpleasant state of things existing between the Cherokees. As an appeal is made by the western chiefs to the United States, I will withhold their communication that you may have an opportunity of laying your views and determination before the honorable Secretary of War. In the meantime, I most earnestly press upon you to use every exertion to preserve the peace and harmony of the Cherokee Nation; and that nothing be done in any way to effect the old settlers, or those represented by them, in the exercise of their laws and privileges. The letter from the old chiefs to me has, I am informed, been sent to my residence, where I was presumed to be. I will remain here until Wednesday morning, the 14th, and I hope you will avail yourselves of the opportunity of the return express to lay your wishes and views before the proper department of the Government, with the appeal of the old chiefs.

I am, gentlemen, very respectfully, your obedient servant,

WM. ARMSTRONG,

*Acting Superintendent, W. T.*

JOHN ROSS, and others,

In convention near the Illinois river.

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, August 12, 1839.*

GENTLEMEN: You will herewith receive a copy of a communication, addressed to Captain Armstrong, acting superintendent of Western Territory, by the chiefs of the Cherokee Nation; a copy of which, you will perceive, they have furnished me with, and by which you will notice that they have appealed to the Government of the United States, to be sustained in the enjoyment of their rights and in the execution of their laws, and that the lives and liberties of their citizens may be protected from violence and disturbance.

It is hoped, gentlemen, that you will not adopt any measure calculated to obstruct the government of the Cherokee Nation (as it existed before the arrival of the late emigrants) in the due exercise of its authority, or in any manner disturb the old settlers, or those that have joined their government, until the decision of the Government of the United States is had in relation to this subject.

I am, gentlemen, respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS, and others,

In convention near the Illinois river.

TOLLUNTUSKY, *August 9, 1839.*

SIR: It is known to you that the western Cherokee Nation has existed for many years as an organized government; that we have been recognised as

a body politic by the Government of the United States; and that the said Government of the United States has, by treaty, engaged to protect and sustain us in the enjoyments of our rights, and in the execution of our laws. It is also known to you that we have, in our national capacity, expressed our willingness to receive into our country, under the protection of our laws, and to a full participation in all our rights and privileges, any of our brethren who might be disposed to emigrate from the land of our fathers, and seek a permanent home with us. And that, since the treaty of the year 1828, many hundreds of our brethren have availed themselves of the liberal overtures we have held out to them, and have settled in our country. All these have been received by us as brothers, and have fully participated with us in the enjoyment of all our rights and privileges.

The individuals who were known as the treaty or Ridge party, following the example of previous emigrants, have submitted to the government and laws as already existing in our nation. Accordingly, they have been received by us, and enjoy, with ourselves, the protection of our laws, and all the rights and privileges of our nation. It is also known to you that the numerous party who lately emigrated to our land, under the conduct of Mr. John Ross, late principal chief of the eastern Cherokee Nation, have refused to submit to our government and laws.

It is further known to you that individuals of that party lately committed a most savage murder upon the persons of three of our most useful citizens. It is also known to you that we have made known that we have made the most liberal overtures to these our brethren, and that we have neglected no means or efforts to effect an amicable union with them. We regret extremely that we are compelled to say that all our efforts for peace and union with this party have been unavailing. We now, therefore, make our appeal to you, and through you to the Government of the United States, to ask that we may be sustained in the enjoyment of our rights and in the execution of our laws; and that the lives and liberties of all our citizens may be protected from violence and disturbance, as promised us by treaty.

JOHN BROWN,  
JOHN ROGERS,  
JOHN LOONEY,

*Chiefs Cherokee Nation.*

WM. THORNTON, *Clerk.*

S. G. SIMMONS, *A. D. C.*

*and A. A. Adj. Gen., 2d Dept., W. Division.*

A true copy.

Captain WM. ARMSTRONG,  
*Superintendent Indian Affairs.*

SIR: We transmit a copy of a letter to you, which is the result of the deliberations of this council, which is for your information, and the respect we have for your friendly attention to the peace of our people, and the justice of our proceedings in regard to our national affairs.

Yours, respectfully,

JOHN BROWN,  
JOHN ROGERS,  
*Chiefs Cherokee Nation.*  
WM. THORNTON, *Clerk.*

General M. ARBUCKLE,  
*Commandant Fort Gibson.*

CONVENTION GROUND, *August 13, 1839.*

SIR: We have the honor to acknowledge the receipt of your letter of yesterday by express.

Your stay at Fort Gibson being so short, it will be impracticable for us to have a communication prepared in time to be forwarded to you at that place. We therefore respectfully request that you will withhold the communication of Messrs. John Brown and John Rogers, until you hear from us, which will be as soon as practicable.

You will please to inform us, by the return express, whether you have received funds for the Cherokee Nation; and, if not, the cause of this extraordinary delay. Also, how soon you will probably be in possession of means to make disbursements to the Cherokees for their claims on the United States Government.

We have the honor to be, sir, very respectfully, your obedient servants,

JOHN ROSS,  
GEO. LOWRY,

*Chiefs of the Cherokee Nation east, and in behalf of others.*

Captain W. ARMSTRONG,  
*Superintendent Indian Affairs.*

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FORT GIBSON, *August 14, 1839.*

GENTLEMEN: I have received your communication of yesterday's date. The letter addressed to me by the western Cherokee chiefs, of which I furnished you a copy, will be withheld at your solicitation, until you can have a fair opportunity to submit your views, &c., to the War Department, before whom the subject will be laid. It is desirable to have your answer as early as practicable.

