

MEMORIAL AND PROTEST OF THE CHEROKEE NATION.

[To accompany bill R. H. No. 695.]

MEMORIAL

OF THE

CHEROKEE REPRESENTATIVES,

*Submitting the protest of the Cherokee nation against the ratification, execution, and enforcement of the treaty negotiated at New Echota, in December, 1835.*

JUNE 22, 1836.

Read, and referred to the Committee of the Whole House to which is committed the bill (R. H. No. 695) *making further appropriations for carrying into effect certain Indian treaties.*

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

The undersigned representatives of the Cherokee nation, east of the river Mississippi, impelled by duty, would respectfully submit, for the consideration of your honorable body; the following statement of facts: It will be seen, from the numerous subsisting treaties between the Cherokee nation and the United States, that from the earliest existence of this Government, the United States, in Congress assembled, received the Cherokees and their nation into favor and protection; and that the chiefs and warriors, for themselves and all parts of the Cherokee nation, acknowledged themselves and the said Cherokee nation to be under the protection of the United States of America, and of no other sovereign whatsoever: they also stipulated, that the said Cherokee nation will not hold any treaty with any foreign power, individual State, or with individuals of any State: that for, and in consideration of, valuable concessions made by the Cherokee nation, the United States solemnly guaranteed to said nation all their lands not ceded, and pledged the faith of the Government, that "all white people who have intruded, or may hereafter intrude, on the lands reserved for the Cherokees, shall be removed by the United States, and proceeded against, according to the provisions of the act, passed 30th March, 1802," entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers." It would be useless to recapitulate the numerous provisions for the security and protection of the rights of the Cherokees, to be found in the various treaties between their nation

and the United States. The Cherokees were happy and prosperous under a scrupulous observance of treaty stipulations by the Government of the United States, and from the fostering hand extended over them, they made rapid advances in civilization, morals, and in the arts and sciences. Little did they anticipate, that when taught to think and feel as the American citizen, and to have with him a common interest, they were to be *despoiled by their guardian*, to become strangers and wanderers in the land of their fathers, forced to return to the savage life, and to seek a new home in the wilds of the far west, and that without their consent. An instrument purporting to be a treaty with the Cherokee people, has recently been made public by the President of the United States, that will have such an operation, if carried into effect. This instrument, the delegation aver before the civilized world, and in the presence of Almighty God, is fraudulent, false upon its face, made by unauthorized individuals, without the sanction, and against the wishes, of the great body of the Cherokee people. Upwards of fifteen thousand of those people have protested against it, solemnly declaring they will never acquiesce. The delegation would respectfully call the attention of your honorable body to their memorial and protest, with the accompanying documents, submitted to the Senate of the United States, on the subject of the alleged treaty, which are herewith transmitted.

If it be said that the Cherokees have lost their national character and political existence, as a nation or tribe, by State legislation, then the President and Senate can make no treaty with them; but if they have not, then no treaty can be made for them, binding, without and against their will. Such is the fact, in reference to the instrument intered into at New Echota, in December last. If treaties are to be thus made and enforced, deceptive to the Indians and to the world, purporting to be a contract, when, in truth, wanting the assent of one of the pretended parties, what security would there be for any nation or tribe to retain confidence in the United States? If interest or policy require that the Cherokees be removed, without their consent, from their lands, surely the President and Senate have no constitutional power to accomplish that object. They cannot do it under the power to make treaties, which are contracts, not rules prescribed by a superior, and therefore binding only by the assent of the parties. In the present instance, the assent of the Cherokee nation has not been given, but expressly denied. The President and Senate cannot do it under the power to regulate commerce with the Indian tribes, or intercourse with them, because that belongs to Congress, and so declared by the President, in his message to the Senate of February 22, 1831, relative to the execution of the act to regulate trade and intercourse with the Indian tribes, &c. passed 30th of March, 1802. They cannot do it under any subsisting treaty stipulation with the Cherokee nation. Nor does the peculiar situation of the Cherokees, in reference to the States, their necessities and distresses, confer any power upon the President and Senate to alienate their legal rights; or to prescribe the manner and time of their removal.

Without a decision of what ought to be done, under existing circumstances, the question recurs, is the instrument under consideration a contract between the United States and the Cherokee nation? It so purports upon its face, and that falsely. Is that statement so sacred and conclusive that the Cherokee people cannot be heard to deny the fact? They have denied

it under their own signatures, as the documents herein before referred to will show, and protested against the acts of the unauthorized few, who have arrogated to themselves the right to speak for the nation. The Cherokees have said they will not be bound thereby. The documents submitted to the Senate show, that when the vote was taken upon considering the propositions of the commissioner, there were but seventy-nine for so doing. Then it comes to this: could this small number of persons attending the New Echota meeting, acting in their individual capacity, dispose of the rights and interests of the Cherokee nation, or by any instrument they might sign, confer such power upon the President and Senate?

If the United States are to act as the guardian of the Cherokees, and to treat them as incapable of managing their own affairs, and blind to their true interests, yet this would not furnish power or authority to the President and Senate, as the treaty making power to prescribe the rule for managing their affairs. It may afford a pretence for the legislation of Congress, but none for the ratification of an instrument as a treaty made by a small faction against the protest of the Cherokee people.

That the Cherokees are a distinct people, sovereign to some extent, have a separate political existence as a society, or body politic, and a capability of being contracted with in a national capacity, stands admitted by the uniform practice of the United States from 1785, down to the present day. With them have treaties been made through their chiefs, and distinguished men in primary assemblies, as also with their constituted agents or representatives. That they have not the right to manage their own internal affairs, and to regulate, by treaty, their intercourse with other nations, is a doctrine of modern date. In 1793, Mr. Jefferson said, "I consider our right of pre-emption of the Indian lands, not as amounting to any dominion, or jurisdiction, or paramountship whatever, but merely in the nature of a remainder, after the extinguishment of a present right, which gives us no present right whatever, but of preventing other nations from taking possession, and so defeating our expectancy. That the Indians *have the full, undivided, and independent sovereignty as long as they choose to keep it, and that this may be forever.*" This opinion was recognised and practised upon, by the Government of the United States, through several successive administrations, also recognised by the Supreme Court of the United States, and the several States, when the question has arisen. It has not been the opinion only of jurists, but of politicians; as may be seen from various reports of Secretaries of War—beginning with Gen. Knox, also the correspondence between the British and American ministers at Ghent in the year 1814. If the Cherokees have power to judge of their own interests, and to make treaties, which, it is presumed, will be denied by none, then to make a contract valid, the assent of a majority must be had, expressed by themselves or through their representatives, and the President and Senate have no power to say what their will shall be, for from the laws of nations we learn that "though a nation be obliged to promote, as far as lies in its power, the perfection of others, it is not entitled forcibly to obtrude these good offices on them." Such an attempt would be to violate their natural liberty. Those ambitious Europeans who attacked the American nations, and subjected them to their insatiable avidity of dominion, in order, as they pretended, for civilizing them, and causing them to be instructed in the true religion, (as in the present instance to preserve the Cherokees as a distinct people,) these usurpers grounded themselves on a pretence

equally unjust and ridiculous." It is the expressed wish of the Government of the United States to remove the Cherokees to a place west of the Mississippi. That wish is said to be founded in humanity to the Indians. To make their situation more comfortable, and to preserve them as a distinct people. Let facts show how this *benevolent* design has been prosecuted, and how faithful to the spirit and letter has the promise of the President of the United States to the Cherokees been fulfilled—that "*those who remain may be assured of our patronage, our aid, and good neighborhood.*" The delegation are not deceived by empty professions, and fear their race is to be destroyed by the mercenary policy of the present day, and their lands wrested from them by physical force; as proof, they will refer to the preamble of an act of the General Assembly of Georgia, in reference to the Cherokees, passed the 2d of December, 1835, where it is said, "from a knowledge of the Indian character, and from the present feelings of these Indians, it is confidently believed, that the right of occupancy of the lands in their possession should be withdrawn, *that it would be a strong inducement to them to treat with the General Government, and consent to a removal to the west*; and whereas, the present Legislature openly avow that their primary object in the measures intended to be pursued, *are founded on real humanity to these Indians*, and with a view, in a distant region, to perpetuate them with their old identity of character, *under the paternal care of the Government of the United States*; at the same time frankly disavowing *any selfish or sinister motives towards them in their present legislation.*" This is the profession. Let us turn to the practice of *humanity*, to the Cherokees, by the State of Georgia. In violation of the treaties between the United States and the Cherokee nation, that State passed a law requiring all white men, residing in that part of the Cherokee country, in her limits, to take an oath of allegiance to the State of Georgia. For a violation of this law, some of the ministers of Christ, missionaries among the Cherokees, were tried, convicted, and sentenced to hard labor in the penitentiary. Their case may be seen by reference to the records of the Supreme Court of the United States.

Valuable gold mines were discovered upon Cherokee lands, within the chartered limits of Georgia, and the Cherokees commenced working them, and the Legislature of that State interfered by passing an act, making it penal for an Indian to dig for gold within Georgia, no doubt "*frankly disavowing any selfish or sinister motives towards them.*" Under this law many Cherokees were arrested, tried, imprisoned, and otherwise abused. Some were even shot in attempting to avoid an arrest; yet the Cherokee people used no violence, but humbly petitioned the Government of the United States for a fulfilment of treaty engagements, to protect them, which was not done, and the answer given that the United States could not interfere. Georgia discovered she was not to be obstructed in carrying out her measures, "*founded on real humanity to these Indians,*" she passed an act directing the Indian country to be surveyed into districts. This excited some alarm, but the Cherokees were quieted with the assurance it would do no harm to survey the country. Another act was shortly after passed, to lay off the country into lots. As yet there was no authority to take possession, but it was not long before a law was made, authorizing a lottery for the lands laid off into lots. In this act the Indians were secured in possession of all the lots touched by their *improvements*, and the balance of the country allowed to be occupied by white men. This was a direct viola-

tion of the 5th article of the treaty of the 27th of February, 1819. The Cherokees made no resistance, still petitioned the United States for protection, and received the same answer that the President could not interpose. After the country was parcelled out by lottery, a horde of speculators made their appearance, and purchased of the "fortunate drawers," lots touched by Indian improvements, at reduced prices, declaring it was uncertain when the Cherokees would surrender their rights, and that the lots were encumbered by their claims. The consequence of this speculation was that, at the next session of the Legislature, an act was passed limiting the Indian right of occupancy to the lot upon which he resided, and his actual improvements adjoining. Many of the Cherokees filed bills, and obtained injunctions against dispossession, and would have found relief in the courts of the country, if the judiciary had not been prostrated at the feet of legislative power. For the opinion of a judge, on this subject, there was an attempt to impeach him, then to limit his circuit to one county, and when all this failed, equity jurisdiction was taken from the courts, in Cherokee cases, by acts passed in the years 1833 and 1834. The Cherokees were then left at the mercy of an interested agent. This agent, under the act of 1834, was the notorious William N. Bishop, the captain of the Georgia Guard, aid to the Governor, clerk of a court, postmaster, &c. and his mode of trying Indian rights is here submitted :

"MURRAY COUNTY, GEORGIA, *January 20, 1835.*

"MR. JOHN MARTIN :

"SIR : The legal representative of lots of land,

No. 95	25 district	2d section.
86	25 "	2 "
93	25 "	2 "
89	25 "	2 "
57	25 "	2 "

has called on me, as States agent, to give him possession of the above described lots of land, and informs me that you are the occupant upon them. Under the laws of the State of Georgia, passed in the years 1833 and 1834, it is made my duty to comply with his request, you will, therefore, prepare yourself to give entire possession of said premises, on or before the 20th day of February next, fail not under the penalty of the law."

"WM. N. BISHOP, *States Agent.*"

Mr. Martin, a Cherokee, was a man of wealth, had an extensive farm ; large fields of wheat growing ; and was turned out of house and home, and compelled, in the month of February, to seek a new residence within the limits of Tennessee. Thus Mr. Bishop settled his rights according to the notice he had given. The same summary process was used towards Mr. John Ross, the principal chief of the Cherokee nation. He was at Washington city, on the business of his nation. When he returned, he travelled till about 10 o'clock at night, to reach his family ; rode up to the gate ; saw a servant, believed to be his own ; dismounted, ordered his horse taken ; went in, and to his utter astonishment, found himself a stranger in his own house, his family having been, some days before, driven out to seek a new home. A thought then flitted across his mind, that he could not, under all the circumstances of his situation, reconcile it to himself to

tarry all night under the roof of his own house as a stranger, the new host of that house being the tenant of that mercenary band of Georgia speculators, at whose instance his helpless family had been turned out and made homeless.

Upon reflecting, however, that "man is born unto trouble," Mr. Ross at once concluded to take up lodgings there for the night, and to console himself under the conviction of having met his afflictions and trials in a manner consistent with every principle of moral obligation towards himself and family, his country and his God. On the next morning he arose early, and went out into the yard, and saw some straggling herds of his cattle and sheep browsing about the place. His crop of corn undisturbed of. In casting a look up into the wide spread branches of a majestic oak, standing within the enclosure of the garden, and which overshadows the spot where lies the remains of his dear babe, and most beloved and affectionate father, he there saw, perched upon its boughs, that flock of beautiful peafowls, once the matron's care and delight, but now left to destruction and never more to be seen. He ordered his horse, paid his bill, and departed in search of his family, after travelling amid heavy rains, had the happiness of overtaking them on the road, bound for some place of refuge within the limits of Tennessee. Thus has his houses, farm, public ferries and other property, been seized and wrested from him. Mr. Richard Taylor was, also, at Washington, and in his absence, his family was threatened with expulsion, and compelled to give two hundred dollars for leave to remain at home for a few months only. This is the "real humanity" the Cherokees were shown by the real or pretended authorities of Georgia, "disavowing any selfish or sinister motives towards them."

Mr. Joseph Vann, also, a native Cherokee, was a man of great wealth, had about eight hundred acres of land in cultivation; had made extensive improvements, consisting, in part, of a brick house, costing about ten thousand dollars, mills, kitchens, negro houses, and other buildings. He had fine gardens, and extensive apple and peach orchards. His business was so extensive, he was compelled to employ an overseer and other agents. In the fall of 1833, he was called from home, but before leaving, made a conditional contract with a Mr. Howell, a white man, to oversee for him in the year 1834, to commence on the first of January of that year. He returned about the 28th or 29th of December 1833, and learning Georgia had prohibited any Cherokee from hiring a white man, told Mr. Howell he did not want his services. Yet Mr. Bishop, the State's agent, represented to the authorities of Georgia, that Mr. Vann had violated the laws of that State, by hiring a white man, had forfeited his right of occupancy, and that a grant ought to issue for his lands. There were conflicting claims under Georgia for his possessions. A Mr. Riley pretended a claim, and took possession of the upper part of the dwelling house, armed for battle. Mr. Bishop, the State's agent, and his party, came to take possession, and between them and Riley, a fight commenced, and from twenty to fifty guns were fired in the house. While this was going on, Mr. Vann gathered his trembling wife and children into a room for safety. Riley could not be dislodged from his position up stairs, even after being wounded, and Bishop's party finally set fire to the house. Riley surrendered and the fire was extinguished.

Mr. Vann and his family were then driven out, unprepared, in the dead of winter, and snow upon the ground, through which they were compell-

ed to wade, and to take shelter within the limits of Tennessee, in an open log cabin, upon a dirt floor, and Bishop put his brother Absalom in possession of Mr. Vann's house. This Mr. Vann is the same, who, when a boy, volunteered as a private soldier in the Cherokee regiment, in the service of the United States, in the Creek war, periled his life in crossing the river at the battle of the Horse Shoe. What has been his reward?

Hundreds of other cases might be added. In fact, near all the Cherokees in Georgia, who had improvements of any value, except the favorites of the United States agents, under one pretext or other, have been driven from their homes. Amid the process of expulsion, the Rev. John F. Schermerhorn, the United States commissioner, visited the legislatures of Tennessee and Alabama, and importuned those bodies to pass laws, prohibiting the Cherokees who might be turned out of their possessions from within the Georgia limits, taking up a residence in the limits of those States.

In the month of May, 1835, the general council of the Cherokee nation passed a resolution, appointing agents to ascertain the value of improvements, taken by white men, and also the amount of all claims against the United States for spoliations upon the Cherokees. It was believed full justice could not be done in a treaty, otherwise than by ascertaining the injuries they had sustained. This resolution looked to a treaty with the United States, so soon as arrangements therefor could be made. Numbers of Cherokees had been forced from their houses and farms, particularly by the authorities of Georgia, and the citizens of the United States being in possession of the improvements; if they were not valued in a short time, daily undergoing alterations and additions, they could not be identified as Cherokee improvements. These agents were required to register all claims for improvements and spoliations, in books to be kept for that purpose. To proceed forthwith and to report to the principal chief, to be submitted to the next general council of the nation, which was to commence in October following, when the commissioner of the United States was to appear for the purpose of making a treaty. Messrs. J. J. Trott, Robert Rogers, Elijah Hicks, Walter S. Adair, and Thomas F. Taylor, were appointed as agents, and in the latter part of July proceeded to the duties assigned them. After having made some progress, Messrs. Trott and Hicks were arrested by a part of the Georgia guard. The officer commanding deprived them of all their books and papers, marched them off sixty miles, tied with ropes, to Spring Place, the station of the guard, and there kept them, with Messrs. Taylor and Adair, who had also been arrested, in close confinement, in a guard-house, built to keep Indians in, for nine or ten days. A writ of *habeas corpus* was obtained, to bring the prisoners before a judge, but the guard evaded the service of the writ, by running the prisoners from place to place. The prisoners were finally required by Bishop, the captain of the guard, to give bond and surety to the State of Georgia, in the sum of one thousand dollars each, to appear at court, and to desist from valuing Cherokee improvements. They appeared at court, but no further steps were taken against them. Their books and papers have never been returned. This arrest was stated to be at the instance of Messrs. Schermerhorn and Currey, agents for the United States, who, it is said, corresponded with the Governor of Georgia and the Secretary of War on the subject, and that a part of this correspondence may be seen in the War Department.

Joseph M. Lynch, an officer of the Cherokee nation, for executing the laws of the nation, was arrested by the Georgia guard, lodged in jail, and bail for his appearance at a court of justice refused. His negroes were also seized and committed to jail, and there continued until they broke jail and made their escape. Not less barbarity has been practised towards the Cherokees, by Benjamin F. Curry, the agent of the United States for Cherokee emigration, openly alleging it to be the policy of the United States to make the situation of the Indians so miserable as to drive them into a treaty, or an abandonment of their country, as may be seen by his letter to Messrs. Brazleton and Kennedy, of 14th September, 1835. A few instances will be given as illustration of his mode of operation and general conduct.

Wahka and his wife were natives of, and residents in, the Cherokee nation east of the Mississippi. The agents of the United States prevailed upon the wife to enrol for emigration, against the remonstrances of the husband, and they afterwards, by force, separated her from her husband, and took her and the children to Arkansas, leaving the husband and father behind, because he would not enrol. The improvements upon which he resided, were valued in the name of the wife, and he turned out of possession.

Atalah Anosta was prevailed upon to enrol when drunk, contrary to the wish and will of his wife and children; when the time arrived for him to leave for Arkansas, he absconded. A guard was sent after him by B. F. Currey, which arrested the woman and children, and brought them to the agency about dark, in a cold rain, shivering and hungry. They were detained unner guard all night, and part of the next day, and until the woman agreed to enrol her name as an emigrant. The husband then came in, and he and his wife and their children were put on board a boat and taken to Arkansas. There they soon lost two or three of their children, and then returned on foot to the Cherokee nation east of the Mississippi.