I am equally at a loss, with yourself, to account for the delay in not receiving funds for the payment of the Cherokees. Expecting daily to receive information upon this subject, induces me to return home so speedily; the very earliest information about funds will be given you. Permit me, gentlemen, to assure you of my earnest wish and desire to see your difficulties amicably adjusted. Hoping that your labors may result in this very desirable object, I have the honor to remain, yours,

WM. ARMSTRONG,  
*Acting Superintendent, W. T.*

JOHN ROSS, Esq.,  
*Principal Chief, eastern Cherokees; and*  
GEO. LOWRY.

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CONVENTION GROUND, CHEROKEE NATION,  
*August 27, 1839.*

SIR: A copy of a communication to you from Messrs. John Brown and John Rogers is before us, and has received our deliberate attention.

In that communication they have assumed a position unwarranted by the laws and usages of the Cherokee people; unbecoming the relations subsisting between the two branches of the Cherokee family; and disapproved by the "old settlers," whom they profess to represent.

The arrival of the eastern Cherokee Nation in this country formed so important a crisis in the affairs of the Cherokees, as by universal consent to require a union of the two communities, and such a remodelling of their government and laws as would meet the exigencies of their present condition; and the feelings and expectations of the people, on both sides, were such as to forbid the anticipation of any difficulty in accomplishing a measure so evidently beneficial.

The course of these persons has been the very reverse of their professions. So far from having "neglected no means or efforts to effect an amicable union," they have used their utmost exertions to prevent its accomplishment. At Takattokah, every effort towards effecting that object, was repulsed by them. When the people expressed their disappointment and dissatisfaction at the result of that council, and called a convention of the people of both parties, the attendance and co-operation of the chiefs and the members of the respective councils were required, but Brown and Rogers declined to attend, and used all their influence to dissuade others from attending also; and, at a council called by themselves, at Tolluntusky, for the declared purpose of consulting the people of the "old settlers" on the subject of attending the national convention, they continued to repel every effort of the late emigrants, and of the "old settlers," to induce their friendly co-operation with the people; but in total disregard to the opinions or the voice of the people, they have, without their consent, made this inapposite appeal to the Government of the United States. But what is the intention of their appeal? Do they mean to ask that the Cherokee people be subjected to their domination by the sword of the United States? The question being one of a purely internal character, the only tribunal competent to adjudicate their case, would be the people of their own community.

But the principles of justice, as well as the relations subsisting between the United States and the Cherokees, would forbid the Government from adopting a measure of the kind invoked. We, therefore, respectfully enter our solemn protest against it. We consider this appeal as utterly inappropriate and uncalled for; and, as equally, a violation of the rights and liberties of the Cherokees, and an imposition on the Government of the United States. As a further illustration of the value which ought to be attached to this appeal, and in proof of the non-existence of circumstances requiring the protection invoked, we respectfully refer to the proceedings of the council, of the people, of the "old settlers," in reference to the conduct of the appellants.

Your request that we should use "every exertion to preserve peace and harmony in the Cherokee Nation," is in perfect consonance with our own feelings. Measures have already been adopted to secure that desirable result; and, we trust, the amicable union which has been formed between the two branches of the Cherokee people will give permanency to the tranquillity and prosperity of the country.

We have the honor to be, sir, your obedient servants,

GEORGE LOWRY, *President.*

GEORGE GUESS, *Vice President.*

Edward Gunter

R. Taylor

W. S. Adair

Geo. Hicks

Jesse Bushyhead

John Drew

Turtle Fields

Bark Flute

Crying Buffalo

George Beaver

Major Pullum

Sulleteskee Watts

Moses Parris	Talahasenee
Thomas Foreman	Logan
Looney Price	Thomas F. Taylor
Elijah Hicks	Archibald Campbell
Young Wolf	Wahachee Glass
Luney Riley	John Benge
John Spears	Hair Conrad
Thomas Candy	Young Elders
Aaron Price	Oolenawa
Tobacco Will	Kenah
James Spears	W. S. Coodey.

By order of the convention.

JOHN ROSS, *Principal Chief.*  
JOHN LOONEY,  
*Acting Principal Chief.*

Capt. W. ARMSTRONG,  
*Superintendent of Indian Affairs.*

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CHOCTAW AGENCY, WEST,  
September 1, 1839.

GENTLEMEN: Yours of the 27th August, is just received. I will by the next mail forward the same to Washington, to be laid before the proper department of the Government of the United States, to whom the appeal of John Brown and John Rogers, chiefs of the western Cherokees, will also be submitted, with all the papers which are in my possession relative to the Cherokee difficulty.

Respectfully, your friend, &c.

WM. ARMSTRONG,  
*Acting Superintendent, W. T.*

JOHN ROSS,  
*Principal Chief eastern Cherokees, and others.*

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
Fort Gibson, September 4, 1839.

GENTLEMEN: I received on the 2d instant, from Geo. W. Adair, John A. Bell, and others, a copy of your decree of the 21st ult., by which it appears that they are required to appear before your convention on or before this date, otherwise to be regarded outlaws.

It is true that the decrees, in relation to the individuals referred to, do not particularly state the principal offence with which they are charged, yet it is distinctly understood that the material offence for which they are outlawed (if they do not comply with the conditions of your decrees), is their having signed a treaty made with the United States, at New Echota, on the 29th day of December, 1835.

They have demanded protection from the Government of the United States, and, inasmuch as said Government regarded the signers of the treaty referred to competent, and duly authorized to conclude that treaty, it could not therefore have been anticipated by the United States that any



other portion of the Cherokee Nation could or would attempt to hold said individuals criminally responsible for that act. If they have made threats against any one or more individuals of the Cherokee Nation, they ought certainly to give a suitable pledge or security to demean themselves in a peaceable manner, and to abstain from violence against any one.

I request that you will favor me with a reply to this communication by the return of the bearer.

I am, gentlemen, very respectfully, your obedient servant,  
M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS, Esq., and others,  
In convention, near Illinois river.

TAHLEQUAH, CHEROKEE NATION,

*September 5, 1839.*

SIR: Your note of the 4th instant has just been submitted before us. You were some time past furnished with a copy of the decree of the Cherokee people, and the subsequent order, extending to those affected a longer time to comply with its provisions. The convention engaged in maturing a government suited to the Cherokees, under the act of union, being on the eve of closing their duties, passed a second order (a copy of which it seems you have received), requesting the appearance of those affected by the 4th instant, to give such pledges for their personal behavior as might ensure security to the lives of our citizens.

The convention, in its course, has given evidence of the anxiety which exists to restore peace and quietude throughout the country; and it is much regretted that efforts so laudable, directed to an object so much desired by the whole Cherokee people, have not been crowned with merited success. It surely cannot be deemed compatible with the interest of our country, that a few misguided individuals should be permitted to threaten and jeopard the lives of our most worthy citizens with impunity; and that such is the fact, we apprehend you have already abundant proof.

Very respectfully, your obedient servants,

GEORGE LOWRY, *Pres. Con.*

Edward Gunter,  
Tobacco Will,  
Major Pullum,  
Elijah Hicks,  
Moses Parris,  
George W. Gunter,  
Hair Conrad,  
John Benge,  
Charles Candy,  
The Fawn,  
Young Wolf,  
J. M. Lynch,  
Geo. Brewer,  
Joshua Buffington,  
Jesse Bushyhead,  
Jesse Russel,  
John F. Boot,

Daniel Colston,  
Lewis Mess,  
Geo. Hicks,  
Turtle Fields,  
Talahsenee,  
James Brown,  
Arch'd Campbell,  
John Drew,  
George Guess,  
W. S. Adair,  
Young Eldar,  
W. S. Coodey,  
Thos. Foreman,  
Thos. F. Taylor,  
Lewis Melton,  
Richard Taylor,  
Logan,

Crying Buffalo,  
Mark Flute,  
Oolayoeo,  
Softshell Turtle,

Jas. Spears,  
Stephen Foreman,  
Young Glass,  
Looney Price.

By order of the convention.

JOHN ROSS,  
JOHN LOONEY.

M. ARBUCKLE,  
*Brevet Brig. General, U. S. Army.*

HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, September 21, 1839.*

GENTLEMEN: It has been reported to me, this evening, by a Mr. Denningburg, agent for the contractors, who is immediately from Mr. Adair's, in Flint district, which place he had visited for the purpose of issuing subsistence stores to the late emigrant Cherokees, that he was there threatened by Mr. Lewis Webber in such a manner that he believed his life in danger, in consequence of which he left that place, with a promise that he would return on Monday next to complete the issues which he had commenced. I therefore request, as the late emigrants are interested in the issue being regularly made, that you will take such measures as will hereafter protect the agents of the contractor from insult or violence, otherwise the issues of provisions to the Cherokees will be suspended; and it is requested that some one or more individuals of influence will, without delay, proceed to Mr. Adair's, with the object of inquiring into the complaint made by Mr. Denningburg, and to take such measures as may be necessary to ensure good order at that place hereafter. I request that you will reply to this note by the return of the express.

I am, gentlemen, very respectfully, your obedient servant,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

JOHN ROSS, and others,  
In convention, near Illinois river.

PARK HILL, CHEROKEE NATION,  
*September 22, 1839.*

SIR: I have the honor to acknowledge the receipt of your communication of yesterday's date, in relation to the threats and conduct of Lewis Webber towards Mr. Denningburg, the agent of the contractors.

I assure you it is very much regretted that any individual should, by improper behavior, interfere with and obstruct the issue of rations to the Cherokees. Measures shall be adopted, which it is trusted will, for the future, insure order at the depots, and prevent a similar occurrence.

The subject with your communication will be submitted before the national council, now in session, on to-morrow, having adjourned over from yesterday until Monday.