Sconatachee, when drunk, was enrolled by Benjamin F. Currey; when the emigrants were collecting, he did not appear, and Currey and John Miller, the interpreter, went after him. Currey drew a pistol, and attempted to drive the old man to the agency, who presented his gun and refused to go. Currey and Miller returned without him. He made the facts known to Hugh Montgomery, the Cherokee agent, who gave him a certificate that he should not be forced away against his will. So the matter rested till the emigrants were collected the next year, and then Currey sent a wagon and guard for him. He was arrested, tied, and hauled to the agency, leaving some of his children behind in the woods, where they had fled on the approach of the guard. Richard Cheek enrolled for emigration, but before the time of departure, he hired to work on the Tuscumbia rail-road, in Alabama. When the emigrants started, Currey had Cheek's wife taken, put on board a boat, and started to Arkansas. She was even denied the privilege of visiting her husband as she descended the river. He was left behind, and never saw her more. She died on the way.

Such outrages, and violations of treaty stipulations, have been the subject of complaint to the Government of the United States, on the part of the Cherokees, for years past; and the delegation are not surprised, that the American people, are not now startled at those wrongs, so long continued, for by habit men are brought to look with indifference upon death itself. If the Government of the United States have determined to take the Cherokee lands without their consent, the power is with them; and the



American people can "reap the field that is not their own, and gather the vintage of his vineyard whom by violence they have oppressed."

There is no ground for the pretended necessity under which the authorities of the United States have acted, for at the time of the formation and ratification of the pretended treaty, the Cherokee people had their delegation and representatives in Washington city, with instructions and full powers to negotiate a treaty. This delegation were importuning the Government for an opportunity to do so, as their correspondence with the War Department will show. It will further show, they were at first received and recognised as the proper party with which to make a treaty, and then rejected, unless they would adopt the act of the faction at New Echota, which, in them, would have been a violation of the express will of their constituents. They were willing to act under their authority for the Cherokee people, but the opportunity to do so was refused. Then there is no force in the argument for the ratification of a fraudulent treaty, that it was necessary something should be done. There is as little in the assertion, that the Cherokees were in a distressed and starving condition, and that it was therefore necessary to ratify the New Echota instrument, as a treaty for their benefit and preservation, as the best that could be done. This position denies to the Cherokees the right to think for themselves.

Their distresses have not been denied, but the argument comes with a bad grace from the agents of the United States, who have produced them avowedly for the purpose of forcing a treaty. The Cherokees have not asked, but refused the proffered relief, and are surely the best judges of their own true situation, can properly appreciate the motives for the offer, as also the expressed sympathy for their misfortunes, and the avowed treachery towards the Indian race, all of which amounts simply to this: "we want, and intend to take your lands, and are sorry you are unwilling for us to do so in our own way."

The delegation will call to the recollection of the members of the House, the arguments and predictions of the opponents to the passage of "An act to provide for an exchange of lands with the Indians, residing in any of the States or Territories, and for their removal west of the Mississippi." While that measure was under discussion in the House of Representatives in 1830, the members opposed insisted its passage would be an encouragement to the States to press upon the Indians, and to force them from their homes; that it was the secret design to make their situation so wretched and intolerable, that they would be forced to abandon their country. This was expressly denied by the friends of the measure, by none more earnestly than the members from Georgia, who insisted the measure was founded in humanity to the Indians. Who was right, let subsequent facts decide. That law, though not so designed by Congress, has been the source from which much of the Cherokee sufferings has come. Immediately after its passage, Georgia commenced her oppressive legislation over Indian territory, and the payment of Cherokee annuities was suspended, and elections ordered, under the authority and direction of Government agents, for deciding to whom they were to be paid.

The present is the third attempt to make a treaty with a few unauthorized Cherokees, against the will of their nation. In the year 1834 a treaty was made at Washington with Andrew Ross, James Starr, Thomas J. Pack, and John West, which the Senate refused to ratify. Andrew Ross and James Starr have also signed the New Echota instrument. On the 14th

of March, 1835, another was concluded with John Ridge, Archilla Smith, Elias Boudinot, S. W. Bell, John West, William A. Davis, and Ezekiel West. It was never submitted to the Senate, but by the President directed to be submitted to the Cherokees for their consideration and approbation, which was done, with an address from the President himself. The propositions were rejected with great unanimity by the Cherokee people. It will be observed that John Ridge, Archilla Smith, and Elias Boudinot, have also signed the New Echota instrument.

On the 23d of October, 1835, the general council of the Cherokee nation appointed a delegation of twenty, and vested in them full power to enter into a treaty with the United States, among them was John Ridge and Elias Boudinot. If they failed to make a treaty in the nation, with a commissioner, they were to go to Washington city, there to negotiate finally with the General Government of the United States. On the next day the matter was submitted to the people, when they declared, "we approve of, and confirm the nomination and appointment of John Ross, &c. &c. &c. as our representatives to the United States Government; also, of the powers in them vested, under the resolutions of the general council annexed; and we unite with the committee and council in forbidding any delegation to treat with the Government of the United States of North America, excepting the delegation now formally and openly confirmed by us, the people of the Cherokee nation." Signed by one thousand and seventy-six individuals then present, and among them near every man who signed the New Echota treaty. The delegation thus appointed, opened a negotiation with John F. Schermerhorn, United States commissioner, but could effect nothing; and in their letter of the 28th of October, 1835, they say they are "the delegation chosen from and appointed by the Cherokee nation." Again they say, "upon examining the articles you have submitted as the basis of the treaty you have to propose, they can find in them no real variation from those against which the Cherokee nation have already openly and formally protested." As a reference must be had, even by yourself, to the Senate, when it convenes, under any circumstances, it will be necessary for us to conclude at Washington, and therefore, we think it would only be trifling with your time to encourage any further negotiation here." This letter was signed by the delegation, including John Ridge and Elias Boudinot, and addressed to John F. Schermerhorn, United States commissioner. On the 31st of the same month they addressed Mr. Schermerhorn another letter, declining a further negotiation with him and say, "in reference to another council at New Echota, we cannot enter into your views, as the people have already made their election upon the course they wish pursued. We, in their name, protest against any future meeting being called, under the name of a council, in the way you proposed, as an unnecessary agitation of the public mind, and as an act which will never be recognised by the Cherokee nation." This was the language of the delegation, with Ridge and Boudinot inclusive, in the month of October last. Before the delegation started to Washington, Boudinot resigned, and recommended that Stand Watie, his brother, should be appointed in his place, which was done, and he and Ridge came with the delegation to Washington, and remained with them till the month of February, when they left, and wrote a letter, through John F. Schermerhorn, to the Government of the United States, urging the ratification of the treaty made at New Echota, and abusing the authority under which they came to

Washington, saying "all the members of the delegations for a number of years past, he, John Ross, has nominated to his council, who confirm them, always adding to their number John Ross himself," yet they say in the same letter, that they were appointed "by the people at Red Clay council." They further say, "John Ross and his friends wished to get all the funds of the nation in their own hands, and this accounted for their repugnance to make a treaty at home in open council." This assertion is false and gratuitous, and who showed a greater repugnance than John Ridge and Elias Boudinot? They have succeeded in having ratified an instrument constituting themselves and other friends a committee to manage all Cherokee affairs. A new way of making Indian chiefs, but it goes to show their original design. Their repugnance to make a treaty in the nation was founded in a desire to get the delegation out of the nation, when they and their friends could meet the commissioner, and make a treaty giving them all power and control of the funds of the nation, which they could never obtain by the consent of the Cherokee people. In another letter of the 25th of March, 1836, they say, "the council (meaning at Red Clay) was called by Ross to *dodge* the commissioner to come to Washington." Now this council was not called, but was the regular annual meeting. Notwithstanding their own letters, they have the effrontery to say, "Ross drew up the papers granting full powers to twenty persons to treat there or elsewhere. To this instrument he added a protest against the acceptance of the five millions;" that the people did not understand what was done. Let this be compared with their letters of the 28th and 31st of October, 1835, and their hypocrisy will be apparent. When Mr. Schermerhorn got them to Washington, they were prepared to certify any thing he might desire. In the New Echota treaty he had provided an office for himself, the propriety of which was questioned, and notwithstanding at the time of its formation, Ridge and Watie were at Washington, as members of what they call the Ross delegation. On the 25th of March, 1836, they certified for Mr. Schermerhorn in these words, "we must also do you the justice to say that your name, and that of Governor Carroll, as commissioners to settle the affairs of our people under the treaty, was inserted in it according to our wishes and request," &c. They further say, "the constituted authorities of the Cherokees have defamed the high officers of the Government of the United States, and treated the friendship and kindness of the honorable Messrs. Frelinghuysen and Everett, and Judge McLean, with contempt. The same is repeated by Mr. Schermerhorn in his letters of the 29th of March, 1836, to the Secretary of War. These statements have no foundation in fact, and it is to be regretted Mr. Schermerhorn has given such implicit credence to his interested witnesses as to give their falsehoods the sanction of his name.

The charge has been made to excite prejudice against this delegation. They are attacked by naked assertion, to which, in duty to themselves, they give a positive denial, and feel assured their friends will not be found ready to believe every evil report.

Shortly after the Cherokee delegation arrived in Washington, they visited the Secretary of War, who told them Mr. Schermerhorn had an idea of bringing some Cherokees with him, but that he had been instructed not to bring one; yet he did bring them, and about the time they arrived the Commissioner of Indian Affairs was seen hunting a place and making arrangement for their board. Shortly after this, he wrote to the Cherokee

delegation that those individuals had not come to make a treaty but to secure the ratification of that made at New Echota. Thus it seems they were brought as witnesses for Mr. Schermerhorn and themselves, to establish, by their evidence, whatever might be necessary to secure the ratification of a fraudulent treaty, and they have, from time to time, as circumstances required, addressed letters to Mr. Schermerhorn, to be submitted, through the Secretary of War, to the Senate. From the letters procured by Mr. Schermerhorn, and submitted to the Senate, it seems to have been the design to create an impression that the members of the committee and council, and also the principal chief, had lost the confidence of the Cherokee people. This is not new. It has been asserted for years, particularly by John Ridge, Elias Boudinot, and their associates, but let facts speak for themselves. In 1831, the payment of the Cherokee annuities to the treasurer of the nation was suspended, and so remained till 1834, when, under the idea that the authorities of the nation were self-constituted, and not sanctioned by the Cherokee people, an election was ordered to be held at the agency, to decide whether the annuities should be paid to the treasurer of the nation, or to the individual Cherokees. Every vote, save one, was given that they be paid to the treasurer. Again, in 1835, another election for the same purpose, under authority of the United States agents, was had, near the house of John Ridge. He and his associates exerted all their influence, and when the votes were taken, there appeared, two thousand two hundred and twenty-five for paying the treasurer, and one hundred and fourteen opposed; and among them many Creeks and Arkansas emigrants, having no interest in the matter. This is evidence more to be relied on, than the declarations of interested individuals.

The Cherokee delegation have thus considered it their duty to exhibit before your honorable body a brief view of the Cherokee case, by a short statement of facts. A detailed narrative would form a history too voluminous to be presented, in a memorial and protest. They have, therefore, contented themselves with a brief recital, and will add, that in reviewing the past, they have done it alone for the purpose of showing what glaring oppressions and sufferings the peaceful and unoffending Cherokees have been doomed to witness and endure. Also, to tell your honorable body, in sincerity, that owing to the intelligence of the Cherokee people, they have a correct knowledge of their own rights, and they well know the illegality of those oppressive measures which have been adopted for their expulsion, by State authority. Their devoted attachment to their native country has not been, nor ever can be, eradicated from their breast. This, together with the implicit confidence, they have been taught to cherish, in the *justice, good faith, and magnanimity of the United States*, also, their firm reliance on the generosity and friendship of the American people, have formed the anchor of their hope and upon which alone they have been induced and influenced to shape their peaceful and manly course, under some of the most trying circumstances any people ever have been called to witness and endure. For more than *seven long years* have the Cherokee people been driven into the necessity of contending for their just rights, and they have struggled against fearful odds. Their means of defence being altogether within the grasp and control of their competitors, they have at last been trampled under foot. Their resources and means of defence, have been seized and withheld. The treaties, laws, and constitution

of the United States, their bulwark, and only citadel of refuge, put beyond their reach; unfortunately for them, the protecting arm of the commander-in-chief of these fortresses has been withdrawn from them. The judgments of the judiciary branch of the government, in support of their rights, have been disregarded and prostrated; and their petitions for relief, from time to time before Congress, been unheeded. Their annuities withheld; their printing press, affording the only clarion through which to proclaim their wrongs before the American people and the civilized world, has been seized and detained, at the instance of an agent of the United States.

An attorney at law, employed by them to defend the rights of the suffering Cherokees, before the courts of Georgia, has been induced to desert his clients' cause, under expectations of being better paid, at their expense, by taking sides against them. Some of their own citizens, seduced and prompted by officers of the United States Government to assume upon themselves the powers of the nation, unconfessed, have been brought to negotiate a treaty, over the heads and remonstrances of the nation. Is there to be found in the annals of history, a parallel case to this? By this treaty all the lands, rights, interests, and claims, of whatsoever nature, of the Cherokee people east of the Mississippi, are pretended to be ceded to the United States for the pittance of \$5,600,000. Let us take a cursory view of the country and other rights of the Cherokees professed to be surrendered to the United States, under the provisions of this fraudulent treaty. The Cherokee Territory, within the limits of North Carolina, Georgia, Tennessee and Alabama, is estimated to contain *ten millions of acres*. It embraces a large portion of the finest lands to be found in any of the States; and a salubrity of climate unsurpassed by any; possessing superior advantages in reference to water power; owing to the numerous falls, brooks and rivers, which flow from and through it; some of these streams afford good navigation, others are susceptible of being easily improved and made navigable. On the routes where roads have been opened by the Cherokees, through this country, there must necessarily pass some of the most important public roads and other internal improvements, which at no distant day will be constructed.

The entire country is covered with a dense forest of valuable timber, also abounding in inexhaustible quarries of marble and lime stone. Above all, it possesses the most extensive regions of the precious metal known in the United States. The riches of the gold mines are incalculable, some of the lots of *forty acres* of land, embracing gold mines, which have been surveyed and disposed of by lottery, under the authority of Georgia, (with the encumbrance of the Indian title) have been sold for *upwards of thirty thousand dollars!*

There are also extensive banks of iron ore interspersed throughout the country. Mineralogists who have travelled over a portion of this territory, are fully persuaded, from what they have seen, that lead and silver mines will also be found in the mountain regions. Independent of all these natural advantages and invaluable resources, there are many extensive and valuable improvements made upon the lands by the native Cherokee inhabitants, and those adopted as Cherokee citizens, by intermarriages.

The Cherokee population has recently been reported by the War Department to be 18,000, according to a census taken by agents appointed by the Government. This people have become civilized, and adopted the Christian religion. Their pursuits are pastoral and agricultural, and in some

degree, mechanical. Their stocks of cattle, however, have become greatly reduced in numbers within the few past years, owing to the unfortunate policy which has thrown upon this territory a class of white and irresponsible settlers, who, disregarding all laws and treaties, so far as the rights of the Cherokees are concerned, and who have been actuated more from sordid impulses of avarice, than by any principle of moral obligation or of justice, have by fraud and force made Cherokee property their own.

The possessions of the Cherokee inhabitants, consist of houses, which cost generally from fifty dollars, one hundred to one thousand dollars, and in many instances up to five thousand dollars; some few as high as six, eight, and ten thousand dollars, with corresponding out buildings, consisting of kitchens, meat houses, dairies, granaries or corn cribs, barns, stables, &c. grist and saw mills: connected with these are gardens for culinary vegetables; also peach and apple orchards; lots of enclosed ground for horses, black cattle, &c. The farms of the Cherokees contain from ten, twenty, thirty, forty, fifty, sixty, to one hundred, one hundred and fifty, and two hundred acres of land under cultivation, and enclosed with good rail fences. Among the most wealthy there are farms of three and four hundred acres, and in one instance perhaps about eight hundred acres in cultivation. Some of the most extensive and valuable farms and possessions have been forcibly wrested from the proprietors by the Georgia guard and agents, and citizens of Georgia put into possession of them, whilst the Cherokee owners have been thrust out to seek shelter in a camp, or under the roof of a log hut in the woods, within the limits of North Carolina, Tennessee, and Alabama. There are many valuable public ferries also owned by the Cherokees, the income of some of them amount to from five hundred to one thousand, fifteen hundred and two thousand dollars per annum. Several public roads opened at private expense, were also kept up by companies under regulations of the national council, and toll gates were erected on them. These regulations have all been prostrated by State Legislation, and the Cherokee proprietors thus deprived of their rights, privileges and property. Besides all this, there are various important interests and claims which are secured by the provisions of the former subsisting treaties, to the Cherokees, and for which the United States in justice are bound to allow indemnification. For the surrender then of a territory containing about ten millions of acres; together with the various interests and claims spoken of, and the amount that will be required to cover these claims, no man, without data, can form any estimate. The sum of five millions, six hundred thousand dollars only, is proposed to be paid: the price given for the lands at this rate would not exceed thirty cents per acre. Will Georgia accept the whole amount, for that portion within her limits?

The faith of the United States being solemnly pledged to the Cherokee nation for the guarantee of the quiet and uninterrupted protection of their territorial possessions forever; and it being an unquestionable fact, that the Cherokees love their country; that no amount of money could induce them voluntarily to yield their assent to a cession of the same. But, when under all the circumstances of their peculiar situation and unhappy condition, the nation see the necessity of negotiating a treaty for their security and future welfare, and having appointed a delegation with full powers for that purpose, is it liberal, humane, or just, that a fraudulent treaty, containing principles and stipulations altogether objec-

tionable, and obnoxious to their own sense of propriety and justice, should be enforced upon them? The basis of the instrument, the sum fixed upon, the commutation of annuities, and the general provisions of the various articles it contains, are all objectionable. Justice and equity demand, that in any final treaty for the adjustment of the Cherokee difficulties, that their rights, interests, and wishes should be consulted; and that the individual rights of the Cherokee citizens, in their possessions and claims, should be amply secured; and as freemen, they should be left at liberty to stay or remove where they please. Also, that the territory to be ceded by the United States to the Cherokee nation west of the Mississippi, should be granted to them by a patent in fee simple, and not clogged with the conditions of the act of 1830; and the national funds of the Cherokees should be placed under the control of their national council.

The delegation must repeat, the instrument entered into at New Echota, purporting to be a treaty, is deceptive to the world, and a fraud upon the Cherokee people. If a doubt exist as to the truth of their statement, a committee of investigation can learn the facts, and it may also learn that if the Cherokees are removed under that instrument, it will be by force. This declaration they make in sincerity, with hearts sickening at the scenes they may be doomed to witness; they have toiled to avert such a calamity; it is now with Congress, and beyond their control; they hope they are mistaken, but it is hope against a sad and almost certain reality. It would be uncandid to conceal their opinions; and they have no motive for expressing them but a solemn sense of duty. The Cherokees cannot resist the power of the United States, and should they be driven from their native land, then will they look in melancholy sadness upon the golden chains presented by President Washington to the Cherokee people as emblematical of the brightness and purity of the friendship between the United States and the Cherokee nation.

JNO. ROSS,  
JOHN MARTIN,  
JAMES BROWN,  
JOSEPH VANN,  
JOHN BENGE,  
LEWIS ROSS,  
ELIJAH HICKS,  
RICH'D FIELDS,

*Representatives  
of the Cherokee nation.*

WASHINGTON CITY, 21st June, 1836.

## IN SENATE OF THE UNITED STATES.

MARCH 11, 1836.

The following memorial, protest, and documents, were read, referred to the Committee on Indian Affairs, and ordered to be printed, *in confidence*, for the use of the Senate.