Very respectfully, your obedient servant,

JOHN ROSS, *Principal Chief.*

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

FORT GIBSON, *September 28, 1839.*

SIR: We are required by instructions from the War Department to arrest and bring to trial the murderers of the Ridges and Boudinot. Although we have the names of several of the individuals charged, yet, as you are the chief of the emigrant Cherokees, by some of whom we have no doubt these murders were perpetrated, we therefore deem it proper to apprise you of this order. We believe that you can have the persons charged delivered at this post, without resorting to other means, which it is our wish to avoid. Should we be disappointed in our expectations in this particular, the military force of the United States will be employed in carrying out the instructions of the War Department. In the meantime, we expect and require of you that no violence or disability whatever be imposed on the treaty party in consequence of the treaty of 1835, which has received the sanction of the Government of the United States.

We extremely regret the unfortunate events to which we have referred; and also that no union has taken place between the eastern Cherokees, of whom you are the acknowledged head, and John Brown, principal chief of the western Cherokees. An early reply to this communication is requested.

Respectfully, your very obedient servants,

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*  
WM. ARMSTRONG,  
*Acting Superintendent, W. T.*

JOHN ROSS,  
*Principal Chief of the emigrant Cherokees.*

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TAHLEQUAH, CHEROKEE NATION,  
*September 30, 1839.*

GENTLEMEN: Your communication of the 28th inst. came duly to hand by express.

You apprise me of having received "instructions from the War Department to arrest and bring to trial the murderers of the Ridges and Boudinot," and express expectations "that I will arrest the persons charged, and deliver them over to the military post at Gibson without resorting to other means." I hold myself at all times in readiness, so far as I may be concerned, to comply with the established regulations between the United States and the Cherokee Nation; and for all offences which may be committed by individual Cherokees, and over which the United States may have proper jurisdiction, and their courts cognizance assuredly, I could not, in duty to the nation and to myself, but exercise all necessary and proper efforts to sustain and preserve unimpaired the confidence and friendship of both parties. You cannot be otherwise than fully impressed with the fact that there exists in this country a feeling decidedly friendly to the Government and people of the United States, and no wish or attempt to cause innovation in the plain and well-understood method of communication and intercourse. In relation to the particular subject of "arrest and trial" of which you speak, I am wholly at a loss to conjecture by what right or sound policy the Cherokee people are to be deprived of the exercise of their own legitimate authority over acts of one Indian against another—an authority founded upon *natural* as well as conventional rights.

I cannot conceive how, if the persons charged be Cherokees, they have violated either treaty stipulation or act of Congress, that they should be held answerable to the courts of the United States, and the military force employed for their arrest. Any effort directed to that purpose is deprecated, as calculated to disquiet the country, to weaken the confidence of the people in their exertions to allay excitement, and the enjoyment of some respite from the difficulties and embarrassments which have so long distressed them.

None of the persons charged with the act you are instructed upon are known to me; some of them may be of the late emigrants, or all for aught I know; nor do I feel that it is again necessary for me to revive the subject among the people, when you are doubtless apprized that they themselves, in convention, considered and disposed of the matter in a manner satisfactory to the whole Cherokee people. You express regret "that no union has taken place between the eastern Cherokees and John Brown, principal chief of the western Cherokees." This may be true to some extent, yet it is equally true that a union has been formed between the eastern and western Cherokee people. To that union, if it has pleased some to withhold their approbation, and among them John Brown, still the people acted for themselves. They are the acknowledged source of power in this country, and their original acts require not the sanction of any chief to accredit it with authority. Many of the old settlers, who could not attend in person, forwarded their names to be enrolled upon that act.

Although the fact may not have been formally announced to you, yet it was believed that you were informed of the adoption of a constitution for the government of the Cherokee Nation, in accordance with the act of union. Elections have also taken place under its provisions for officers, &c.; and the national council, composed both of *old settlers* and *emigrants*, without, however, any distinction, are now about to terminate its session, having been engaged in passing such laws as were required for the security and protection of the persons and property of the people.

From these facts, I trust that you will be fully convinced of the earnest desire of the Cherokees to preserve and maintain the peace and friendship which have so long subsisted between them and the citizens of the United States.

I have the honor to be, gentlemen, very respectfully, your obedient servant,

JOHN ROSS, *Principal Chief.*

Brevet Brigadier General M. ARBUCKLE, *U. S. A.*; and

Captain W. M. ARMSTRONG,

*Acting Superintendent, W. T., Fort Gibson.*

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TAHLEQUAH, CHEROKEE NATION,  
October 7, 1839.

SIR: In respect to you as the agent of the United States Government for this nation, and the friendship we bear to your Government and people, we are induced to address you, briefly, in relation to our own local affairs. We desire you may be fully and correctly informed of the measures which have been adopted by the Cherokees, in consequence of the two branches of this people having been again brought together. During the excited



state of feeling which prevailed throughout the country, we are aware that much has been said to the prejudice of the great body of our people, and many false and exaggerated statements against individuals propagated for effect. It cannot but be admitted, that the recent disturbances and disquiet originated from unhappy causes, and which all reflecting minds must regret : but, still, they were confined strictly to matters of a local character, and over which the people themselves were competent to exercise control, and to adjust in a manner deemed most conducive to the peace and general welfare of the nation. You will bear in mind the failure at Takattokah to effect a reunion of this people : that council assembled at the joint call of the respective authorities of each party, the object of which, however, although so laudable and desirable, was defeated by a few individuals. The proposition of terms from the eastern Cherokees (the nature of which you are apprized) was rejected, and no offer made in return by the chiefs of the western Cherokees. The greater portion of the people, however, of both parties were properly impressed with the necessity of a union upon terms of friendship and good understanding : their relative position required it ; and there existed no right or even plausibility, why the authority of the one or the other party should predominate, to the destruction of the other. The peace and interests of both suggested the importance of an entire government for the whole to be founded upon an act of brotherly union. This being indispensable, the people, mutually, eastern and western, determined upon another effort for its accomplishment, and accordingly invited the whole people and their chiefs to meet in convention for that purpose. The people responded to this call, by assembling at the campground near the Illinois : here both parties met in a spirit of fair and mutual compromise, perfected an arrangement of terms by which they are henceforth to be known only as one : a copy of which is herewith transmitted. It is true, Brown and Rogers refused to attend and unite with their people in a measure so nearly connected with the quiet and prosperity of the Cherokees. The other chief, however, gave to it his aid and support. In this, the people acted for themselves, the admitted source of power, and to whom all the officers are responsible. Their action was perfect and complete, and over which no chief could exercise a negative.

Members were also selected by them, in pursuance of their agreement, to meet in convention and form a constitution upon which their future Government should be based. These members were of both parties though acting for the whole people. They executed their business to the satisfaction of their constituents, who were again assembled at this place to approve or reject. The people also at the same time in the exercise of the elective franchise, secured to them by the constitution, proceeded to elect two chiefs and members to form a national council. The council as early as convenience permitted, convened, and have, in the discharge of the duties imposed, enacted such laws as were deemed suited to the condition and wants of the country. Thus you will perceive so far as the adjustment of any local question was concerned, which gave rise to the late agitation of feeling, it has been finally closed. There is now no cause for quarrel or disagreement between the eastern and western Cherokees, and if, perchance, any individual should array himself in opposition to the Government and laws which have resulted from this union, and seek to revive a subject no longer debatable, such person cannot be viewed in any other respect than as being hostile to good order, and the general welfare of the nation.

We beg leave again to reassure you of the utmost good feeling, and great anxiety to maintain unimpaired our friendly relation to your Government. To entertain for a moment an opposite sentiment would be unworthy of our station, and in violence of the good sense and intelligence of our citizens. And in connexion with the cultivation of peaceable relations both toward the United States Government and its officers who are intrusted with important business among us, we cannot but express our sincere regret that the War Department has recently instructed the military authority to "arrest and bring to trial" some of our citizens for an alleged offence, not against the United States or any of its citizens, and who are not amenable to any other than their own laws for the charges alleged. You are also perhaps apprized that the people of the country have acted upon this subject in a manner satisfactory to themselves; and this being the fact, with what propriety or good intent can the military arrest persons and imprison them in a garrison? Before what tribunal are they to be arraigned? If any in this nation why the military substituted in lieu of our own officers? If out of the nation, before what court, when no one can pretend that a court of the United States can entertain jurisdiction of a "crime committed by one Indian against the person or property of another Indian?" Assuredly, it is not intended to punish by confinement in a fort without evidence of guilt and a legal trial, until the department may order their discharge and liberation? The persons who may be implicated under these instructions, *if Cherokees*, cannot be searched after by the military and arrested without producing excitement, particularly when it is considered that that subject has been finally disposed of by the Cherokees themselves. If charges can rest any where it must be against the people of the country, and we are not yet prepared to believe that it was the intention of the Government to make war upon our nation without just cause.

We earnestly hope that General Arbuckle will not press a matter so calculated to unsettle all our efforts to restore order and good feeling among our people. And that all the facts properly bearing upon this subject may be reported to the department for the information of the Government, as we firmly believe that when fully informed of the actual condition of those matters, these instructions will be countermanded.

With sentiments of the highest regard, we have the honor to be your obedient servants,

WM. SHOREY COODEY,  
*President National Committee.*  
 YOUNG WOLF,  
*Speaker of Council.*  
 JNO. ROSS,  
*Principal Chief.*  
 JOS. M. VANN,  
*Assistant Chief.*

MONTFORT STOKES, Esq.,  
*United States Agent.*

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TAHLEQUAH, CHEROKEE NATION, October 8, 1839.

SIR: By the request of the National Council, I forward you their resolution of the 2d instant, in relation to the order of the War Department,

prohibiting the Rev. Evan Jones from settling in this country, which you will be pleased to report to the Hon. Secretary of War.

I have the honor to be, very respectfully, your obedient servant,  
JOHN ROSS, *Principal Chief.*

General M. STOKES,  
*U. S. Agent for the Cherokee Nation.*

Whereas, the principal chief having this day apprized the National Council that an order has been issued from the War Department, directed to M. Stokes, United States agent, to prohibit the residence among the Cherokees of the Rev. Evan Jones, a missionary under the Baptist Board, on account of charges preferred before the Secretary of War, the nature and character of which, however, are not specified or mentioned in said order; therefore,

*Resolved by the National Council,* That no complaints or charges, of whatever kind or character, have ever been made to the Hon. Secretary of War, or any other person, either by the authorities of this nation, or any authorized person, in behalf of the Cherokee people; and that they are not aware or apprized of any act or conduct upon which complaint or charge may be founded, to the prejudice of the aforesaid Rev. Evan Jones, he having for many years resided among them east of the Mississippi, devoted to their instruction and improvement, to their entire satisfaction and approbation; and it is the desire of the people and authorities of this nation, that he shall be again permitted to resume his labors in this country. The principal chief is requested to forward a copy of this resolution to the United States agent, to be reported by him to the War Department.