## MEMORIAL AND PROTEST OF THE CHEROKEE NATION.

*To the honorable the Senate of the United States of North America in Congress assembled :*

This memorial and protest of the Cherokee nation, by their duly authorized delegates, fully empowered and sent by said nation to negotiate a treaty arrangement with the Government of the United States,

## RESPECTFULLY SHOWETH :

That since they left their nation for Washington city, the Rev. John F. Schermerhorn, United States commissioner, convened a few of the Cherokee people at New Echota, and entered into a contract with them, in the form of a treaty, which has been submitted to your honorable body for ratification. This instrument purports to be a contract with the Cherokee people, when in fact it has been agreed upon, in direct violation of their will, wishes, and interests, by a few unauthorized individuals of the nation, as will be made manifest in this memorial and protest. The delegation regret the necessity under which they are placed, in duty to their nation, of troubling the Senate, but it has been imposed upon them, and they must not shrink from the responsibility of their station ; and therefore invite and solicit a patient hearing. This regret is increased by the fact that the present is not the first instance in which the agents of the United States have contracted with a few unauthorized individuals of the Cherokee nation, who have thought proper to assume the power to contract for the nation, and to dispose of the rights and regulate the destinies of the Cherokee people, against their known will. The Cherokees have become civilized under the fostering care of the United States, and are now like the white man in manners, morals, and religion. They have been taught properly to appreciate the blessings of civil liberty, the rights of persons, and personal security. They have laid aside the savage and hunter's life, and taken up the pursuits of civilized man. They have not been ungrateful to their benefactors. With the people of the United States, in their difficulties, they have made common cause. They have stood side by side with the present Chief Magistrate in the battle-field, and freely shed their blood for the interest, honor, and glory of the American people. They love their country, and it will be painful, when impelled by the force of circumstances, to dissolve the last tie that binds them to the land of their nativity and the home of their fathers. However, upon such terms as will "secure their present peace and future prosperity," their delegation are prepared to enter into a treaty, if an opportunity upon fair and honorable terms be afforded, with the United States, for their relief. But, in the instrument before your honorable body, the wishes of the Cherokee people have not been consulted, nor



have they been heard, but, without authority, a bargain has been made for them, and they are about to be driven as a senseless herd before the power of the United States, if not saved by your honorable body, whose interposition, as their last hope, is now earnestly invoked. 'To the end the Senate, the American people, and the world may know the truth' the delegation ask to be indulged in a plain and an unvarnished statement, as brief as its nature will permit. It is a lamentable fact, that, for years past, there has been among the Cherokee people, as happens in most communities, a restless, disappointed party or faction, warring against the constituted authorities of the nation, and assuming powers the people were unwilling to confer. This party became a special object of attention with some of the agents of the United States, and by them was fostered and countenanced.

The materials of its composition we need not describe, further than to say, they were just such as compose every party, in any community, in favor of a foreign power; but it is due to the honor of the Cherokee people to say, it was and is contemptible in point of numbers; yet Government agents have elected to consider it the official organ of the nation, and to deal with it as such. This fact, we take occasion to say, has been the great preventive of a final settlement, by treaty, of all difficulties between the United States and the Cherokee nation. Without impugning the motives of any one, the delegation may be permitted to say, a continuance of these difficulties has given office and employ to many not interested in disclosing to the Government of the United States the truth in reference to the situation, interests, and wishes of the Cherokee people.

The interest of these agents and the party of which the delegation have spoken, is precisely the same, and adverse to a final settlement of the Cherokee difficulties with the United States. These facts may serve to explain many things hereinafter stated in this memorial, which would, perhaps, otherwise be inexplicable. The delegation have not now to learn, that it has long since been the wish of the Government of the United States to remove the Indian tribes to some place west of the Mississippi river, but not without their consent, freely given, and never by fraud or force. Many of the Cherokees have, from time to time, given in to the policy and gone west, but others have been unwilling to emigrate. As early as the autumn of the year 1808, two parties of Cherokees visited the city of Washington, the first to declare their anxious desire to engage in the pursuits of agriculture and civilized life, *in the country they then occupied*; the second, to make known their desire to continue the hunter life, and their wish to remove across the Mississippi river. The President said to them, "the United States, my children, are the friends of both parties, and as far as can be reasonably asked, they are willing to satisfy the wishes of both. Those who remain may be assured of *our patronage, our aid, and good neighborhood.*"

These assurances have often been repeated to the Cherokee people, particularly in the year 1817, when a treaty was concluded between the United States and Cherokee nation, commonly called Jackson's treaty. These promises and assurances were then repeated in the preamble, and the treaty concluded, "to carry into full effect the before-recited promises, with good faith." This treaty was executory in many of its provisions, and contemplated a gradual removal of the Cherokees. It was found to

be expensive and embarrassing in the execution of its provisions. In consequence thereof, in the fall of the year 1818, the Cherokee nation sent to Washington city a duly authorized delegation, to negotiate with the United States, and on the 27th of February, 1819, a treaty was agreed upon and concluded. In that instrument, it is said, "a greater part of the Cherokee nation have expressed an earnest desire to remain on this side of the Mississippi; and being desirous, in order to commence those measures which they deem necessary to the civilization and preservation of their nation, that the treaty between the United States and them, signed 8th of July, 1817, might, without further delay, or the trouble or expense of taking the census, as stipulated in the said treaty, be finally adjusted, have offered to cede to the United States a tract of country, at least as extensive as that which they probably are entitled to under its provisions, the contracting parties have agreed to and concluded the following articles," &c. In the first article it is declared, "this treaty is a final adjustment of that of the eighth of July, 1817." A considerable extent of territory was ceded to the United States, and the residue reserved to the Cherokee nation. In the fifth article of said treaty, the Cherokees have this assurance, upon the faith of the Government of the United States, "that all white people who have intruded, or may hereafter intrude on the lands reserved for the Cherokees, shall be removed by the United States," &c. How this promise has been kept, is left for your honorable body, the American people, and posterity to decide. The Cherokees were happy and prosperous till the year 1828, when the United States entered into a treaty with the Cherokees west of the Mississippi, in which, though the Cherokee nation east was no party, or consulted, certain stipulations were inserted, affecting their interests. From this date the agents of the United States Government commenced their interference with the internal affairs of the Cherokee people. A system was devised and prosecuted to force them to emigrate, by rendering them unhappy where they were. This was the original design, but it was soon found profit was to be had by keeping up a division among the Cherokees, and protracting their difficulties, and with this view the party of which the delegation have before spoken, soon threw itself under the wing of the Government agents. Obstacle after obstacle has been thrown in the way of a satisfactory and amicable adjustment of the Cherokee difficulties, between the United States and Cherokee nation, up to the present day. In the year 1834, an agreement was entered into by a commissioner on the part of the United States, with Andrew Ross, James Starr, Thomas J. Pack, and John West, Cherokee individuals then in Washington city, and who acted without authority from the Cherokee people. This pretended treaty was submitted to your honorable body for ratification. The Cherokee nation, by their duly authorized delegates, presented against its ratification a protest, with accompanying documents, all of which may be found in the third volume of Senate documents of 2d session of the 23d Congress, No. 71, and to which your attention is respectfully solicited, as they will contribute much to the correct understanding of what the delegation have further to say. The Senate did not advise said agreement to be ratified. Notwithstanding when the Cherokee council met in the fall of 1834, the same instrument was submitted to the people by Benjamin F. Currey. The action thereon may be seen among the documents before referred to, at page 16.

During the last winter, the Cherokees had a regular delegation at Washington city, composed of John Ross, principal chief, Richard Taylor, Samuel Gunter, William Rodgers, and Daniel McCoy, as may also be seen among the recited documents, vested with powers to negotiate a treaty with the United States. They made two propositions—the one for a partial cession, and to be secured in the residue; the other, upon a basis not authorized, but proposed conditionally, to sell the whole country for a gross sum of money.

The President thought the amount asked extravagant. The delegation requested that he should bring the matter before the Senate and take their advice as to what should be done under all the circumstances. To do this, the delegation are informed, he declined, yet the matter was gotten before the Senate, not in the way the delegation had asked or expected, and that body, by resolution, expressed an opinion that a sum not exceeding five millions of dollars, ought to be allowed for the Cherokee country. But before this was done, John Ridge, Archilla Smith, Elias Boudinot, S. W. Bell, John West, William A. Davis, and Ezekiel West, individuals of the Cherokee nation, without authority from the nation, had made their appearance in Washington city, and with them the Government had commenced a negotiation for a treaty. The delegation have been informed that, anterior to the matter being brought before the Indian Committee, the War Department had agreed with the above individuals upon a treaty at four millions of dollars, and perhaps, and that their willingness to receive that sum was made known to the Senate. What influence the fact had upon the action of that body the delegation pretend not to determine, but of one thing they are sure, if it had any, it could not be for the interest of the Cherokee people.

On the 14th of March, 1835, only ten days after the opinion of the Senate as to the price that ought to be given, the United States entered into articles of a treaty with the before-named individuals, which were, by the President of the United States, directed to be submitted to the Cherokee nation of Indians for their consideration and approbation; which articles, together with an address from the President of the United States to the Cherokee people, are annexed to this protest, marked No. 1. On this subject it is proper to refer your honorable body to a memorial of the Cherokee delegation, and a correspondence with the Executive Department on the subject of a treaty submitted to the Senate on the last night of the last session. The articles before named were printed and distributed among the Cherokee people, and efforts were made to persuade, to alarm, and to force many of the people to accede to them, but without success. Mr. Ben. F. Currey enclosed a copy of them to Mr. Lewis Ross, a native, by direction, as he said, of the President of the United States; in a note, informed Mr. Ross that if his influence was used, directly or indirectly, to prevent the people from agreeing to said articles, he, Mr. Currey, should feel it his duty to turn him out of his house, and from his possessions in the Cherokee nation. Mr. Currey also procured the arrest and confinement of other Cherokees by the military of the United States, particularly of one James Martin, formerly one of the judges of the Cherokee nation. Upon this subject, the delegation are informed there was a correspondence between Mr. Currey and Lieutenant Hooper, and also between him and Elbert Herring, Esq. Commissioner of Indian Affairs, all on file in the War Department, to which

the delegation beg leave to refer. As an evidence of the spirit with which those articles were presented, and the means used to ensure their adoption, the delegation present to the Senate a letter from Mr. Ben. F. Currey to Mr. John Ross, marked No. 2, enclosing a notice to the Cherokee people, also marked No. 2. The delegation also annex Mr. Ross's answer, marked No. 3. It is proper here to state, as a part of the same system of oppression, that the annuity due to the Cherokee nation had not been paid for some years—for reasons the delegation are left to conjecture. An act of Congress was finally passed, directing it to be paid "to the chiefs, or such person as the tribe might appoint." For many years before the suspension, it had been regularly paid to the treasurer of the nation, John Martin, in obedience to the regulations of the Cherokee council.

After the passage of said act of Congress, the treasurer applied for the annuities, but payment was refused, and Colonel Hugh Montgomery, the then agent, issued a notice for the heads of Cherokee families to assemble at the agency, there to vote whether payment should be made to the treasurer, or to the individuals of the nation. At the time fixed, about four hundred heads of families attended, and Mr. Currey appeared in the office, and said he was ready to proceed with the election, having appointed his brother clerk. Colonel Montgomery, the agent, Major McIntosh, and Lieutenants Phillips and Harris, of the United States army, were present, and seemed to have some concern in the matter. John Ross, principal chief, and George Lowrey, second principal chief, were also in the office. Mr. Currey said he thought it would be best to let but one person enter at a time. Mr. Ross said, if there was no objection, he and Mr. Lowrey would remain. Mr. Currey objected, and said the object was to influence the Indians in their votes. Mr. Ross replied he was mistaken; that he had one request more to make, and that was, that the Cherokees might have an interpreter and clerk of their own, not to interfere in the election, but to see that it was conducted fairly. To this Mr. Currey also objected. Mr. Ross then appealed to Colonel Montgomery and Major McIntosh, and said if there was any thing unreasonable in his request he would withdraw his application. Major McIntosh answered it was perfectly reasonable. Mr. Currey then said he would have nothing more to do with the business, and abruptly left the room. Mr. Ross said, as his presence seemed to throw obstacle in the way, he would retire, and did so.

After Mr. Currey's withdrawal, Colonel Montgomery doubted his power to proceed with the election, but finally concluded to take the votes. It was done, and all the people present, with the exception of one Arkansas emigrant, and he intoxicated, voted the annuities should be paid to the treasurer of the nation, and they were so paid. Before the next fell due, John Ridge and his associates had entered into the articles of a treaty, before named, and shortly after his return to the nation he gave notice for the people to assemble, near his house, to take into consideration and decide upon the treaty he had entered into. Mr. Ben. F. Currey, no doubt with a view of giving apparent consequence to Mr. Ridge, by drawing many persons to the place, and to create an impression that the people were seriously considering whether they should or not recognize the acts of Mr. Ridge and his associates, and adopt the treaty by them made, gave a written notice for the people of the Cherokee nation to assemble at the same time and place to vote upon the question how the annuity should be paid, and that it would be paid as a majority of the votes to be there given.

might direct. A copy of the notice is here annexed, No. 2. The time arrived, and notwithstanding unremitting efforts to procure a large assembly, not more than forty or fifty attended, principally emigrants; no vote was taken; and the persons managing the meeting pretended to adjourn, to meet again in July following, at the same place.

The general council of the nation met at Red Clay about one week after the first meeting near Ridge's. Mr. Currey was in attendance at the council, and though he saw the people were directing the annuity to be paid to the treasurer of the nation, he submitted no propositions to them, no doubt preferring a meeting more immediately under his own control, and hoping the Cherokees would become more pliant by protracted suffering.

At Red Clay, the committee and council, and upwards of five hundred of the people, determined the annuity should be paid to the treasurer. This fact was made known to the War Department, but the annuity was not paid, upon the alleged ground that that number formed but a small part of the Cherokee nation. The year before this, it was not paid till a vote was taken at the agency, as hereinbefore stated. Now, again, the people were to be called together, at an unusual time and place, to vote upon the same subject, although they had decided at Red Clay, as before stated. While Mr. Currey was at the council, he put up a notice for the people to meet near Ridge's, in July. Notwithstanding this notice, the council proceeded, and entered into a resolution, signed by five hundred and seventeen persons, and here annexed, No. 4. A letter, communicating the same to Mr. Currey, is also here annexed, No. 5. All this had no influence, and the Government agents assured the people the annuity would be paid, as the majority of votes, near Ridge's, might direct. It, therefore, became necessary for the people to attend. Many of them, at the distance of more than one hundred miles, on foot at their own expense. The time arrived, and the Cherokees packed their provisions, and attended, to the number of about three thousand. The evening before the meeting, Mr. Currey took lodgings at Mr. John Ridge's; every impediment was thrown in the way of the action of this assembly, and the people were detained three days, amid the fall of a very heavy rain, but finally a vote was taken, when two thousand two hundred and twenty-five voted to pay the annuity to the treasurer, and one hundred and fourteen against it. It is proper to remark, that of this one hundred and fourteen, many were Arkansas emigrants, and some Creek Indians, having no interest in the matter. At this meeting, the Rev. John F. Schermerhorn addressed the people for upwards of three hours—read to them, and commented upon the articles of a treaty before made part of this protest, and no action of the people was then asked, further than that they should retire, and reflect upon the subject. In the course of his remarks, Mr. Schermerhorn took occasion to say, if the Cherokees remained on this side of the Mississippi, their difficulties would increase, "that the screw would be turned upon them till they would be ground into powder." This prediction has been, in part, verified; but it is no difficult task for any one to foretell that which he has determined and has the power to bring about. The delegation are sorry to state this screw is now turning, and, it seems, the annuity due the Cherokee nation is to be withheld, and that the delegation in Washington, on the business of the Cherokee people, are not to be permitted to receive the money of their nation directed to be paid to them, unless they will be faithless to their constituents, and sign an instrument, agreed upon by a faction, in the form of a treaty, and that, too, when

they know the Cherokee people can never be prevailed upon to recognise such a course, and know full well the consequences to themselves, and their nation. They will further state, the annuity due the Cherokees west of the Mississippi has been paid to their delegation here, upon a similar authority, though not so strong. There was a general council of the Cherokee nation east, held at Red Clay last October, and on the 25th of that month, a resolution, on the subject of the annuity, was agreed upon in open council, which is here annexed, marked A. Upon the authority of this resolution, on the 24th February, 1836, the delegation drew a draft upon the Secretary of War, here annexed, marked B. This draft was returned, with a verbal message, that it would not be paid. The delegation learning a similar draft, by the delegation of the Cherokees west, had been paid, addressed a letter to the honorable Secretary on the subject, here annexed, marked C. On the 9th instant, a reply was returned, over the signature of Elbert Herring, which is here also annexed, marked D. This answer discloses motives, and a state of things upon which the delegation forbear to comment, and submit the whole to your honorable body. In the fall of the year 1833, the Legislature of the State of Tennessee extended her laws over the Cherokees, so far as to punish for the crimes of larceny, rape, and murder, but declared that nothing in that act should be construed to authorize white people to settle upon the Indian territory, and that that act should not interfere with subsisting treaties, or acts of Congress. Notwithstanding this enactment, the white people moved into the Cherokee country, took possession, and exercised every species of fraud and oppression towards the natives. Many of them rented of Indians, and the delegation have been informed, to some of these, Benj. F. Currey said they must hold for themselves, and deny the Indian right; that, if they did not do so, he should feel it his duty to turn them out of the nation. On that part of the Cherokee territory, in Tennessee, lying south of the river Hiwassee, the intruders organized a committee to pass resolutions for their government. Among the resolutions adopted, was one, that no man should settle nearer the improvement of another than one quarter of a mile. Some of the committee-men thought the same regulations should be extended to Indians but to this Mr. Currey objected, and pretending it was part of the object of the Government to drive the Cherokees away by oppression, wrote a letter to Messrs. Brazleton and Kennedy, two of said committee, which is here annexed, No. 6. This is but a slight specimen of his cruelty to the Cherokees, under the pretended authority of the United States. Before the meeting near Ridge's, in July, being inconvenient for the Cherokees to attend at that time and place, and believing the object was not to obtain a fair expression of the wishes of the people, John Ross, principal chief, addressed a note to Mr. Schermerhorn, marked No. 7; and also one to Mr. Currey, here annexed, No. 8, requesting the appointment of a different time and place. Lieutenant Bateman informed Mr. Ross that Mr. Currey could not give an answer for a day or two. Shortly thereafter Mr. Schermerhorn sent Mr. Ross a reply, giving it at his opinion, Mr. Currey would not agree to the request. This reply is here annexed, No. 9, and Mr. Currey finally gave an answer, here annexed, No. 10; also a note from Mr. Schermerhorn, advising the principal chief to attend the meeting near Ridge's, marked No. 11. The meeting progressed, and resulted as hereinbefore stated. On the 16th of June, 1836, Colonel Nathaniel Smith addressed a letter to the principal chief, saying he had been appointed, by the authority of the Secretary

of War, to take a census of the Cherokees in part of the nation, and that some refused to give the number of their families, and asking the aid of the principal chief, to enable him to proceed, which letter is here annexed, No. 12. To this letter the principal chief promptly replied, under date of 18th June, assuring Colonel Smith no difficulties would be thrown in his way, which answer is here annexed, No. 13. On the 10th of July, 1835, Messrs. Carroll and Schermerhorn addressed a joint letter to the principal chief, on the subject of taking the census of the Cherokees, in which they say: "we are persuaded that the objects of the Government in taking the census, is to enable it to deal in the most fair and just manner with the Cherokee nation;" that "the commissioners, in their instructions, are required to obtain the consent of a majority of your head men and warriors to a treaty, to make it valid, and, for this purpose, it is necessary to have an accurate census of the nation taken now." After this statement, by the commissioners, it is matter of surprise that they should have concluded a treaty with a very small fraction of the nation; and that it was such, will be apparent, when the delegation presents a protest against said treaty, signed by thousands. How can it be their instructions have been complied with? Surely not by issuing a notice for the Cherokees to attend at New Echota, and by saying therein, that all who did not attend would be considered as agreeing to what might be done. No one can believe that, by such an artifice, the commissioners have obtained the consent of the majority of the head men and warriors to a treaty, which, they have said, was necessary to "make it valid," or, that this was the way "to deal in the most fair and just manner with the Cherokee nation." The delegation here present said letter as exhibit No. 14. On the 12th, the principal chief returned an answer, containing, among other things, a tender of his aid, in taking the census, which is here annexed, No. 15. On the 22d, Mr. Schermerhorn addressed a note to the principal chief, informing him of the names of the persons appointed to take the census, which is here annexed, No. 16, to which the principal chief returned an answer of the same date, also here annexed, No. 17. On the 10th of July, 1835, Governor William Carroll addressed a letter to the principal chief, on the subject of a trespass upon the person of Hiram K. Turk, and alleging other illegal acts by the Cherokees, which is here annexed, No. 18. To show with what promptness the Cherokee authorities were exerted to bring to punishment offenders, the reply of the principal chief is here annexed, No. 19. It may not be amiss here to state that, at this time, Governor Carroll was at Calhoun, on an electioneering tour. On the 30th of October, 1835, the principal chief received a letter upon the subject of the outrage upon Colonel Turk, here annexed, No. 20. On the receipt of this, he issued an order for the recaption of the alleged offender, also here annexed, No. 21. Near the close of said meeting, near Ridge's, Mr. Schermerhorn suggested that a committee should be appointed to meet him and Governor Carroll at the agency, just one week from that time, where it was expected Governor Carroll would be, on his tour through Tennessee, canvassing for the office of Governor. The principal chief said, the time was too short, and there the matter ended. This was on the 22d of July, 1835. On the 24th, after the principal chief reached his residence, he addressed a letter to Mr. Schermerhorn, here annexed, No. 22, and also one to Governor Carroll, marked No. 23, assigning reasons, among other matters, why the people could not meet them. To

that addressed to Mr. Schermerhorn, a joint reply was returned, of a character not very conciliatory, and which is here annexed, No. 24. The principal chief gave a rejoinder, marked No. 25, and, at the same time, addressed a letter to Major Ridge and John Ridge, on the subject of acting in concert for the common good of the Cherokee nation, here annexed, No. 26. On the next day, the Messrs. Ridges, in company with others, called on him, and delivered an answer, here annexed, No. 27.