W. SHOREY COODEY,  
*President of National Committee.*  
YOUNG WOLF,  
*Speaker of Council.*

Approved.

JOHN ROSS.

DAVID CARTER,  
*Clerk National Council.*

TAHLEQUAH, CHEROKEE NATION, *October 2, 1839.*

WAR DEPARTMENT,  
*Office of Indian Affairs, May 16, 1839.*

SIR: Representations have been made to this department by Cherokees of intelligence and high standing in their nation, that Evan Jones, a missionary, sent by the Baptist Board to their people, has been guilty of acts which forbid his residence among them any longer in that capacity. He is charged with the most atrocious crimes; but, upon trial, was discharged with a reprimand from the court, the evidence not being sufficient for his conviction.

It is stated that he is now about to organize a mission in the Cherokee country west, and the department is asked to expel him, and for ever debar him from it. The circumstances of the case are such, that if he is inno-

cent, no probability any benefit will result to the Indians from his remaining longer among them. I have therefore to request that immediate measures may be taken for his removal; which, it is presumed, can be effected by the 1st of October next.

Very respectfully, your most obedient servant,  
**T. HARTLEY CRAWFORD,**  
*Commissioner of Indian Affairs.*

**Rev. LUCIUS BOLLES,**  
*Corresponding Secretary Baptist Board  
of Missions, Massachusetts.*

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**WAR DEPARTMENT,**  
*Office of Indian Affairs, May 16, 1839.*

**SIR:** Enclosed I transmit a copy of my letter of this date to the Rev. Lucius Bolles, corresponding secretary of the Baptist Board of Foreign Missions, requesting the removal, from the Cherokee country west, of Evan Jones, a missionary, sent by them to the Cherokees. If, upon the 1st of October next, he still remains within your superintendency, you will immediately take the necessary measures for his expulsion.

Very respectfully, your most obedient servant,  
**T. HARTLEY CRAWFORD,**  
*Commissioner of Indian Affairs.*

**Capt. WILLIAM ARMSTRONG,**  
*Choctaw Agency west.*

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**CHEROKEE AGENCY, BAYOU MENARD,**  
*October 8, 1839.*

**SIR:** I have received your letter of this date, enclosing three communications from the Cherokee council, to wit:

1. The late act of union.
2. The proceedings of the Cherokee council relative to the causes of disunion among the Cherokees; and also to the demand of the United States Government, for the surrender of certain persons supposed to be concerned in killing the two Ridges and Boudinot.
3. The resolution relative to the expulsion of Evan Jones, from the Cherokee country.

For these communications accept my sincere thanks. Copies of the first two I have forwarded to the War Department. But, with respect to the one relating to Mr. E. Jones, I have detained it until next mail, because I do not well recollect whether I sent you the order of the War Department alone, or whether I sent also the letter from the Secretary of War to Mr. Lucius Bolles, corresponding secretary of the Baptist board of Foreign Missions. As I did not consider that letter as any part of the order of the War Department, it is probable that I did not send it, especially as I had no disposition to act on any extraneous matter to the injury of Mr. Jones. I now send a copy of the letter to Mr. Bolles: and if it produces any change in



the terms of the resolutions of the council in this case, you will be good enough to inform me.

I am, very respectfully, your obedient servant,

M. STOKES,

*Agent for Cherokee Nation.*

JOHN ROSS,

*Principal Chief of the Cherokee Nation.*

TAHLEQUAH, CHEROKEE NATION,

October 13, 1839.

SIR: The national council which has been for some time in session at this place, adjourned yesterday. The two communities of the Cherokee people having, by their act of union, become one, and such measures for the preservation of order and the advancement of the general welfare as seem to have been required adopted, various important questions, and much business with the Government of the United States, both of a public and private character, yet remain in an unsettled state, and which require to be adjusted as early as practicable, the council therefore determined upon the expediency of appointing a delegation to Washington, with proper authority for this purpose. The following persons were appointed a delegation: John Ross, principal chief, William S. Coodey, Edward Gunter, Richard Taylor, Joseph M. Lynch, Luney Price, John Looney, Elijah Hicks, and Jesse Bushyhead; which we report to you in order that it may be communicated to the Government.

The Cherokees have no desire other than the promotion of their welfare, and the cultivation of the utmost good feeling and friendship of the United States.

We flatter ourselves that, henceforward, there will exist no local cause to disquiet public feeling, and that harmony will prevail uninterrupted throughout the country. That there may possibly be a few disaffected persons is not unlikely (they are to be found in all communities); but no danger is apprehended to the peace of the country; the wholesome operation of the laws will prevail as a remedy for such evils; and we trust the agents and officers of the Government will not permit the wanton fabrications from such a source to cause doubts of the correct and just course of the nation in all of its public transactions.

It may also be proper to apprise you, that Mr. Lewis Ross has been appointed national treasurer, and who is authorized to receive any public funds which may be transmitted for payment of the Cherokees.

Your obedient servants,

WM. SHOREY COODRY,

*President National Committee.*

YOUNG WOLF,

*Speaker of Council.*

JOHN ROSS,

*Principal Chief.*

JOSEPH VANN,

*Assistant Principal Chief.*

M. STOKES, Esq.,

*U. S. Agent for Cherokees.*



HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, October 14, 1839.*

SIR: I was furnished last night, by your agent, with a letter you addressed to him on the 7th instant; also, a copy of your proceedings of the 12th of July last. The paper signed by John Looney and others, I had previously received. The tenor and character of these papers, which I have not leisure at present to notice generally, are regarded highly exceptionable, particularly your letter to your agent, and certainly do not establish the fact of a union having taken place between the late emigrant Cherokees and the old settlers. The act of union (as it is called) which bears date on the 12th of July, is signed by a few unauthorized individuals of the government of the old settlers, and, it is presumed, were all of the old settlers then at your assemblage who were willing to sign that paper; and, finally, when John Looney and some old settlers, who, it is understood, you had collected at your convention by sending out agents in all directions for them (much to the disquiet of the old settlers), notifying them, it is generally reported and believed, that, if they did not come in and support you, they, as well as the Cherokee people generally, would fail to obtain pay for the lands they left on the east of the Mississippi, with other remarks calculated to disturb the quiet of the old settlers, and impair their confidence in their chiefs. It is understood that it was with such a party, generally, that John Looney acted in signing a paper or decree, on the 23d of August last, deposing his brother chiefs, Brown and Rogers, which is drawn up in the language of all the decrees which were passed by your convention; and, therefore, I am authorized in believing that it was prepared under your directions, if not written by yourself.

The fourth paragraph of that decree complains that they (meaning Brown and Rogers) have continued to oppose the friendly reunion of the two parties, &c., when it could not have been forgotten by Mr. Looney, or yourself, that he acted with Brown and Rogers, on the 28th of June last, in making, as it is now believed, the only fair proposition that was made with the object of uniting the old settlers and the late emigrants. This being the fact, as it certainly is, how will Mr. Looney and all others acquainted with the proposition having been made, acquit themselves of a most wilful and corrupt disregard of truth? These facts, I judge, are entirely sufficient to prove that no union between the late emigrants and old settlers has taken place, or that the small minority of the old settlers that deposed their chiefs could give validity to such an act; and the proceedings of your convention conclusively prove that you would not have met the chiefs of the old settlers here, or at any place, that you could not have enjoyed a positive control over them, and every measure you desired to mature.

I notice that you abound in your late communications in the expression of good feelings towards the citizens of the United States, and your desire to maintain peace, to allay strife with your own people, and discharge your duty to the Government of the United States. It would afford me much pleasure if your professions and acts corresponded in these particulars. You remark in your letter to your agent, that he is, perhaps, apprized that the people of the country have acted on the subject (meaning the murderers of the Ridges and Boudinot, and the treaty party), in a manner satisfactory to themselves. It is not doubted that you have done so, so far as relates to a party, and perhaps to the greater portion of the late Cherokee emi-

grants ; but how does this settle the claims of justice, and the obligations of the United States, who are bound to protect the Cherokees from domestic strife? You allege that there is no law to punish the murderers, if they are surrendered ; if so, they will be soon released. Be this as it may, you cannot doubt, by your treaties with the United States and the intercourse law, that it was your duty to have surrendered them in compliance with the demand made on you. As you have not complied with your duty in this respect, I shall send out parties, as soon as convenience permits, to apprehend them, and require the parties so employed to be accompanied by suitable guides, and others, that are acquainted with the individuals to be apprehended. No unoffending citizen of the Cherokee Nation will be disturbed, or in any way ill-treated ; therefore, if the discharge of this duty should lead to serious difficulties, the blame will be with you and your people.

I am, sir, very respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS,

*Principal Chief of the late Emigrant Cherokees,  
near Illinois river.*

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HEADQUARTERS, 2d DEPT., W. DIVISION,  
*Fort Gibson, November 2, 1839.*

SIR : It having been reported to me that threats have been made by the Cherokees against any Cherokee who should aid the troops in searching for the individuals implicated in the late murders, I thought it advisable to inform you that Hercules S. Martin, your agent's interpreter, will accompany the troops as an interpreter, and in no other capacity. And should it be necessary to employ a Cherokee or Cherokees to point out those individuals (they not being personally known to the officer), although it is not my intention to do so if other persons can be obtained, you must be aware that such persons, if employed in the service of the United States Government, will be under its protection ; therefore, any violence offered to them, in consequence of this employment, would be an aggression against the United States.

I am, sir, respectfully, your obedient servant,

M. ARBUCKLE,

*Brevet Brig. General, U. S. A.*

JOHN ROSS,

*Principal Chief of the late emigrant Cherokees.*

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PARK HILL, CHEROKEE NATION,  
*November 4, 1839.*

SIR : Your letter of the 2d instant was handed me yesterday, by which I am informed that it has been reported "to you that threats have been made by the Cherokees against any Cherokees who should aid the troops in searching for the individuals implicated in the late murders," and that any violence offered to them in consequence of this employment would be an aggression against the United States.