At the Cherokee council held in the spring of 1835, it had been resolved to remove their printing press to Red Clay, and to issue their paper at that place, inasmuch as the Cherokees were prohibited from holding their councils at New Echota, within the limits of Georgia; and Mr. Richard Fields had been appointed editor. To carry into effect this resolution, the principal chief sent a wagon for the press and materials, they being the property of the nation. The messenger returned with information that, before he arrived at the place, the whole had been seized by the Georgia guard, under orders from Messrs. Currey and Schermerhorn. On the receipt of this information, the principal chief addressed them a letter remonstrating against the seizure of the press, which is here annexed, marked No. 28. Some considerable time there after, Mr. Currey returned an answer, here annexed, No. 29, replete with misstatements. The press was the property of the nation, and Mr. Watie had never been the editor of the paper. Mr. Boudinot, the first editor, formally resigned, and Mr. Elijah Hicks was appointed his successor, and conducted the paper for two years or more. After his term of service, Mr. Richard Fields was appointed as hereinbefore stated.

Thus, the public press of the Cherokee nation was lawlessly taken, and is yet retained, and has recently been used by the agents of the United States. On the second Monday of October last, the Cherokee council met at Red Clay. It was numerously attended, owing to the importance of the business to be transacted. On the 14th of the same month, Mr. Schermerhorn, United States commissioner, addressed a letter "to the chiefs, head men, and warriors, of the Cherokee nation, in general council assembled," which is here annexed, No. 30. This letter was delivered to the principal chief, and he transmitted the same to the national committee and council, without any accompanying message. The committee and council entered into a resolution, referring the same to the principal chief and executive council, here annexed, No. 31. In obedience to said resolution, an answer was given to the commissioner on the 15th, here annexed, No. 32. On the 17th the commissioner addressed another letter "to the chiefs, head men, and warriors, of the Cherokee Indians, in general council assembled," with an accompanying document, A, both of which are here annexed, No. 33. The same were delivered to the principal chief, and he transmitted them, with a message, to the national committee and council, which message is here annexed, marked No. 34. The proceedings of the general council, and also of the people, upon this subject, are here annexed, No. 35. But before this action, and with a view to remove every impediment in the way of a final adjustment of the Cherokee difficulties, and that all might act together on this grave subject, the principal chief addressed a note to Messrs. Major and John Ridge, here annexed, No. 36, to which they gave a reply, marked No. 37. The result of these notes was the ap-



pointment of a committee of ten, and they settled upon and entered into an agreement, here annexed, No. 38. It will be seen from this agreement, that the printing press is declared to be the property of the Cherokee nation, notwithstanding what is said in Mr. Currey's letter, before annexed. At this time the principal chief addressed a letter to Mr. Currey, demanding the surrender of the press, here annexed, No. 39, to which Mr. Currey gave an evasive answer, here annexed, No. 40. On the 28th the principal chief addressed him another note for a more explicit answer, which was never replied to, and is here annexed No. 41. In consequence of the agreement before stated, the principal chief nominated John Ridge, Elias Boudinot, and Charles Vann, for members of the delegation to treat with the United States. This nomination and its confirmation are here annexed, Nos. 42 and 43. On the 22d, Mr. Schermerhorn addressed a note "to Mr. John Ross, P. C. C. nation," requesting him to assemble the people in general council, that the commissioner might deliver them a short address, which note is here annexed, No. 44. The principal chief returned an answer, that it was not practicable for him to do so, for reasons assigned in the reply, which answer is annexed, No. 45. On the 23d, Mr. Schermerhorn sent another note to the principal chief, insisting upon addressing the people, here annexed, No. 46. On the same day an answer was returned, here annexed, No. 47. On the next day, this answer was returned by the commissioner in a note, which is here annexed, No. 48. At this period all things seemed ready for a final and satisfactory treaty with the United States. A delegation had been appointed and confirmed by the people, as before shown, and then the principal chief addressed a letter to the commissioner, informing him of that fact, here annexed, No. 49.

The delegation met in the council-house, for the purpose of receiving the commissioner and opening a negotiation. Mr. Schermerhorn presented himself and submitted to them a communication on the subject of a treaty, here annexed, No. 51; and also what he called his commission, and a letter from Governor Carroll, which are here annexed, No. 52. The delegation took the subject into consideration, and after reading and consulting upon the proposed treaty, the same was unanimously rejected. The principal chief had been appointed chairman of the delegation; and after the proposed treaty was rejected, Messrs. John Ridge, Elijah Hicks, and Richard Field were selected to aid the chairman in draughting the answer of the delegation to the commissioner, which answer is here annexed, No. 53. Two notes were received from Mr. Schermerhorn, on the subject of obtaining a copy of the proceedings of the Cherokee council, here annexed, Nos. 54 and 55; also one on the subject of a treaty here annexed, No. 56. An answer was returned to the two notes on the subject of the proceedings of the council, which is here annexed, No. 57. On the 30th, Mr. Schermerhorn addressed another letter, to the delegation, here annexed, No. 58; and also laid upon their table the details of a treaty, each of which were duly considered; and the committee of the delegation prepared an answer, which was delivered, and is here annexed, No. 59. The delegation thought it proper to take a copy of the treaty tendered to them, which copy is before annexed, No. 58. They then adjourned, and after the principal chief returned to his residence, he received a note from Mr. Schermerhorn, on the subject of said copy, and demanding its surrender, here annexed, No. 60; to

which he replied, the copy demanded was the property of the delegation, and that he could not, in his private capacity, surrender it to the commissioner. Finding no useful results were likely to come from a further negotiation with Mr. Schermerhorn, the delegation agreed to meet again at Washington city, on the 20th of December, there to renew their negotiations with the Government of the United States for a treaty. But before this time arrived, the principal chief, John Ross, was arrested at his own house, within the chartered limits of the State of Tennessee, by the Georgia guard, and imprisoned at Spring Place, within the limits of Georgia, for some time. His papers were seized and examined, and he was ultimately discharged, without being informed of the cause of his caption or detention, and without any judicial investigation. Wilson Young, the sergeant of the guard, said the arrest and imprisonment was by order of Mr. Ben. F. Currey. While the principal chief was in confinement, he was visited by Mr. John Ridge, who said Mr. Schermerhorn was trying to prejudice the Cherokees against him, Ridge, and telling that Major Ridge, his father, would attend the contemplated meeting at New Echota. This, Mr. Ridge, said, was not the fact, but he said Mr. Elias Boudinot seemed disinclined to go with the delegation to Washington city; and in the event he did not go, he, Ridge, wished one of his friends appointed to take Mr. Boudinot's place. This was agreed upon, and the principal chief told Mr. Ridge his father should be appointed, and then remarked, if Mr. Boudinot would not go, it would be proper for him to make his resignation in writing. Mr. Ridge then suggested that the delegation should meet at the agency on 1st of December, and then to proceed to Washington. This suggestion was agreed to. After the principal chief was released, he was again informed Mr. Boudinot had declined going to Washington, and then addressed him a letter, by a special messenger, on that subject, which is here annexed, No. 61. Mr. Boudinot returned an answer enclosing his resignation, here annexed, No. 62. In compliance with the request in said answer, his brother was received as a member of the delegation, and is now in Washington, as is also Mr. Boudinot. Mr. John Ridge did not meet the delegation at the agency, at the time suggested by him for a meeting there. On leaving the agency, the principal chief left a letter for Major Ridge to come on, which is here annexed, No. 63. On the 3d of December, Mr. John Ridge arrived in Athens, Tennessee, having with him Mr. Stand Watie, and insisted upon his being appointed a member of the delegation. At Athens, Mr. Ridge overtook the principal chiefs and others of the delegation, and the next morning after his arrival wrote and delivered a note, here annexed, No. 64. To this note an answer was returned, annexed No. 65.

About the time the delegation adjourned to meet again at Washington city, Mr. Ben. F. Currey took his departure from the Cherokee nation, and was reported to have gone to Milledgeville, in Georgia, but, in fact, was wending his way for Washington city. Now, if the delegation had gone different routes, as originally contemplated, it would not have been possible for Mr. Currey to return in time with orders for them not to visit Washington; but if they were to meet at the agency on the 1st of December, according to the suggestion of Mr. John Ridge, there was just time for his return. And this may also account, in part, for the arrest of the principal chief. On the last night of November, Mr. Currey

arrived at the agency, and on the next morning sent to the delegation a letter dated 30th November, 1835, and here annexed, No. 66; and also a letter from the honorable Lewis Cass to himself, enclosing one from Elbert Herring, Esq. to Mr. Schermerhorn, each of which is here annexed, No. 67. The delegation gave a reply, also here annexed, No. 68.

The delegation arrived at Washington city, and, on the 2d of January, 1836, addressed a letter to the honorable Secretary of War, asking an interview, here annexed, No. 69; to which, on the 4th, an answer was returned, also annexed, No. 70. On the 6th they had an interview with the Secretary of War, and presented their credentials, and authority as a delegation. After examining the same, the honorable Secretary told them the President had fixed upon three cardinal points, that should govern him in settling the Cherokee difficulties, and from which he would, in no event, depart. The first was, that no addition would be made to the five millions of dollars already offered; the second, that no reservations to individuals would be allowed; and the third was, that the money should be paid to the Indians in person, and not to the authorities of the nation. The Secretary then regretted the delegation had come, and adverted to the useless expense incurred by Indian delegations to the seat of Government; and remarked, that Mr. Schermerhorn contemplated bringing a delegation from the other Indians in the Cherokee nation, but that he had instructed him not to bring a single person. He further remarked, that no treaty could be concluded at Washington, but that this was a long session of Congress, and that the delegation might enter into articles of a treaty here, and that they could be sent to the nation, provided articles could be agreed upon, and returned before the adjournment of Congress. The delegation will here remark, they have been informed, the instrument before the Senate has been altered, and perhaps new articles substituted and added, since its arrival at Washington. This is said to have been done by a pretended delegation from the Cherokee nation. Now, if the Cherokees could delegate power thus to alter a treaty, by striking out old, or adding new articles, it is difficult to see why they could not delegate power to make an entire treaty. At 11 o'clock the next day, the delegation visited the President of the United States, and he said it had been his constant solicitude to preserve the Cherokees, where the Government could protect them; where they were, it could not be done; the whites would impose on them, as in the case of the Creeks; that the Government would act with candor towards the delegation. They could submit their propositions for a treaty to the Secretary of War, and those propositions had better be in writing; that they would be received and acted upon; and a decision in writing returned to the delegation; but that he was limited in the sum to be given to the Cherokees for their country, which, he presumed, had been made known by the Secretary of War. About this time the honorable Secretary appeared and took his seat. The President repeated to him what he had said to the delegation, on the subject of propositions for a treaty. The President had previously remarked he had received a memorial from the Cherokee people, about the time of the arrival of the delegation in this city, containing matters not to be disregarded. On the next day, a committee of the delegation visited the Commissioner of Indian Affairs, to procure the memorial of which the President had spoken. It was read to them, and a copy promised, and

then the committee retired. After night, a note was received from Elbert Herring, refusing the copy promised, here annexed, No. 71. The delegation are informed, this memorial is in the handwriting of Mr. Elias Boudinot, written at New Echota, on the 1st of December, while Mr. John Ridge was there, and who was, no doubt, consulted on the original draught, yet he concealed its existence and contents from this delegation. It is signed by Major Ridge, and some eight or ten others, including Elias Boudinot. If the Senate shall think proper to call for this memorial, the delegation will show the names there subscribed by men of no influence and of infamous moral characters. The delegation were induced to believe this memorial was intended to defeat a treaty between the constituted authorities of the Cherokee nation and the Government of the United States, or to delay the action of this delegation till Mr. Schermerhorn could assemble a few individuals, and negotiate a treaty with them. Having this impression, and hearing a letter had been received at the War Department, from Benj. F. Currey, saying a treaty had been concluded at New Echota, the delegation on the 14th of January last, addressed a letter to the Secretary of War, here annexed, No. 72. On the 16th, an answer was returned, also here annexed, No. 73. In this attitude of affairs, the delegation could make no propositions for a treaty, as will be seen by the correspondence. At length, Mr. Schermerhorn arrived in the city, bringing sundry individuals, and amongst them Mr. Elias Boudinot. The delegation beg leave to remark, that their suspicions were confirmed on hearing of the provisions of the treaty concluded by Mr. Schermerhorn, that it was signed by sundry of the individuals who had signed the memorial to the President, particularly Major Ridge and Elias Boudinot, and that it contained provisions directly opposed to the wishes expressed in the memorial. What the treaty may now contain, the delegation know not, as they have been informed it has undergone various alterations in this city: The delegation, by this contrivance, were precluded from making propositions for a treaty. The delicacy of their situation will be readily seen by the Senate, inasmuch as they dare not unite with and sanction the acts of a small faction, to which they well know, the Cherokee people would never yield their assent. On the 3d of February, Mr. James D. Hofford, a special messenger from the Cherokees of Taquohee and Aquohee districts, arrived with the proceedings of said Cherokees, in relation to the treaty formed by the United States commissioner at New Echota, in December last, disapproving of said treaty, and a protest against its ratification, signed by three thousand two hundred and fifty Cherokees, and directed to the Senate of the United States, here annexed, No. 74. The delegation met to determine upon the proper course to get at the views of the United States Government, in relation to the treaty formed at New Echota, and whether that instrument was deemed by the President to be final. On the 9th of February, a letter was prepared and transmitted to the honorable Secretary of War, here annexed, No. 75. On the 13th an answer was received, over the signature of Elbert Herring, which is also here annexed, No. 76. It would seem this answer was designed to close all further correspondence between the United States and the delegation. Some time after the arrival of Mr. Schermerhorn, the delegation received a letter from the Cherokee individuals brought by him, here annexed, No. 77; and also a copy of the proceedings of the New Echota meeting, also here annexed, No. 78. To this letter they did not deem it necessary or proper to make any reply, knowing those individuals

acted without authority from the great body of the Cherokee people, and in direct opposition to their wishes, and are only referred to as further evidence of a design to embarrass the delegation, and, by a continuance of the difficulties between the United States and Cherokee nation, make a profit, or to settle the same upon their own terms, and in their own way, without the slightest regard to the wishes of the Cherokee people. After the meeting at New Echota, in December last, a general council of the Cherokee nation, east of the Mississippi, was called to take into consideration the proceedings of said meeting. The council convened at Red Clay, on the 1st of February last. It was numerous, notwithstanding the extreme coldness and inclemency of the weather. Against the proceedings of the New Echota meeting a protest was agreed upon, signed by the people present, and sent to the various parts of the nation, to obtain an expression of the will of the people. That will has been expressed, and the protest forwarded to the delegation, by the hands of Daniel McCoy, Schibald Campbell, and Bark, messengers specially deputed for that purpose. The protest is signed by upwards of twelve thousand people; and Herring is hazarded in saying, that near ninety-nine out of every hundred of the Cherokees, deprecate the proceedings of the New Echota meeting. This protest is here annexed, No. 79, and to which your honorable body is respectfully referred. After its reception, the delegation thought it proper to inform the Secretary of War of the fact, and also to reply to certain parts of Elbert Herring's letter. A communication was prepared and transmitted to the Secretary, on the 29th of February, and here annexed, No. 80. If further evidence were needed to satisfy your honorable body that the alleged treaty has been made without authority from the Cherokee people, it is at hand. Mr. Alexander McCoy was appointed clerk and interpreter to the pretended council that formed the treaty, as will appear from the proceedings of said council, heretofore exhibited. He has made out, and transmitted a certificate, as to the number sanctioning said treaty, showing that there were about seventy-nine; which certificate is here annexed, No. 81. A letter has also been received from Edward Gunter, a native of the Cherokee nation, upon the subject of said treaty, here annexed, No. 82; also, one from George Lowrey, enclosing a letter from George and Andrew Sanders, an extract of which is here annexed, No. 83; one from Walter S. Adair, an extract of which is here annexed, No. 84; and one from the Rev. James J. Trott, also here annexed, No. 85. After the adjournment of the New Echota meeting, Mr. Schermerhorn appointed another within the limits of North Carolina, to take the sense of the Cherokees in that part of their nation on the treaty; and when the time arrived, although a barbacue had been prepared and a feast offered, only two attended, and they, it is said, from curiosity or accident. It is fair to presume Mr. Schermerhorn has communicated to the War Department the proceedings at each meeting, and the number of persons attending; but the delegation have not the means of getting at his various communications.