Some days since I had the honor also to receive another communication from you, dated on the 14th of October, and to which other business of importance has prevented an earlier notice. This communication also closes with a declaration "that if the discharge of this duty (searching the country by military parties) should lead to serious difficulties the blame will be with you and your people." To me it is of small moment what "*reports*" are borne to you or any other person. I am not answerable for the slanderous fabrications of designing Cherokees or vicious white men. The truth I fear not, and court its strictest scrutiny at all times, and under all circumstances. But I do regret the importance which has been repeatedly attached to mere rumor, and the most improbable statements, and that *reports*, without proof, have been deemed sufficient to warrant serious charges against respectable individuals, to tax the community with corrupt falsehood, and the application of harsh and violent terms to the nation, as well as its citizens. This, however, is a subject, perhaps, properly your own; but it becomes a grievance to us when you violently assign to the authorities and people of this country a position unfair, unnatural, and unjust in point of fact and the universal prevailing sentiment.

In duty to the Cherokee people, I am again impelled to protest against any further interference on your part in their local political affairs, and to request that they may be permitted to remain in peace and quiet undisturbed and unannoyed by the military in searching the country for persons whom they have no legal right to arrest, and for purposes at variance with the good understanding so long subsisting and cherished between your Government and the Cherokee Nation. They are guilty of no offence against the Government or people of the United States; and if arrested it is yet purely a matter of conjecture by what mode or before what tribunal they are to be "*punished*!" Why has not the department also given instructions on this point where it is not less important than the arrest itself? Was it because the sanction of law was wanting? or was it committed to military discretion, and martial law? The absence of all information on this subject, under the existing state of things, renders it exceedingly improbable that any individual could willingly commit his safety to confinement in a garrison, or to be marched off to some neighboring jail.

You speak of the obligations of the Government to protect the Cherokees from domestic strife, but omit all notice of the preceding declaration in the same (6th art. of the Schermerhorn treaty of 1835), that "perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians." If, then, that instrument was actually made with the Cherokee Nation, could it have been intended that this "peace and friendship" should be confined on the one part to a small number not comprising the one-hundredth portion of the Cherokee Indians, or the half of that; and that this small portion should be so elevated and cherished through the military, as to hold and enjoy all the friendship, protection, favor, rights, and interests, natural and conventional, belonging or appertaining to their race? These people have no desire, direct or remote, to be at enmity with your Government. Our people are ready, on proper occasions, to testify their sense of honor and their love of peace; but they do not consider it their duty, at this threatened exercise of military authority, to prostrate the nation, and surrender their rights, their interests, and the lives of their citizens, nor do they believe that the Government at Washington, if properly informed, would demand such a sacrifice. You, as an

officer of the United States, are responsible for your official conduct and measures, and, however much you seem inclined to force me, on this occasion, to participate in sharing the responsibility of the execution of "orders" which I have never seen, if not wholly to assume it, I must be excused for waiving entirely all right or pretension to such honors. I know my duty to my own people, and our obligations to the United States; and while I shall not shrink from the performance of the one, I shall ever regard the other with scrupulous attention. You charge me with a failure to comply with my duty in this respect; but that is merely your opinion; and I claim the equal privilege of exercising my own judgment in reference to subjects calling for my action. And if, perchance, it should please you to overstep the proper bounds of official propriety, to indulge in invective, or decide questions not at all within the scope of your duties, it will not change my course, or cause me to forget the respect due to an officer of the United States, whose business to some extent connects him with this nation.

Whatever result may emanate from your action in relation to their arrests, I again assure you that I cannot yield to share any portion of the "blame," or responsibility, and desire that you will cease to confer such unmerited marks of distinction upon an individual who has no ambition to be thus signalized.

To the other portions of your letter of the 14th October, I have no wish to reply at length; assuredly I have none to engage in a spirit of controversy so apparently manifest and inviting in your language. The eastern and western Cherokees have formed a union with which the majority of both are satisfied, and it being a matter exclusively their own it is not considered that your approval was required to legalize the transaction, or that your opposition will destroy it among the *Cherokees*. The aid or friendly council of the Government officers in public matters may not at all times be objectionable, and the Cherokees have ever been grateful for acts of kindness rendered, but it cannot extend to an approval of political acts calculated to disturb the quiet of the mass of the people.

Your other remarks are predicated upon entirely erroneous information, and wrong views, but of which I shall not now attempt any correction. Time will develop the truth of many things now clouded by false colorings and shadows.

I have the honor to be, sir, very respectfully, your obedient humble servant,

JOHN ROSS,  
*Principal Chief.*

M. ARBUCKLE,  
*Brevet Brig. General, U. S. A.*

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#### MEMORANDUM.

Various other papers, illustrative of this memorial, will be found in the Representative Executive Document, No. 2, of 26th Congress, 1st session, from page 354 to page 427. Among them may be seen the Decrees of Amnesty, in pages 390 to 393. The act of the western Cherokees deposing Brown and Rogers, page 386, and the act of union between the eastern and western Cherokees, page 389.