The delegation will further state to the Senate, that the committee and council of the Cherokee nation, in the month of May, 1835, conscious of the situation of their nation, and looking to a settlement of the Cherokee difficulties by a treaty arrangement with the United States, and to be prepared to act understandingly on that subject, appointed Elijah Hicks, Walter S. Adair, James J. Trott, and Thomas F. Taylor, to ascertain, as

near as practicable, the amount of spoliations committed upon Cherokee property. These appointments were made preparatory, and alone, with a view of being enabled to do justice to the suffering claimants, whenever a treaty with the United States might be effected. This object was frankly avowed, but, strange to tell, the persons named were arrested by the Georgia guard, and imprisoned ten or twelve days, under the pretence they were doing something against the interest of Georgia, and in violation of her laws. And when the prisoners sought a judicial examination of their case, and relief, by means of a *habeas corpus*, the guard kept them out of the way of the civil authority, by dragging and concealing them by day and night, through and in swamps and mountains; and they were finally discharged without a trial. So the Cherokees have been prevented, by force, from ascertaining the amount of injury they have sustained. It is understood this arrest was made at the instance of the United States agents, and that Mr. Schermærhorn complained to one of the census takers, Colonel Nathan Smith, of Tennessee; that he had not procured the arrest of the persons appointed to ascertain spoliations in the limits of North Carolina; and when Col. Smith replied he had no such power or authority, Mr. Schermærhorn asked him why he did not send for the Georgia guard, that they were boys that did not care for State lines. Farther to illustrate the oppressive measures which have been enforced by the military of Georgia, in addition to seizing the Cherokee press, and silencing that organ of complaint to the American people, the delegation will state, that an act was passed by the Georgia Legislature, authorizing grants to be issued for certain lands in the Cherokee nation, and in possession of the natives, which may be seen among the Senate documents hereinbefore referred to. Grants were issued, and sundry Cherokees were about to be dispossessed by force. They applied for and obtained injunctions against their dispossession. Ejectment suits were then brought, and while they were pending, the law was passed creating the Georgia guard; and that band, without trial, except such as the wolf gives the lamb, dispossessed Joseph Vann, W. S. Adair, Richard Taylor, John Martin, John Ross, and others, of their houses, farms, mills, public ferries, &c. and in some instances, drove out women and children in the absence of the head of the family, who, when he returned, found himself a stranger in his own house. The delegation have heard the strong appeals and powerful arguments for the faith of treaties with France, and must now express the surprise they felt, when they turned and beheld the tears of women and children, and the sufferings and losses of the Cherokee people, in their forced removal from the lands solemnly guaranteed to them in treaties with the United States, and the necessity which compelled some of them to pay extravagant rent for their own houses and farms. Others were denied this poor privilege; and driven from comfortable houses in the dead of winter, to seek a shelter in a camp or cabin, upon a dirt floor; and yet the Cherokees are told this all proceeded from humanity, and not "any selfish or sinister motives towards them." The persons appointed to ascertain the amount of these privations and losses were denied the opportunity of doing so, were seized and imprisoned, for no other offence than an attempt to do their duty in obtaining information, to be used in a contemplated treaty with the United States. The delegation beg leave to submit, without comment, for the consideration of the Senate, a law recently passed by the Legislature of Georgia, here annexed, No. 86. The delegation should have before remarked, that

After the arrival of Mr. Schermerhorn, and the individual Cherokees of his company, the conduct of Mr. John Ridge became mysterious towards the delegation, and soon thereafter, without cause or reason assigned, and without the knowledge of the delegation, he abruptly left his boarding-house, taking with him Mr. Stand Watie, the brother of Mr. Boudinot, and as was anticipated, united himself with those persons brought by Mr. Schermerhorn, and has not since associated with the delegation. Their withdrawal, by its manner, was so unequivocal as to motive and design, the delegation have since proceeded without them, viewing them no longer members.

It cannot be concealed that the situation of the Cherokees is peculiarly distressing. In adverting to that situation it is not done to arouse, at this late day, a useless sympathy, but only as matter of history, and from necessity in giving a fair and impartial illustration of their difficulties. It is well known to those who have paid any attention to their history for the last five years, that they have been contending for the faithful execution of treaties between their nation and the United States, and that their distresses have not been mitigated; their efforts seem to have increased their difficulties. It remains for them to seek an adjustment by treaty, and an equitable acknowledgment of their rights and claims, so far as circumstances will permit. For this purpose, this delegation has been deputed, as the proper organ of the Cherokee people, to settle, by treaty, their difficulties; and they wish, in sincerity, to have them settled, for the good, peace, and harmony of the whole nation. This desired end can only be attained by a contract with the constituted and acknowledged authorities of the Cherokee nation. If the difficulties are attempted to be arranged in any other way, it will not meet the wishes of the Cherokees, and their situation will be miserable beyond description, and their distresses augmented, for they will never agree to a treaty made with unauthorized individuals. Deal with them as friends, and suffer them to be relieved from their sorrows and difficulties by their own act, and whatever may be their situation in time to come, they will console themselves by the reflection, it is the dispensation of an all-wise Providence. The delegation are sure it cannot be the wish of the Senate of the United States to ratify and have enforced upon the unoffending Cherokee people, a treaty made without their authority, false upon its face, and against the known wishes of the nation. Such is the instrument submitted to your honorable body. For the truth of this statement, should the Senate require further proof, it can be obtained from numerous persons of unimpeachable integrity and veracity. But if it be the fate of the Cherokee people, and the decree has gone forth, that they must leave their homes and native land, and seek a new residence in the wilds of the far west, without their consent, let them be expelled and removed by an act of Congress, when they or their posterity, in after times, may have some claims upon the magnanimity of the American people. The delegation do solemnly declare, they would consider such an act preferable and more humane than the ratification and enforcement of a fraudulent treaty, false upon its face, and made without the consent of one of the professed contracting parties. The past history of the United States furnishes admonitions against the ratification of treaties made with unauthorized individuals. Resting upon the sacred rights of the Cherokee nation, so often recognised and solemnly guaranteed on the faith of treaties, the delegation now appeal to the sympathies, the honor, good faith, and

magnanimity of the United States, to preserve and protect their nation from fraud, rapine, plunder, and destruction. They have now discharged their duty to themselves and to their unfortunate people, with that frankness that becomes the occasion. Their case is fairly before your honorable body, and the destiny of the Cherokee people in the hands of the American Senate. We are all children of the same Great Parent, and bound to be kind to each other, without regard to the situation in which we may be placed. If an earthly parent have a child unfortunately weak and poor, how would he feel to see the brothers of that child abusing it for its misfortunes, insulting its feelings, exulting in their own superiority, curling the lip of scorn, with a significant cant of the head, at its earnest supplication for justice? Let every man's own heart give him the answer. You have before you that unfortunate child in the weak and dependent Cherokees. With hands elevated towards the throne of grace and mercy, we all supplicate, saying: Our brothers, is it true you will drive us from the land of our nativity, and from the tombs of our fathers and our mothers? We know you possess the power, but, by the tie that unites us yonder, we implore you to forbear. Our case is with you.

WASHINGTON CITY, *March 8, 1836.*

John Ross, <i>principal chief.</i>	
John Martin,	<i>Sleeping Rabbit,</i>
James Brown,	<i>Go-le-nah-wah,</i>
Richard Fields,	<i>The Bark,</i>
R. Taylor,	<i>Archibald Campbell,</i>
Lewis Ross,	<i>Peter of Aquobee,</i>
John Benge,	<i>Thomas Fox Taylor,</i>
Thomas Foreman,	<i>Charles H. Vann,</i>
Jesse Bushyhead,	<i>Joseph Vann,</i>
John F. Baldridge,	<i>Elijah Hicks,</i>
John Huss,	

*Representatives of the Cherokee nation.*

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No. 1.

*Article of a treaty agreed upon at the city of Washington, March 14, 1835, between J. F. Schermerhorn, on the part of the United States, and a delegation of the Cherokee tribe of Indians, which, by the President of the United States, is directed to be submitted to the Cherokee nation of Indians, for their consideration and approbation.*

Whereas several persons of the Cherokee nation of Indians, east of the Mississippi river, have visited the city of Washington, as delegates from that part of their nation in favor of emigration, with a hope and desire of making some arrangements which might be acceptable to the Government of the United States, and to their nation generally, and thereby terminating the difficulties which they have experienced during a residence within the settled portion of the United States, under the jurisdiction and laws of the State Governments, and with a view of re-uniting their people in one body, and securing to themselves and their descendants the country selected by their forefathers, and sufficient for all their wants, and whereon they can



establish and perpetuate such a state of society as may be most consonant with their habits and views, and as may tend to their individual comfort and their advancement in civilization :

And whereas the President of the United States, animated with a sincere desire to relieve them from their embarrassments, and to provide for them a permanent establishment ; and, being willing, as far as his constitutional power extends, to use all his efforts to accomplish these objects, has yielded to the wishes thus expressed to him in behalf of the Cherokees, and has authorized John F. Schermerhorn to meet the said members of the Cherokee nation, and to arrange with them such terms as may be just and proper between the parties :

And whereas the said John F. Schermerhorn and the said delegation of the Cherokee nation of Indians, have met together and have taken the whole matter into consideration, and have agreed upon certain articles, which are to be considered merely as propositions to be made to the Cherokee people, on behalf of the United States, and to be utterly invalid until approved by them ; it being distinctly understood that the said Cherokee people are not in the slightest manner committed by the formation of this provisional arrangement :

Now, therefore, in consideration of the premises, and with a view to the final adjustment of all claims; and demands of every kind, of the Cherokees east of the Mississippi river, upon the United States ; it is agreed as follows :

**ARTICLE 1.** This treaty shall be submitted to the people of the Cherokee nation, for that purpose to be assembled at New Echota, after due notice being given of the time of meeting by the commissioner appointed by the President of the United States, whose duty it shall be fully to explain all its contents to them, and the views of the Government in regard to it, for their concurrence and adoption ; and, if it shall appear, after a fair, free, and full expression of the sentiments, that a majority of the people are in favor of the treaty, it shall be considered as approved and confirmed by the nation ; and their whole country shall be deemed to be ceded, and their claim and title to it to cease. But it is always understood that the treaty stipulations in former treaties, that have not been annulled or superseded by this, shall continue in full force.

**ART. 2.** The Cherokee nation of Indians, for and in consideration of the additional quantity of land guarantied and secured to them by the third article of this treaty, and of the fulfilment of the covenants and stipulations hereinafter mentioned, and also of the sum of four millions five hundred thousand dollars, to be expended, paid, and invested, as agreed in the following articles, do hereby cede, relinquish, and convey to the United States, all their right and title to all the lands owned, claimed, and possessed by them, including the lands reserved by them for a school fund, east of the Mississippi river.

**ART. 3.** Whereas, by the treaty of May 6, 1828, and the supplementary treaty thereto, of February 14, 1833, with the Cherokees west of the Mississippi, the United States guarantied and secured, to be conveyed by patent, to the Cherokee nation of Indians, the following tract of country : " Beginning at a point on the old western territorial line of Arkansas Territory, being twenty-five miles north from the point where the territorial line crosses Arkansas river ; thence running from said north point south on the said territorial line to the place where the said territorial line crosses

Verdigris river ; thence down said Verdigris river to the Arkansas river ; thence down said Arkansas to a point where a stone is placed, opposite to the east or lower bank of Grand river, at its junction with the Arkansas ; thence running south forty-four degrees west, one mile ; thence in a straight line to a point four miles northerly, from the mouth of the north fork of the Canadian ; thence along the said four-miles line to the Canadian ; thence down the Canadian to the Arkansas ; thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river, and running thence with the western line of Arkansas Territory, as now defined, to the southwest corner of Missouri ; thence along the western Missouri line to the land assigned the Senecas ; thence on the south line of the Senecas to Grand river ; thence up said Grand river as far as the south line of the Osage reservation, extended if necessary ; thence up and between said south Osage line, extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line, will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extend : *Provided, however,* That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain, in common with the Cherokees ; and letters patent shall be issued by the United States, as soon as practicable, for the land hereby guarantied."

And whereas it is apprehended by the Cherokees, that, in the above cession, there is not contained a sufficient quantity of land for the accommodation of the whole nation, on their removal west of the Mississippi, the United States, therefore, hereby covenant and agree to convey to the said Indians, and their descendants, by patent, in fee simple, the following additional tract of country, situated between the west line of the State of Missouri and the Osage reservation, beginning at the southeast corner of the same, and runs north along the east line of the Osage lands, fifty miles, to the northeast corner thereof ; and thence east of the west line of the State of Missouri ; thence with said line south, fifty miles ; thence west to the place of beginning ; estimated to contain 800,000 acres of land ; but it is expressly understood, that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds, the same shall be reserved and excepted out of the lands above granted.

ART. 4. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the outlet and those ceded by this treaty, shall all be included in one patent, to be executed to the Cherokee nation of Indians, by the President of the United States, according to the provisions of the act of May 28, 1830. It is, however, understood and agreed that the Union Missionary Station shall be held by the American Board of Foreign Missions, and the Military Reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post, and have no further use for the same, it shall revert to the Cherokee nation. The United States shall always have the right to make and esta-

blish such post and military roads, and forts, in any part of the Cherokee country, as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds for the construction and support of the same, as may be necessary ; provided, that if the private rights of individuals are interfered with, a just compensation therefor shall be made. With regard to the Union Missionary Reservation, it is understood that the American Board of Foreign Missions will continue to occupy the same, for the benefit of the Cherokee nation ; and if, at any time hereafter, they shall abandon the same, upon payment for their improvements by the United States, it shall revert to the Cherokee nation.

ART. 5. The United States also stipulate and agree to extinguish, for the benefit of the Cherokees, the title to the reservations within their country, made in the Osage treaty of 1825, to certain half-breeds, and for this purpose they hereby agree to pay to the persons to whom the same belong or have been assigned, or to their agents or guardians, whenever they shall execute, after the ratification of this treaty, a satisfactory conveyance for the same, to the United States, the sum of fifteen thousand dollars, according to a schedule accompanying this treaty, of the relative value of the several reservations.

ART. 6. The United States hereby covenant and agree, that the lands ceded to the Cherokee nation, in the foregoing article, shall, in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory ; but they shall secure to the Cherokee nation the right, by their national councils, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their people, or such persons as have connected themselves with them: *Provided, always,* That they shall not be inconsistent with the constitution of the United States, and such acts of Congress as have been or may be passed for the regulation of Indian affairs ; and, also, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country, according to the laws and regulations established by the Government of the same.

ART. 7. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee nation from domestic strife and foreign enemies, and against intestine wars between the several tribes. They shall endeavor to preserve and maintain the peace of the country, and not make war upon their neighbors ; and should hostilities commence by one or more tribes upon another, the Cherokee council of the nation, when called upon by the authority of the President of the United States, shall aid the United States with as many warriors as may be deemed necessary to protect and restore peace in the Indian country ; and while in service, they shall be entitled to the pay and rations of the army of the United States. They shall also be protected against all interruption and intrusion from citizens of the United States, who may attempt to settle in the country without their consent ; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics, and teachers, for the instruction of the Indians, according to the treaty stipulations and the regulations of the Government of the United States.

ART. 8. The Cherokee nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure, in the most effectual manner, the rights guaranteed to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians, in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States, whenever Congress shall make provision for the same.

ART. 9. The United States also agree and stipulate to remove the Cherokees to their new homes, and to subsist them one year after their arrival there, and that a sufficient number of steam-boats and baggage wagons shall be furnished to remove them comfortably, and so as not to endanger their health; and that a physician, well supplied with medicines, shall accompany each detachment of emigrants removed by the Government. They shall also be furnished with blankets, kettles, and rifles, as stipulated in the treaty of 1828. The blankets shall be delivered before their removal, and the kettles and rifles after their removal, in their new country. Such persons and families as, in the opinion of the emigrating agent, are capable of subsisting and removing themselves, shall be permitted to do so; and they shall be allowed in full for all claims for the same, twenty-five dollars for each member of the family, slaves excepted, for whom (those now owned in the nation) they shall be allowed eighteen dollars each; and in lieu of their one year's rations they shall be paid the sum of thirty-three dollars and thirty-three cents, if they prefer it. And, in order to encourage immediate removal, and with a view to benefiting the poorer class of their people, the United States agree and promise to pay each member of the Cherokee nation one hundred and fifty dollars on his removal, at the Cherokee agency west, provided they enrol and remove within one year from the ratification of this treaty; and one hundred dollars to each person that removes within two years; and after this no *per capita* allowance whatever will be made; and it is expressly understood, that the whole nation shall remove within two years from the ratification of the treaty. There shall also be paid to each emigrant since June, 1833, one hundred and fifty dollars, according to the assurances given them by the Secretary of War, that they should be entitled to all the advantages and provisions of the treaty which should be finally concluded with their nation. They shall also be paid for the improvements, according to their appraised value before they removed, where fraud has not already been shown in the valuation.

Such Cherokees, also, as resides at present out of the nation, and shall remove with them, in two years, west of the Mississippi, shall be entitled to *per capita* allowance, removal, and subsistence, as above provided.

ART. 10. The United States agree to appoint suitable agents, who shall make a just and fair valuation of all such improvements now in the possession of the Cherokees, as add any value to the lands; and, also, of the ferries owned by them, according to their nett income; and such improvements and ferries from which they have been dispossessed in a lawless manner, or under any existing laws of the State where the same may be situated. The just debts of the Indians shall be paid out of any moneys due them for their improvements and claims; and they shall also be furnished, at the discretion of the President, with a sufficient sum to enable them to obtain

the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee agency, west of the Mississippi. The missionary establishments shall also be valued and appraised in like manner, and the amount of them paid over by the United States to the treasurers of the respective missionary societies by whom they have been established and improved, in order to enable them to erect such buildings, and make such improvements among the Cherokees west of the Mississippi, as they may deem necessary for their benefit. Such teachers at present among the Cherokees as their council shall select and designate, shall be removed west of the Mississippi, with the Cherokee nation, and on the same terms allowed to them. It is, however, understood, that from the valuation of the missionary establishments, shall be deducted the *pro rata* amount advanced and expended for the same by the United States.

ART. 11. The President of the United States shall invest in some safe and most productive public stocks of the country, for the benefit of the whole Cherokee nation who have removed or shall remove to the land assigned by this treaty to the Cherokee nation, west of the Mississippi, the following sums, as a permanent fund, for purposes hereinafter specified, and pay over the nett income of the same annually, to such person or persons as shall be authorized or appointed by the Cherokee nation, to receive the same, and their receipt shall be a full discharge for the amount paid to them, viz: The sum of four hundred thousand dollars, to constitute a general fund, the interest of which shall be applied annually, by the council of the nation, to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars, to constitute an orphans' fund, the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and sixty thousand dollars, to constitute a permanent school fund, the interest of which shall be applied annually, by the council of the nation, for the support of common schools, and such a literary institution of a higher order as may be established in the Indian country; and in order to secure, as far as possible, the true and beneficial application of the orphans' and school fund, the council of the Cherokee nation, when required by the President of the United States, shall make a report of the application of those funds; and he shall at all times have the right, if the funds have been misapplied, to correct any abuses of them, and to direct the manner of their application, for the purposes for which they were intended. The council of the nation may, by giving two years' notice of their intention, withdraw their funds, by and with the consent of the President and Senate of the United States, and invest them in such a manner as they may deem most proper for their interest. The United States also agree and stipulate to pay to the Cherokee council east, sixty thousand dollars, and to expend thirty thousand dollars in the erection of such mills, council and school houses, in their country west of the Mississippi, as their council shall designate. The sum of ten thousand dollars shall be expended for the introduction of improved breeds of the different domestic animals, as horses, hogs, cattle, and sheep, which shall be placed under the direction of the agent of the tribe; and who, by and with the advice of the council, shall distribute them to the best advantage for the general benefit of the whole people. They shall also pay to the council five thousand dollars towards procuring materials for a printing press, to enable them to print a newspaper, and books in the Cherokee language, for gratuitous distribution.

ART. 12. The sum of two hundred and fifty thousand dollars is hereby set apart to satisfy and liquidate all claims of every kind and nature whatever of the Cherokees, upon the United States, and such claims of the citizens of the United States against the Cherokees as come within the provisions of the intercourse act of 1802, and as existed in either of the States of Georgia, Alabama, North Carolina, and Tennessee, prior to the extension of the laws of either of such States over them. All claims of the Indians shall first be examined by the council of the nation, and then reported to the commissioner appointed to adjudicate the same; and the claims of the United States shall first be examined by the agent and council of the nation, and then referred to the commissioner, who shall finally decide upon them; and on his certificate of the amount due in favor of the several claimants, they shall be paid. If the above claims do not amount to the sum of two hundred and fifty thousand dollars, the amount unexpended shall be added to the orphans' and school funds.

ART. 13. The Cherokee nation of Indians, believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition, hereby agree to commute their permanent annuity of ten thousand dollars for the sum of two hundred and fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the nation; and their present school fund, amounting to forty-eight thousand two hundred and fifty-one dollars and seventy-six cents, shall be invested in the same manner as the school fund provided in this treaty, and constitute a part of the same; and both of them to be subject to the same disposal as the other part of these funds, by their national council.

ART. 14. Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as, in the opinion of the agent, are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this treaty, for their claims, improvements, ferries, removal, and subsistence; but they shall not be entitled to any share or portion of the funds vested or to be expended for the common benefit of the nation.

ART. 15. It is also agreed on the part of the United States, that such warriors of the Cherokee nation as were engaged on the side of the United States, in the late wars with Great Britain and the Southern tribes of Indians, and who were wounded in such service, shall be entitled to such pensions as shall be allowed them by the Congress of the United States, to commence from the period of their disability.

ART. 16. The United States hereby agree to protect and defend the Cherokees in their possessions and property, by all legal and proper means, after their enrolment, or the ratification of this treaty, until the time fixed upon for their removal; and if they are left unprotected, the United States shall pay the Cherokees for the losses and damages sustained by them in consequence thereof.

ART. 17. The expenditures, payments, and investments, agreed to be made by the United States, in the foregoing articles of this treaty, it is understood, are to be paid out of the sum of four millions five hundred thousand dollars, agreed to be given to the Cherokee nation for the cession of their lands, and in full for all their claims, of every kind, now existing against the United States.

ART. 18. The annexed schedule contains the estimate for carrying into effect the several pecuniary stipulations and agreements contained in this treaty; and if the sums affixed for any specific object shall be more or less than is requisite to carry the same into effect, the excess for such estimate shall be applied to make up the deficiency, if any occur, for the other objects of expenditure; and if, in the aggregate, the payments and expenditures shall exceed or fall short of the several sums appropriated for them, the same shall be taken from or added to, (as the case may be,) the funds to be vested for the benefit of the Cherokee nation, according to the relative amounts intended to be invested for each specific fund, by this treaty; but the sum of two hundred and fourteen thousand dollars commuted for their permanent annuity, and their present school fund, already invested, shall not be considered as any part of the above sum of four millions and five hundred thousand dollars, the full amount agreed to be paid by the United States for all claims and demands against the same, and for the cession of their lands; and in no case shall the amount agreed to be paid and invested in the aforesaid articles of this treaty exceed this sum.

## SCHEDULE.

For Removal	-	-	-	-	-	\$255,000 00
Subsistence	-	-	-	-	-	400,000 00
Improvements and ferries	-	-	-	-	-	1,000,000 00
Claims and spoliations	-	-	-	-	-	250,000 00
Domestic animals	-	-	-	-	-	10,000 00
National debts	-	-	-	-	-	60,000 00
Public buildings	-	-	-	-	-	30,000 00
Printing press, &c.	-	-	-	-	-	5,000 00
Blankets	-	-	-	-	-	36,000 00
Rifles	-	-	-	-	-	37,000 00
Kettles	-	-	-	-	-	7,000 00
Per capita allowance	-	-	-	-	-	1,800,000 00
General fund	-	-	-	-	-	400,000 00
School fund	-	-	-	-	-	160,000 00
Orphans' fund	-	-	-	-	-	50,000 00
Additional territory	-	-	-	-	-	500,000 00
						<hr/>
						\$5,000,000 00
School fund already invested	-	-	-	-	-	48,251 76
Commutation of perpetual annuity	-	-	-	-	-	214,000 00
						<hr/>
						<u>\$5,262,251 76</u>

ART. 19. This treaty, when it shall have been approved and signed by a majority of the chiefs, head men, and warriors of the Cherokee nation of Indians, and ratified by the President, by and with the advice and consent of the Senate of the United States, shall be binding on the contracting parties.

In testimony whereof, the said John F. Schermerhorn, authorized as aforesaid, and the said Cherokee delegation, have set their hands and seals the day and year above written.

John F. Schermerhorn,	[ seal ]
John Rige,	[ seal ]
Archilla Smith,	[ seal ]
Elias Boudinot,	[ seal ]
S. W. Bell,	[ seal ]
John West,	[ seal ]
Wm. A. Davis,	[ seal ]
Ezekiel West,	[ seal ]

Witness present :

ALEX. MACOMB, Maj. Gen. U. S. A.  
 GEO. GIBSON, Com. Gen.  
 WILLIAM ALLEN,  
 HUDSON M. GARLAND,  
 SHERMAN PAGE,  
 JOHN GARLAND, Maj. U. S. A.  
 BENJ. F. CURREY, Sup. Cher. removal, &c.  
 A. VAN BUREN, U. S. A.  
 DYER CASTOR.

*To the Cherokee tribe of Indians east of the Mississippi river :*

MY FRIENDS: I have long viewed your condition with great interest. For many years I have been acquainted with your people, and under all variety of circumstances, in peace and war. Your fathers were well known to me, and the regard which I cherished for them has caused me to feel great solicitude for your situation. To these feelings, growing out of former recollections, have been added the sanction of official duty, and the relation in which, by the constitution and laws, I am placed towards you. Listen to me, therefore, as your fathers have listened, while I communicate to you my sentiments on the critical state of your affairs.

You are now placed in the midst of a white population. Your peculiar customs, which regulated your intercourse with one another, have been abrogated by the great political community among which you live; and you are now subject to the same laws which govern the other citizens of Georgia and Alabama. You are liable to prosecutions for offences, and to civil actions for a breach of any of your contracts. Most of your people are uneducated, and are liable to be brought into collision at all times with their white neighbors. Your young men are acquiring habits of intoxication. With strong passions, and without those habits of restraint which our laws inculcate and render necessary, they are frequently driven to excesses which must eventually terminate in their ruin. The game has disappeared among you, and you must depend upon agriculture and the mechanic arts for support. And, yet, a large portion of your people have acquired little or no property in the soil itself, or in any article of personal property which can be useful to them. How, under these circumstances can you live in the country you now occupy? Your condition must



become worse and worse, and you will ultimately disappear, as so many tribes have done before you.

Of all this I warned your people, when I met them in council eighteen years ago. I then advised them to sell out their possessions east of the Mississippi, and to remove to the country west of that river. This advice I have continued to give you, at various times, from that period down to the present day; and can you now look back and doubt the wisdom of this counsel? Had you then removed, you would have gone with all the means necessary to establish yourselves in a fertile country, sufficiently extensive for your subsistence, and beyond the reach of the moral evils which are hastening your destruction. Instead of being a divided people as you now are, arrayed into parties bitterly opposed to each other, you would have been a prosperous and a united community. Your farms would have been opened and cultivated, comfortable houses would have been erected, the means of subsistence abundant, and you would have been governed by your own customs and laws, and removed from the effects of a white population. Where you now are, you are encompassed by evils, moral and physical, and these are fearfully increasing.

Look even at the experience of the last few years. What have you gained by adhering to the pernicious counsels which have led you to reject the liberal offers made for your removal? They promised you an improvement in your condition; but, instead of that, every year has brought increasing difficulties. How, then, can you place confidence in the advice of men who are misleading you for their own purposes, and whose assurances have proved, from the experience of every year, to be utterly unfounded?

I have no motive, my friends, to deceive you. I am sincerely desirous to promote your welfare. Listen to me, therefore, while I tell you that you cannot remain where you now are. Circumstances that cannot be controlled, and which are beyond the reach of human laws, render it impossible that you can flourish in the midst of a civilized community. You have but one remedy within your reach; and that is, to remove to the West and join your countrymen, who are already established there. And the sooner you do this, the sooner you will commence your career of improvement and prosperity.

A number of your brethren, who have been delegated by that portion of your people favorable to emigration, have repaired to this place, in the hope of being able to make some arrangement which would be acceptable to the Government of the United States, and which would meet your approbation. They do not claim the right of making any arrangement which would be binding upon you; but have expressly stated, that whatever they did would be utterly void, unless submitted to, and approved by, you.

The whole subject has been taken into consideration, and an arrangement has been made, which ought to be, and I trust will be, entirely satisfactory to you. The Senate of the United States have given their opinion of the value of your possessions. And this value is ensured to you in the arrangement which has been prepared. Mr. John Ross, and the party who were with him, expressed their determination to accept, as far as they were concerned, such a sum as the Senate might consider just, and promised to recommend and support the same in your general council. The stipulations contained in this instrument are designed to afford due protection

to private rights, to make adequate provision for the poorer class of your people, to provide for the removal of all, and to lay the foundation of such social and political establishments in your new country as will render you a happy and prosperous people. Why, then, should any honest man among you object to removal? The United States have assigned to you a fertile and extensive country, with a very fine climate adapted to your habits, and with all the other natural advantages which you ought to desire or expect.

I shall, in the course of a short time, appoint commissioners for the purpose of meeting the whole body of your people in council. They will explain to you, more fully, my views, and the nature of the stipulations which are offered to you.

These stipulations provide:

1st. For an addition to the country already assigned to you west of the Mississippi, and for the conveyance of the whole of it, by patent, in fee simple. And also for the security of the necessary political rights, and for preventing white persons from trespassing upon you.

2d. For the payment of the full value to each individual, of his possession in Georgia, Alabama, North Carolina, and Tennessee.

3d. For the removal, at the expense of the United States, of your whole people; for their subsistence for a year after their arrival in their new country, and for a gratuity of one hundred and fifty dollars to each person.

4th. For the usual supply of rifles, blankets, and kettles.

5th. For the investment of the sum of four hundred thousand dollars, in order to secure a permanent annuity.

6th. For adequate provision for schools, agricultural instruments, domestic animals, missionary establishments, the support of orphans, &c.

7th. For the payment of claims.

8th. For granting pensions to such of your people as have been disabled in the service of the United States.

These are the general provisions contained in the arrangement. But there are many other details favorable to you, which I do not stop here to enumerate, as they will be placed before you in the arrangement itself. Their total amount is four millions five hundred thousand dollars, which, added to the sum of five hundred thousand dollars, estimated as the value of the additional land granted you, makes five millions of dollars; a sum which, if equally divided among all your people east of the Mississippi, estimating them at ten thousand, which I believe is their full number, would give five hundred dollars to every man, woman, and child in your nation. There are few separate communities, whose property, if divided, would give to the persons composing them such an amount. It is enough to establish you all in the most comfortable manner; and it is to be observed, that besides this, there are thirteen millions of acres conveyed to the western Cherokees and yourselves by former treaties, and which are destined for your and their permanent residence; so that your whole country, west of the Mississippi, will contain not less than thirteen millions eight hundred thousand acres.

The choice now is before you. May the Great Spirit teach you how to choose. The fate of your women and children, the fate of your people, to the remotest generation, depend upon the issue. Deceive yourselves no longer. Do not cherish the belief that you can ever resume your former political situation, while you continue in your present residence. As

certain as the sun shines to guide you in your path, so certain is it that you cannot drive back the laws of Georgia from among you. Every year will increase your difficulties. Look at the condition of the Creeks. See the collisions which are taking place with them. See how their young men are committing depredations upon the property of our citizens, and are shedding their blood. This cannot and will not be allowed. Punishment will follow, and all who are engaged in these offences must suffer. Your young men will commit the same acts, and the same consequences must ensue.

Think then, of all these things. Shut your ears to bad counsels. Look at your condition as it now is, and then consider what it will be if you follow the advice I give you. Your friend,

ANDREW JACKSON.

WASHINGTON, *March 16, 1835.*

No. 2.

CHEROKEE AGENCY,  
*April 19, 1835.*

SIR: Enclosed you will find a copy of propositions from the President of the United States, with an address affixed thereto, over his own signature, which he has directed me to forward to you.

On proposing to cede a country for the removal of its aboriginal inhabitants, past experience has shown there are dangers of civil discord, commotion, and bloodshed. The violence of your opposition to all propositions hitherto submitted, apart from the solemn engagements of yourself, Samuel Gunter, Daniel McCoy, Richard Taylor and William Rogers, to urge on your people the acceptance of such a gross sum as might be fixed upon by the Senate of the United States, would give rise to apprehensions that you and your council will endeavor to produce excitement, and raise a prejudice against that patriotic band headed by John Ridge, who were instrumental in eliciting from the Executive of the United States these liberal terms. Indeed, I am informed that your representations to the Cherokees with whom you had an interview at Mr. Lowry's, were of a character inconsistent with facts as they occurred, and well calculated to produce an unmerited prejudice against Messrs. Ridge, Boudinot, Smith, West, Bell, and Davis.

From these causes, should violence be threatened, or death to any of these men or their party ensue, or should any attempt be made to prevent a fair and unbiased expression of their preference for freedom in the West, to slavery here, incurable evils to the Cherokees may naturally be expected; for all of which I am directed by the President of the United States to say that you and your council will be held responsible.

I have the honor, also, to enclose to you a notice of a meeting to be convened near the head of Coosa, in Georgia, for the purpose of taking the sense of the nation as to what disposition shall be made of the present year's annuity, where it would give me unfeigned pleasure to see you join your countrymen in harmonious and solemn deliberation on the course

most proper to be pursued in order to ensure their future happiness and prosperity.

Most respectfully,

Your very obedient servant,

BEN. F. CURREY,

*Ind. Agt. and Sup. Cherokee Rem.*

To Mr. JOHN ROSS.

No. 2.

NOTICE.—An order has been received from the Secretary of War by the Indian agent, “as early as practicable to take the sense of the Cherokee people as to the mode of paying their present year’s annuity, and to whom.”

A council has been called to meet at Ridge’s, near the head of Coosa on the first Monday in May next; at which place the nation are requested to assemble, as the annuity will be paid out in the manner, and to the persons, designated by a majority of the voters attending.

BEN. F. CURREY,

*Indian agent, Cherokee agency.*

APRIL 16, 1835.

No. 3.

CHEROKEE AGENCY,

*April 26, 1835.*

SIR: Your notice to the Cherokee people, requesting them to assemble at Ridge’s near the head of Coosa, within the limits of Georgia, on the first Monday in May next, for the purpose of ascertaining their sense as to the mode of paying their present year’s annuity, and to whom, is no less sudden than unexpected. This question is considered by all to be fully settled by the decision which was made at this place last year; and the same national treasurer, John Martin, is yet in office; the people have not manifested any disposition to change their own decision on the subject, nor is it practicable for them to assemble at the *time* and *place* you have designated, even where they disposed to meet for that purpose. Under these circumstances, you cannot but see the propriety and justice of deferring all proceedings on the subject. The general council of the nation will be convened at Red Clay, on the second Monday in May, for the purpose of being informed of the proceedings of the late delegation at Washington, and at which place the sentiments of the people can be fairly ascertained; and should it appear that they are in favor of changing their decision on the subject of their annuity, a time and place for taking their votes may be satisfactorily agreed upon by themselves, by giving the whole nation timely notice for their attendance. And, in order that justice and fairness may be adopted, it becomes my duty, as the principal chief of the nation, to remonstrate against any unfair means being taken on this subject at any private meeting; and to protest against the pay-

ment of the annuity money for this year, in any other mode than has been decided upon at this place last fall, unless that mode shall be fairly changed by the people themselves, at the general council of the nation.

I am, sir, your obedient servant,

JNO. ROSS.

BEN. F. CURREY, Esq.

*U. S. Agent for em. Cherokee agency, &c.*

No. 4.

RED CLAY, *May*, 1835.

Whereas, it has been made known to the undersigned, citizens of the Cherokee nation, east of the Mississippi, than Ben. F. Currey, "Indian agent," &c., has issued a notification stating that "a council has been called to meet at Ridge's, near the head of Coosa, on the first Monday in this month, at which place the nation are requested to assemble, as the annuity will be paid out in the manner and to the persons designated by a majority of the voters attending;" be it therefore known to all whom it may concern, that we, the undersigned, do protest against this proceeding, as well as against any change being made as to the person and manner of paying the annuities due to the nation, which was fixed upon by the votes of the Cherokee people, who assembled for that purpose at the Cherokee agency, on the first day of October last.

[Subscribed by 517 signatures.]

No. 5.

RED CLAY COUNCIL GROUND, *May* 16, 1835.

SIR: It has become proper that the undersigned should lay before you the enclosed copy of a protest, which has been adopted and signed by five hundred and seventeen of the Cherokee people from the several districts of the nation who have attended the general council, in relation to the annuity moneys now due to the nation from the United States Government. You therefore please to inform the proper officer of the same, and to direct the payment of this year's annuity, without delay, to John Martin, Esq. the national treasurer.

We are, sir, your obedient servants,

JOHN ROSS, *principal chief,*

GEORGE LOWRY, *asst. pr. chief.*

B. F. CURREY, Esq. *U. S. agent.*

No. 6.

CHEROKEE AGENCY, *September* 14, 1835.

Mr. Kennedy and Mr. Brazleton will be so good as to do nothing by which to encourage the Indians to remain in this country. The right of

any man, or set of men, to go further in preventing the whites from settling the Tennessee lands than the General Government allows its agents to go is denied by me; and, should any person or persons undertake to do so they will jeopardize their own interests and privileges in the country. The Government of the United States have no wish to interrupt persons of good character and peaceable disposition, who have settled south of the Hiwassee, where they have not encroached on Indian fields and houses. But, when it is made apparent that any white man or body of white men have combined together, acting in such a manner as to retard the objects of the Government, then it will become my duty to interfere.

Very respectfully,

BEN. F. CURREY, *Special Agent.*

MESSRS. BRAZLETON, KENNEDY, and others,  
*Committee south of Hiwassee.*

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No. 7.

CHEROKEE AGENCY, *July 7, 1835.*

SIR: Should the request contained in the enclosed letter be complied with by Major Currey, I will take pleasure in inviting the attendance of the most influential chiefs of the nation, that you may have an opportunity of conversing with them on the subject of your mission.

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

JOHN ROSS,

*Principal chief of the Cherokee nation.*

REV. J. F. SHERMERHORN,  
*United States commissioner.*

N. B.—Please to hand the letter to Major Currey, which you are at liberty to read.

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No. 8.

CHEROKEE AGENCY, *July 7, 1835.*

SIR: It appears that the Department is not satisfied as to the fairness of the Red Clay proceedings, in relation to the disposition of the annuity due the nation; and the sense of the people, in council assembled, being directed to be ascertained by the officers of the Government, and you having notified the Cherokees to meet the second time in the vicinity of the head of Coosa, to express their will on this subject, this is therefore, to request that a more suitable and convenient place may be designated, say either at Red Clay or at this place, in order that a full meeting may take place. You well know, from the smallness of the number of those who attended your first notice on this subject, that the Cherokees are not disposed to meet at the place you have designated.

The Cherokees being alone interested in this subject, *their convenience* ought, most certainly, to be consulted as to the *place* of meeting; it is due to them by every principle of fairness and justice that it should be. Should you please to alter the place so as to meet at either of the places mentioned,

(Red Clay or the Agency,) and let me know the time, say two or three weeks hence, I will take occasion to request the general attendance of the people.

I am, sir, your obedient servant,

JOHN ROSS,  
*Principal chief Cherokee nation.*

Major BENJ. F. CURREY,  
*United States agent, present.*

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No. 9.

CHEROKEE AGENCY, *July 7, 1835.*

SIR: I have just received your note, enclosing a letter from Major B. F. Currey, agent, which, according to your request, I have delivered to him. In reply he stated to me he could not, *at present*, give any other answer than that delivered to you by Lieutenant Bateman. I must, however, with frankness and candor, say to you, I do not believe he will alter the time and place of meeting. I hope, however, this will not prevent you from convening your principal men at such time and place as you think best, to give me an opportunity of an interview with them, for the purpose mentioned in our personal interview.

With great respect, your obedient servant,

J. F. SCHERMERHORN,  
*Commissioner to treat with the Cherokees, east.*

Mr. JOHN ROSS, *principal chief*  
*of the Cherokee nation.*

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No. 10.

CHEROKEE AGENCY, EAST, *July 9, 1835.*

SIR: Your note, through Mr. Schermerhorn, has been received and duly considered. A general notice has been served on the Cherokees already of the time and place of holding the election for disposing of the present year's annuity. Should the people not attend, it is hoped no blame can properly be imputed to me. The site selected is the most convenient and as nearly central as could be fixed upon.

It would afford me pleasure to meet all the Cherokees on the occasion in brotherly friendship and confidence.

Very respectfully,

Your most obedient servant,

BEN. F. CURREY,  
*Acting Indian agent.*

Mr. JOHN ROSS.

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No. 11.

CHEROKEE AGENCY, *July 9, 1835.*

SIR: I shall start to-morrow morning, in company with Lieutenant Bateman, to visit some of the missionary stations, and shall probably spend next Sabbath at Brainard, and proceed from there to the council.

I should advise you and your friends to attend this council, and if there is not a general attendance, I assure you I will use all my influence with the agent and the opposing party, to postpone it to another time. I perceive, from the instructions from the Indian department, that a majority of those who attend the council, have the power to control the disposition of the annuity.

I should deem myself extremely fortunate, if I could, in any way, be the means of bringing together, and to a right understanding, all your people, so that they might all act in harmony and concert, in bringing to a final close, by a treaty, the unhappy difficulties existing between your people and the Government of the United States.

With respect, your obedient servant,

J. F. SCHERMERHORN,  
*Commissioner.*

Mr. JOHN ROSS, P. C. C. N.

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No. 12.

VALLEY TOWNS, June 16, 1835.

SIR: I have been, by authority of the honorable Secretary of War, appointed to take the census of that part of the tribe of Cherokees east of the road from Columbus to Georgia, via McNair's, in Tennessee and North Carolina. On the 11th instant, commenced on Hiwassee river, above the mouth of Coqua creek, and numbered eleven families, among whom I found no objections until I came to John Christie's; he refused to give the number of his family without there was a Cherokee on the part of his tribe to accompany me. I stopped further proceedings until this day, and made application to a council now sitting, to appoint some one of your tribe, that they could confide in, to accompany me; after deliberating on the matter they appointed Mr. John Timpson, and have submitted the matter to you for your approbation, which I hope it will meet, and that I may be enabled to proceed and get the exact number, for the information of the Government of the United States.

I am, very respectfully,

NAT. SMITH.

JOHN ROSS, Esq.

*Principal chief, &c. Red Clay.*

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No. 13.

RED CLAY, CHEROKEE NATION,  
June 18, 1835.

SIR: I have just received your letter of the 16th instant. It is not to be wondered at that the Cherokees should have declined rendering in the number of their families to you, when your appointment and the authority by which it has been conferred, had not been previously made known to them, and especially as they are entirely ignorant of the real objects of the honorable Secretary of War, in directing the census of only a fractional part of



their nation to be taken. I must confess that I am no less in the dark on the subject myself, not having received any information as to the necessity which has dictated this course. The relations which this nation sustains towards the United States, are of a general character, and if it should be desirable on the part of the President for any important and useful purpose to ascertain the precise population of the whole Cherokee nation east of the Mississippi, and due notice given to the proper authorities thereof, measures would be immediately taken to have the subject fully explained, and circulated for the general information of the people, and faithful persons appointed on the part of the nation to accompany you or any other gentleman who may be appointed by the President for that purpose. And I need not assure you, that every facility in my power for the accomplishment of the object upon fair and correct principles would be cheerfully afforded. There is no good reason for departing from the long-established regulations of the Government, in its intercourse with the Cherokees; and I do protest against the departure and general course which have been pursued and is now observed by *Benjamin F. Currey, Esq.* in relation to the affairs of this nation; it seems to be founded upon partiality and injustice, its tendencies demoralizing and effects dishonorable; should it be persisted in and tolerated by the head of the Department, I cannot give it my sanction.

I am, sir, respectfully,

Your obedient servant,

JOHN ROSS.

Col. NATHANIEL SMITH,

*Now at the Valley towns, Cherokee nation.*

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No. 14.

CHEROKEE AGENCY, July 10, 1835.

SIR: We, the undersigned, commissioners appointed by the President of the United States to treat with the Cherokees erst, regret to be informed, on our arrival here, that the officers of the Government of the United States appointed to take the census of the Cherokee nation east, have not been enabled to proceed in their duties, in consequence of your interference to prevent it. The gentlemen appointed to take the census state that communications have been sent by you to different parts of the nation, commanding your people not to give up their names and number to the persons who may call on them for that purpose, and that in consequence of this, many of the people have utterly refused to give the requisite information to them.

This is much to be regretted, as we are persuaded that the objects of the Government in taking the census is to enable it to deal in the most fair and just manner with the Cherokee nation. There has been heretofore complaint made to the Government that the annuities of the nation was not equally divided between the eastern and western Cherokees; and the President, with a view of doing equal justice to both parts of the nation, directed, as we understand, the census to be taken. There is another reason for taking the census at this time: the commissioners in their instructions are required to obtain the consent of a majority of your head men and warriors to a treaty, to make it valid, and for this purpose it is necessary to

have an accurate census of the nation taken now. We hope, therefore, that, instead of opposing the officers of the Government in this matter, you will render them every facility in your power to execute the business assigned them correctly and fairly, by appointing such of your principal men to accompany them, as you may think proper. Should you, however, take a different course, we cannot be responsible for the consequences of resisting the constituted authorities of the Government of the United States.

With great respect,

Your obedient servants,

WM. CARROLL,

J. F. SCHERMERHORN,

*Commissioners.*

Mr. JOHN ROSS,

*Principal chief, Cherokee nation.*

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No. 15.

RED CLAY, CHEROKEE NATION,

July 12, 1835.

GENTLEMEN: Your communication of the 10th instant is received. I am astonished to hear that you have been informed, on your arrival at the agency, that the "officers of the Government of the United States, appointed to take the census of the Cherokee nation east, have been unable to proceed in their duties, in consequence of my interference to prevent it; and the gentlemen appointed to take the census state that communications have been sent by me to different parts of the nation, commanding my people not to give up their names and numbers to the persons who may call on them for that purpose," &c. I have never been notified of the intention of the Government to take the census of the Cherokee nation east, for any purpose whatever, nor have I been informed of the appointment of officers to execute that duty, until I received a communication from Colonel Nathaniel Smith, of McMinn county, dated at the Valley towns, stating that he had been appointed to take the census of the Cherokees within the chartered limits of North Carolina, and those residing within the limits of Tennessee, east of the road leading from Columbus, by McNair's, to the Georgia line, &c. My reply to Colonel Smith will show for itself. No intimation was made by Colonel Smith, or any other public functionary, that other gentlemen had been or would be appointed to enumerate the Cherokees within other parts of the nation. Being entirely ignorant of the intention of the Government on this subject, I had no information to give the Cherokees who called upon me to know what were the objects of certain gentlemen who, they stated, were travelling about and inquiring after their names and the numbers of their families, and stated, also, that those men were accompanied by certain Cherokee interpreters, who had previously been in the service of the enrolling and migrating agents, than to state to them that I was uninformed myself on the subject; and, also, what reply I had given to Colonel Smith; and that if it was desirable to the President to ascertain the precise population of the Cherokee nation east, and the authorities of the nation should be notified of this fact, that faithful and good men, on the part of the nation, would be appointed to accompany the officers

of the Government; and that due notice would then be circulated for the general information of the people, in order that exceptions by any one to the measure may be avoided, and the business expedited. Such is the true state of the facts in relation to this subject. Your own observations upon the affairs of men, will satisfy you at once, that, under the existing state of things among the Cherokees, the course pursued on the part of the Government agents in this business, was not calculated to ensure a correct enumeration of the Cherokees. It had a stronger tendency to excite their fears and suspicions than to gain their confidence, as to the object and fairness of the procedure. I have no authoritative command over the rights and liberties of the Cherokee people, and never have presumed to exercise any; but so far as they claim the right of seeking information and advice from me, on all important subjects touching their rights and interests, and which was proper for me to give, it has never been withheld from them. So much by way of explanation of what has been communicated to you as a matter of complaint against me in this business. But being now informed, through you, that the census of the nation has been directed to be taken, and assured that "the objects of the Government in taking the census is to enable it to deal in the most fair and just manner with the Cherokee nation," I take occasion to inform you that suitable persons will be appointed, on the part of the nation, to accompany and act in concert with such gentlemen as may be appointed on the part of the Government, to take a fair and correct census of the nation. You will, therefore, please to apprise me of the names of the several gentlemen to whom this duty will be entrusted, and the district of country assigned to each of them, to enable us to act understandingly in reference to the number of officers that will be necessary to be appointed on the part of the nation, and to assign them their respective districts; also, to advise them of the proper officers on the part of the Government. And that this arrangement may be promulgated for the general information of the people, that all further difficulty may be removed, and the business expedited, you may rest assured that every facility in my power to have the business executed correctly and fairly will be afforded.

As to any complaints having been heretofore made to the Government, that the annuity was not equally divided between the eastern and western Cherokees, I am altogether unaware of that fact. However, be it as it may, the treaty of 1819 especially settles the question in regard to the division of the annuity, and points out the mode, in case that the division had been objected to by those west, and it is to be hoped that no departure will be made by the Government from the stipulations of the treaty engagement on this subject.

I have the honor to be,

Gentlemen, very respectfully,

Your obedient humble servant,

JOHN ROSS,

*Principal chief of the Cherokee nation.*

To his Excellency Wm. CARROLL, and

the Rev. J. F. SCHERMERHORN,

*U. S. Commissioners, now at Calhoun, Tenn.*

No. 16.

RUNNING WATER COUNCIL GROUND, *July 22, 1835.*

SIR: I have the pleasure of acknowledging the receipt of your favor of the 12th instant, after I arrived at this place. I am informed that the following persons have been appointed to take the census of the Cherokee Indians east: James S. Barnett, for the counties of Floyd, Walker, Cass, Paulding, and Murray, in Georgia; Colonel Charles H. Nelson, for the counties of Cobb, Cherokee, Gilmer, Union, Lumpkin, Forsyth; Major Nathaniel Smith for North Carolina; Daniel Henderson for Tennessee; B. F. Currey for Alabama.

You will please to inform me before you leave this place who has been appointed of your people to accompany the officers of Government in the discharge of this duty. It is deemed important that this business be executed as speedily as possible.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

*Commissioner.*

To JOHN ROSS,

*Principal chief of Cherokee nation.*

No. 17.

CAMP, CHEROKEE CREEK, *July 22, 1835.*

SIR: I have received your letter of this date, informing me of the names of the gentlemen appointed on the part of the United States Government to take the census of the Cherokee Indians east; also of the district of country assigned to each of them. In compliance with your request, and in pursuance of my letter of the 12th instant to Governor Carroll and yourself, I hereby communicate to you that the following gentlemen have just been appointed on the part of this nation, to wit: Collins McDonald to act with James S. Barnett, Moses Daniel with Colonel Charles H. Nelson, John Timpson with Major Nathaniel Smith, Jesse Bushyhead with Daniel Henderson, and George Lowrey, jr. with Benjamin F. Currey, in the bounds stated by you to be assigned to the several gentlemen appointed by the Government. Some of the gentlemen named on the part of the nation are not here to accept the appointment conferred on them; it is however to be hoped that they will not decline to accept, but should any of them do so, others will be appointed without delay in their stead. Instructions will be given to them to be ready to proceed in the business whenever called upon by the census-takers on the part of the United States.

I am, sir,

Your obedient, humble servant,

JOHN ROSS,

*Principal chief of the Cherokee nation.*

Rev. J. F. SCHERMERHORN,

*U. S. commissioner, at John Ridge's, Cherokee nation.*

No. 18.

CALHOUN, *July 10, 1835.*

SIR: On my arrival at Washington, Rhea county, I was informed that Hiram Turk had been shot by a Cherokee Indian, and that the wound was considered very dangerous. I regret this circumstance very much, as it obliges me to require that you will immediately cause the offender to be arrested and delivered over to the civil authority of Monroe county, to be dealt with according to law. Other circumstances have been communicated to me, which evince a disposition on the part of the Cherokees too hostile in its character. Let me entreat you to use the influence you have over the nation to put an end to this unfriendly feeling. No possible good can result from it to the Cherokees, especially as a hope is entertained that all differences between them and the United States will soon be adjusted in a satisfactory manner to both parties. I am persuaded, therefore, that you will not only take prompt measures for the arrest of the Cherokee who shot Turk, but that you will endeavor to put down all unfriendly feelings on the part of your people towards the citizens of Tennessee. If, however, I should be disappointed in this just expectation, candor obliges me to inform you that I shall immediately organize a corps of riflemen, not only for the purpose of giving protection to our border settlers, but to arrest and bring to punishment those who violate our laws.

Respectfully,

Your obedient servant,

WILLIAM CARROLL.

Mr. JOHN ROSS,

*Principal chief, Red Clay.*

No. 19.

RED CLAY, C. N. *July 11, 1835.*

SIR: Your letter of yesterday's date is just received. I do assure you, sir, that I fully participate with you in feelings of deep regret for the unfortunate affair stated in relation to Mr. Hiram Turk. I was in hopes that the United States military, together with their Cherokee assistants, who I understood had repaired forthwith to the place where Mr. Turk was shot, would have succeeded in detecting and apprehending the perpetrator, so as to deliver him over to the proper authorities, to be dealt with as the laws of the land direct. As to the "other circumstances communicated to you, evincing a disposition on the part of the Cherokees too hostile in its character," I should have been gratified had you stated the particulars in relation to them, that errors might have been corrected and misrepresentations contradicted, in order that the excited community may be better informed of the true character of the feelings of the Cherokees. For, upon the asseverations of a man of honor, I pledge you my character and every thing that is sacred, I know of no hostile feelings on the part of this people towards the citizens of Tennessee. On the contrary, I believe and do know them to be perfectly pacific and friendly, and I have ever been animated with the zeal of inculcating and preserving that good understanding and brotherly friendship which ought ever to exist between them. And

the extent of my influence has always been, and shall still be exerted, so long as it can avail any thing towards promoting this object; and should it please the authorities of the General and State Governments to observe the like course of policy, I am convinced that it would not fail to strengthen the bonds of friendship between the white and red man; thereby the narrow contracted views and selfish interests of irresponsible individuals on both sides, so unbecoming an enlightened community, would soon be dispelled. Be assured that prompt measures will be taken to detect and ascertain the Cherokee who is reported to have shot Mr. Turk, and every possible means used to apprehend and deliver him over to the proper civil authority, and I have forthwith issued instructions accordingly. You shall not be disappointed in your expectations of my endeavors on this occasion. In conclusion, permit me to remark, in great sincerity, that no apprehensions need be entertained by your Excellency for the safety of the border settlers from the Cherokees, and there is no occasion for organizing a corps of riflemen for any peaceful or useful purpose. Your visit among the Cherokees would convince you at once of the correctness of this view of the subject; and I entreat you to come in among us before you place too implicit a reliance in every thing you hear about the Cherokees on the border. I shall be happy to see you when it may suit your convenience to call on me.

I have the honor to be, sir,

Very respectfully,

Your obedient, humble servant,

JOHN ROSS.

To his Excellency Wm. CARROLL,

Governor of Tennessee, now at Calkoun.

No. 20.

RED CLAY COUNCIL GROUND,

October 30, 1835.

SIR: Whereas information has been lodged with me, upon oath, that Kahnooleskee, a Cherokee of the neighborhood of the Burnt island, charged with feloniously shooting at and wounding Hiram K. Turk, with an intent to kill, has broken custody from the civil authority of North Carolina, and is running at large within the limits of the Cherokee settlement east of the Mississippi.

This is therefore to request that you have the said Kahnooleskee arrested forthwith and delivered to the sheriff of Macon county, North Carolina, within which State and county the offence was committed, that he may be dealt with as the laws of that State direct.

Most respectfully,

BENJ. F. CURREY,

Special agent for the United States and Cherokees east.

Mr. JOHN ROSS,

Principal chief of the Cherokees east of the Mississippi.

No. 21.

RED CLAY, November 1, 1835.

*To the officers of the Cherokee nation :*

The acting United States agent, Maj. Benj. F. Currey, having reported to me that Kahnooleskee, the man who is said to have shot Hiram K. Turk, has made his escape from the sheriff of Macon county, North Carolina, and is now running at large in the nation; and he has further demanded that the aforesaid Kahnooleskee should be retaken and delivered over to the civil authorities of Macon county, North Carolina for trial: this is therefore to direct that you will use every exertion to find out the facts, and if to be found, to have him arrested and delivered over as early as practicable, according to treaty engagement.

I am, &amp;c.

JNO. ROSS,  
*Principal chief.*

No. 22.

RED CLAY, CHEROKEE NATION,  
*July 24, 1835.*

SIR: It has become proper that I should address you this letter, in consequence of the verbal suggestions which you made to the Cherokee people on Wednesday last, at the close of the election which took place near Ridge's, for disposing of the annuity due to the nation by the United States Government; that is, as to the expediency of appointing a committee to meet Governor Carroll and yourself at the agency one week from that time, the 29th of this month, for the purpose of holding a conference on the subject of your mission. The people did not deem it expedient for them to take any steps on the suggestion; because there was a constituted authority, duly authorized by the whole Cherokee people, to represent their interest, and to attend to the public affairs of the nation; and I regret to say that the shortness of the time you fixed upon made it impossible for the chiefs and the representatives of the Cherokee people to meet Governor Carroll at the time and place you suggested. The great fatigue which they had undergone in attending the election so remotely from the place of holding the general council of the nation, and the agency house, and the consequent privation which they experienced from the very unexpected and seemingly unnecessary delay in bringing their election to a close, by their exposure to rains, hunger, &c. are circumstances, in connection with the fact, that their crops of corn have not as yet been generally laid by, which, when duly considered by the commissioner, I cannot doubt will be properly appreciated. Permit me to assure you, sir, that it would have given the chiefs and the representatives of the Cherokee people pleasure had it been practicable for them to have met and taken their old friend and brother soldier, his Excellency Governor Carroll, by the right hand of friendship, but owing to their peculiar situation, as stated, and the time and place suggested by you, would not allow them to do so. I regret this, more especially, as the very reasonable request which I had made through you to Major Currey on the 7th instant, to change the place which he had designated for

holding the election, so as to hold it either at Red Clay or at the agency, had not been complied with, because the convenience of the commissioners, as well as the chiefs and people of this nation, would all have been consulted and accommodated. I beg leave to remark, in candor and frankness, without intending any disrespect; that, from what had passed between us at the interview we had at the agency on your first arrival there, and from what has since taken place, and the course pursued, I feel somewhat disappointed, and reasons to apprehend that I have been deceived as to the frank, liberal, and impartial step which I had been inclined to believe you would take in bringing before the nation the business intrusted to your commission by the United States Government. On the part of the chiefs and representatives of the nation, in the discharge of their duties towards their people, either individually or collectively, I do assure you with sincerity that they know no parties; and for myself, I will again repeat, that, so far as the rights of individuals are concerned, and depend upon my public duty, I have ever respected and held them sacred; whether they be my private or political enemy is a matter of no consideration; it never has, and I trust never shall turn the scales of justice in my hands against any of my fellow-countrymen. I will add, in conclusion, that I have been requested by the chiefs, representatives, and people of this nation, to communicate, for the information of the commissioners of the United States Government, that their general council will be convened at Red Clay, on the second Monday of October next, the 12th day of that month, and at which council they will be prepared to hear and act definitively upon such business as the United States commissioners may submit for the consideration of the nation, under their instructions from the President of the United States.

I am, sir, very respectfully,

Your obedient servant,

JOHN ROSS,

*Principal chief of the Cherokee nation.*

Rev. JNO. F. SCHERMERHORN,  
*United States commissioner.*

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No. 23.

RED CLAY, C. N. July 24, 1835.

SIR: I enclose for your information copies of certain correspondence between the Reverend Mr. Schermerhorn, United States commissioner, Major Currey, United States agent, and myself, from which you will discover that the Cherokee people have been compelled to hold an election in the vicinity of Ridge's, in the charter limits of Georgia, and distant not short of ninety miles from the Cherokee agency, on the 20th instant, for the purpose of determining in what mode their annuity should be disposed of. The sense of the Cherokees on this question having more than once been expressed in favor of paying it over into the hands of John Martin, Esq. the national treasurer, it seemed there was no good reason left why the agent should have persevered by insisting on the election taking place at the time and place designated by himself, without consulting the feelings and convenience of the Cherokee people, who



alone could be rightfully interested in the subject. I happened to be at my brother Lewis Ross's house when Mr. Schermerhorn arrived at the agency, and upon his request, I had an interview with him; he expressed a desire to have an opportunity of seeing the most influential and leading men of the nation, that he might converse with them. I stated to him that in case Major Currey could be prevailed on to change the place he had designated for the election, so as to hold it either at Red Clay, or at the agency, that I would endeavor to gratify his wishes by inviting them to attend, &c., but as you will perceive, from the documents submitted, this reasonable request was not complied with, and it then became my duty to request the general attendance of the people at the place designated by Major Currey, inasmuch as the Department of War having given instruction that the money should be paid over agreeably to the votes of the majority of the persons attending. Of the votes given in there, there were 2,225 for paying it over into the national treasury, and 114 against it. Instead of closing the election on the day fixed upon, it was protracted by the introduction of speeches on the part of Messrs. Schermerhorn and Currey, and the two Ridges, &c. In consequence of this, together with the rains which fell, and the exhaustion of the provisions which each individual had supplied himself, except one day's rations in meat furnished by Mr. Schermerhorn, the people experienced great privation and fatigue. Among so large a concourse of people, assembled under such circumstances, there have been, as might reasonably be expected, some unavoidable accidents which in more or less degree affected their health. The speaker of the general council, Going Snake, very narrowly escaped destruction at the encampment, on the first night after the close of the election, by a shod horse treading on his head; but he is now much better; it is confidently believed that he will soon recover. Owing to these various causes you will readily see the impossibility of complying with the suggestion of Mr. Schermerhorn to pay you a visit at the agency on the 29th instant. Did circumstances permit, I should take pleasure in going up to see you.

I am, sir, very respectfully,

Your obedient, humble servant,

JOHN ROSS.

*Principal chief of the Cherokee nation.*

To his Excellency WM. CARROLL,  
*Governor of Tennessee and U. S. commissioner.*

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No. 24.

CHEROKEE AGENCY,  
*July 29, 1835.*

SIR: The commissioners have received your communication of the 24th instant, dated Red Clay, and addressed to Mr. Schermerhorn. They are much surprised that you should undertake to insinuate that you have been deceived by him, after all he has said and done at the late council at Running Waters, to heal the divisions and dissensions among your people, and to unite them in friendship and harmony, so that you might all be brought to act together for the common good of your nation. They regret that you and some of the principal men of your party, have not seen pro-

per to meet the commissioners here to-day, according to the request and public notice given at the close of the late council last week. The commissioners request you to inform them, by the bearer of this, whether it is *your* determination, and that of your principal men, not to meet the commissioners at the place and time, according to their request and appointment. They also wish you to state to them whether you and those associated with you, in a communication to the Secretary of War, dated Washington, District of Columbia, February 28, 1835, are determined *to forfeit or abide* by your pledge, in the following words: "We are prepared, as far as *we* are concerned, to abide by the award of the American Senate upon our propositions, and to recommend the same for the final determination of our people." If you cannot answer these inquiries for the other persons, doubtless you can for yourself. The commissioners are determined not to deceive you or the Cherokees, and if possible; not suffer themselves to be deceived by them. They are not altogether ignorant of the course pursued by you and your principal men, after leaving the council-ground last week, and the speeches you made them and the advice that was given not to meet the commissioners here at this time. We wish to know from you in express terms, whether you and some of your principal men have refused to meet the commissioners and your Cherokee brethren here at this time, to endeavor to come to a mutual and satisfactory arrangement for a treaty, on the basis of the \$5,000,000 awarded by the Senate, to settle the difficulties between the United States and the Cherokee Indians.

With great respect,

Your obedient servants,

WM. CARROLL,

J. F. SCHERMERHORN,

*Commissioners.*

To JOHN ROSS,

*Principal chief Cherokee nation.*

N. B. The commissioners will wait your answer by the bearer, Mr. Foreman.

No. 25.

RED CLAY, CHEROKEE NATION,

July 30, 1835.

GENTLEMEN: Your communication of yesterday's date, in reply to my letter of the 24th instant, to Mr. Schermerhorn, has just been handed me by Mr. Foreman. You request me to inform you by the bearer, whether it is *my* determination and that of the principal men, not to meet the commissioners at the place and time according to their request and appointment. There has been no request or previous notice of any appointment made by the commissioners for us to meet them at the agency, until the verbal suggestion was made by Mr. Schermerhorn, as has been stated. In my letters of the 24th instant, to Governor Carroll and to Mr. Schermerhorn, I have fully stated the causes which makes it impossible for them to have attended at the agency on yesterday, and it was with the utmost sincerity that I assured Mr. Schermerhorn, that it would have given the chiefs and

representatives of the Cherokee people pleasure, had it been practicable for them to have met and taken their old friend and brother soldier, his Excellency Governor Carroll, by the right hand of friendship. And I beg leave now to state distinctly in reply to your interrogation that I have not come to the determination *not* to meet the commissioners at the agency, but on the contrary I am disposed cheerfully to meet them there, at any proper time when circumstances will allow, after being duly notified by them jointly to do so; and I am fully persuaded such also are the feelings of the other principal men on the subject, but of impossibilities I have no control. As to the inquiry you have thought proper on this occasion to make of me concerning the letter addressed by the Cherokee delegation to the honorable Secretary of War, on the 28th of February, 1835, I beg leave to refer you to their entire correspondence with the War and Executive Departments on the subject, together with their memorials to Congress, claiming the right to interpret my understanding of my own proceedings, in connection with the facts attending the same.

I shall ever be found ready to act in good faith in relation to them. I am happy to be informed, that you are determined not to deceive the Cherokees or myself, for I assure you that there is no inclination on my part to deceive you, and I should be extremely gratified were you to be more cautious against believing every evil report you may hear against myself and other public men of the nation, calculated to prejudice or mislead your minds against our true disposition. The allusion you have made to speeches which I addressed the people last week on our separation, advising them not to meet the commissioners at this time, compels me to express this solicitude, for I do assure you that I did not so advise them, but on the contrary, when I found that the people had considered it to be impossible and inexpedient for them to attend, I consulted the most prominent men in authority as to their own attendance, and they all declared it to be impossible for them to do so, and in consequence of which I have been authorized to address you the letters of the 24th instant. In conclusion, I beg leave to say, that I trust that whenever the United States Commissioners may think proper to bring forward the business intrusted to their charge by the President of the United States in a formal way before the Cherokee nation in general council, for their consideration and determination, that all due respect will be shown to the commissioners in their deliberation and action upon the same. As to any difference of opinion among my Cherokee brethren, I sincerely desire that they may be harmonized, and I cannot but think that those entertaining adverse opinions from my own or the great mass of the nation, were to reciprocate the same feeling with the view of promoting the welfare of the whole nation, that by conferring with each other in a proper manner at our own mutual convenience, that all would soon unite in brotherly friendship and harmony.

I am, gentlemen, very respectfully,

Your obedient servant,

JOHN ROSS,

*Principal chief Cherokee nation.*

To his Excellency Wm. CARROLL, and

Rev. J. F. SCHERMERHORN,

*U. S. com's. now at the Cherokee agency.*

No. 26.

RED CLAY, CHEROKEE NATION,  
July 30, 1835.

GENTLEMEN: Impelled by every feeling of patriotism for the common welfare of the Cherokee people, I have been induced to address you these hasty lines; and I need not assure you that I am actuated solely by the most disinterested motives, and I trust that you will not misconstrue them. And were you to lay aside all other feelings of a private or personal character, and duly appreciate my motives, great and lasting good may result in restoring brotherly confidence and harmony among ourselves. It has just occurred to me to suggest, for the consideration of the most influential and prominent men, that a special meeting might be held by us to confer on points in relation to the affairs of our much afflicted nation, and on which it has been so strenuously insisted by the officers of the General Government that we differ, and from which they state that distinct parties have grown up amongst ourselves. If you will signify to me your willingness to accept an invitation to hold such a conference, I will immediately advise with Mr. Lowrey and others, and then fix on the time and place of conference, and apprise you of the same.

The conference should be purely Cherokee, and composed of a chosen few, selected for their wisdom and moral worth, and whose devotion to the best interests and welfare of the nation alone will influence their deliberation.

I am, gentlemen,

Your friend and fellow-citizen,

JOHN ROSS.

MESSRS. MAJOR RIDGE and JOHN RIDGE, *now at the agency.*

P. S. I am afflicted with the flux, and cannot go up to the agency at this time.

No. 27.

CHEROKEE AGENCY,  
July 31, 1835.

DEAR SIR: Your letter of the 30th instant was received last night, the contents of which have been duly considered by all our friends attending the Cherokee agency, and they have cordially responded to your invitation, and have selected the gentlemen to be prepared to attend the intended conference. Your motives we have no disposition to depreciate, nor do we misconstrue. We have no feelings of a private or personal character which can interpose or prevent the restoration of brotherly confidence and harmony among ourselves. We approve of your suggestion that the most influential and prominent men might hold a special meeting to confer on points in relation to the affairs of our much afflicted nation; we therefore cordially accept of your invitation to hold such a conference at a time and place you shall appoint. We agree with you also that the conference should be composed of men selected for wisdom and moral worth. And after meeting, if it should become necessary, we could

form a sub-committee to effect all the salutary purposes for which the conference is instituted—the great and lasting good of our afflicted nation.

We only add, in conclusion, that we have all along desired the best of friendship from yourselves and others having in view the ultimate salvation of our oppressed people. Living as you do on our route, we have taken the liberty of bringing this letter ourselves, with others of our mutual friends, and take you by the hand.

We are, sir, respectfully,  
Your friends,

MAJOR RIDGE,  
JOHN RIDGE.

Mr. JOHN ROSS.

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No. 28.

MINERAL SPRING, C. N.

August 22, 1835.

GENTLEMEN: It has been reported to me that the Georgia guard, headed by Colonel Bishop, and accompanied by Stand Watie, have forcibly seized and taken away from out of the house of Mr. Elijah Hicks, at New Echota, the printing press and types, various books and papers, and other articles, all belonging to the Cherokee nation. It has also been stated that it was currently reported and believed that this extraordinary proceeding has been performed under your direction, in conjunction with that of John Ridge, who, it is said, was in New Echota at the time when the seizure was made. In order, therefore, that the facts in relation to this transaction may be correctly known, I embrace the earliest opportunity to address you on the subject, and respectfully to inquire whether this report be true or not; and if correct, then to be informed by what authority or justification you have been thus prompted to seize this rightful property of the nation; what the object in view is for having it done; and what disposition is intended to be made of the property? It may be proper to add, that the general council of the nation which was held at Red Clay in the course of the last spring, adopted a resolution directing me to have this property removed from New Echota, and that in pursuance of which, I had employed a wagon and team to carry it into effect, but the wagoner engaged in this service arrived at New Echota about two hours after this unexpected and very singular seizure was made on the property, as herein stated.

I am, gentlemen, respectfully,  
Your obedient servant,

JOHN ROSS.

Mr. J. F. SCHERMERHORN, *United States commissioner*, and  
Major BEN. F. CURREY, *U. S. agent, now at Mr. Williams's.*

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No. 29.

CHEROKEE AGENCY, *September 9, 1835.*

SIR: Your communication of the 22d ultimo, addressed to the United States commissioner and myself, was received to-day, on our return to the agency, and at his request I proceed to answer it without delay.

I am informed that Mr. Stand Watie, one of the former editors of the Phœnix, called upon Colonel Bishop, of Spring Place, and stated to him that in absence of his brother Elias Boudinot and his family, you came to his house and had removed from thence all the materials belonging to the office of the Cherokee Phœnix, in his possession, to the house of Elijah Hicks; and that you was about to remove them and the press to Red Clay and re-establish it there; and that for this purpose a building had been prepared by you, and persons engaged to manage the same, according to your own views, to subserve your own interests, and mislead the people. He also stated that the press and materials belonging to the office had been purchased by his brother, with money obtained by him in voluntary contributions among the citizens of the United States, and that the same was given for the general benefit of the Cherokee people, by conveying to them the truth, and correct intelligence on all subjects; but especially in reference to their true interests and general benefits as a people. In this manner it was conducted by Mr. Boudinot and himself until 1832, when they were compelled by you and your partisans to give it up, because you would not permit them to conduct it in a fair, candid, and impartial manner, by giving both sides, those in favor of emigration and a treaty and those opposed to it, an opportunity to express their views and sentiments through the Phœnix: yea, that you would not even permit them to publish in the Phœnix, for the information of the people, their justification of the course they had been compelled to pursue; you gave the press into the hands of your brother-in-law, Elijah Hicks, who was completely under your dictation, and it was prostituted to party politics among yourselves, misleading the common people, and prejudicing their minds against some of the best and most patriotic members of the tribe, because they would no longer submit to your dictation, when they saw you leading them to ruin and destruction by your useless opposition to the measures of the Government. Mr. Watie observed, that since their national government had been dissolved, and the laws of the several States extended over them, he thought that the press ought to be placed again in the hands of Mr. Boudinot and himself, who had originally had the charge of the press, and conducted it to the general satisfaction of the Cherokee people, and not be suffered to get into the hands of a few designing men, who had assumed to themselves all the power and authority of the Cherokee nation, and who will use it only to subserve their own interests and party purposes, deceiving and deluding the common people, as they had done when the press was in their hands before.

These representations induced Colonel Bishop to accompany Mr. Watie to the house of Elijah Hicks, who, viz: Watie, demanded of Mrs. Hicks the press and materials belonging to the office of the Phœnix, of all which she delivered him peaceable possession. At the request of Mr. Watie, Colonel Bishop removed it for safe keeping; and this is all the agency the colonel has had in the matter.

Since this transaction took place, I have deemed it proper to place the press in the hands of Mr. Watie and his brother, with an express understanding and assurance that the press shall be open to all Cherokee people to publish every thing relative to the situation of their affairs, the true interests of the Cherokee people, the course that has been, and is now, pursued by those in favor of the propositions submitted to the nation by the President of the United States, and those against them; and, also, every

ing in relation to rights and privileges in the nation, of reservees and old enrolled emigrants, under the treaties of 1817 and 1819, so that the common people may fully understand their own rights and true interests.

As the agent of the Cherokee Indians, appointed by the Government of the United States, I shall see that the Cherokee press, according to the original design of the donors, is used for the general benefit and best interests of the whole nation; and that the property is carefully preserved, and finally disposed of in such manner as may be most congenial with the views of the donors, and interests of the people. You seem disposed to infer that Mr. Ridge, because he was at New Town about that time, was concerned in removing the press; let me guard you against the evil tendency of these unfounded jealousies, and, as a friend to both, assure you of Mr. Ridge's steadfast determination to meet you on the proposed ground of reconciliation, and unite, whenever you shall appoint a time, as agreed upon, to see what had best be done to ensure the salvation of his brethren.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

MR. JOHN ROSS,

*Of the Cherokee tribe east, Red Clay.*

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No. 30.

RED CLAY COUNCIL GROUND,

October 14, 1835.

*To the chiefs, head men, and warriors, of the Cherokee Indians, in general council assembled:*

**FRIENDS:** The United States commissioners to treat with the Cherokees east, have been informed, by your principal chief, of this meeting, and that you will be prepared to act definitively upon such business as the commissioners may submit for your consideration.

The Commissioners have the pleasure to inform you that they are prepared, at this council, to enter into negotiations for the settlement of all the difficulties between the Cherokees and the United States, and for a cession of all their lands east of the Mississippi, on the basis of the award of the Senate for the same, being five millions of dollars. That there may be no understanding, we inform you that we deem it unnecessary to submit to this council the propositions for a treaty, which have already been explained to the nation at the council of Running Waters, because we understand there are objections to some points, which the commissioners have powers to alter; and we are happy to assure you that there is every disposition, on the part of the commissioners, to conclude a treaty as favorable and satisfactory to the Indians as their instructions will enable them to do. Candor, however, compels them to say that, if the present council do not conclude a treaty, the commissioners will then convene the council of the nation, at such a time and place as they may think best, to submit the propositions as they now stand. We also feel authorized to assure you that the President of the United States will receive no delegation of your nation at Washington to settle their difficulties, if they reject the overtures now

made to them by the Government of the United States. Whatever is done in this matter, must be done in the nation.

Very respectfully,  
Your obedient servant,

JOHN F. SCHERMERHORN.

*Commissioner to treat with the Cherokees east.*

No. 31.

RED CLAY, October 15, 1835.

The committee and council in general council convened, to whom a letter has been referred by the principal chief, addressed to the "chiefs, head men, and warriors," under the signature of "John F. Schermerhorn, commissioner to treat with the Cherokees east."

*Resolved*, That they see no reason for departing from the customary forms of the nation, in communications of this nature; and, therefore, they return the letter of Mr. Schermerhorn to the principal chief, with a desire that he will (together with the executive council) answer the aforesaid letter in such manner as they may think advisable; and then the committee of council will act upon the result.

Concurred.

RICHARD TAYLOR,  
*President national committee.*  
GOING SNAKE, his  $\times$  mark,  
*Speaker national council.*

WILLIAM ROGERS, *Clerk national committee.*  
MOSES DANIEL, *Clerk national council.*

No. 32.

COUNCIL GROUND OF THE CHEROKEE NATION,  
*Red Clay, October 15, 1835.*

SIR: In obedience to the enclosed resolution, it becomes our duty to acknowledge the receipt of your letter of yesterday's date. We are ready to receive and submit any distinct proposition from the President in relation to a treaty, and most sincerely shall we rejoice if terms are offered by which this nation may be relieved. But we understand, from your communication, that you are already aware how unnecessary it will be again to ask the sentiments of the people upon the treaty you have already proposed, and to which they have altogether objected. If, however, you are fully authorized to offer any new terms, they shall be faithfully and promptly attended to. Until we receive such new terms, there will be nothing before us to act upon.

The sooner we hear from you definitively the better. We confess we do not fully understand your remark upon summoning another council. The present has been convened in the regular manner, and we would caution you that a further call, and especially one so entirely out of the ordinary course, might be regarded as unnecessary, and only retard rather than pro-



note a settlement. It would be especially desirable, also, that the necessity for another delegation to Washington should be obviated by some satisfactory understanding here. In conclusion, we have to assure you, therefore, that if you will produce your powers fully and finally to treat with the Cherokee nation, and will place before us the terms you are authorized to offer, they forthwith shall be presented.

We have the honor to be, sir,

Very respectfully,

Your obedient, humble servants,

JOHN ROSS,

*Principal chief.*

GEORGE LOWREY,

*Assistant principal chief.*

GEO. M. WATERS, } *Executive*

LEWIS ROSS, } *committee.*

REV. JNO. F. SCHERMERHORN,  
*U. S. commissioner, present.*

No. 33.

RED CLAY COUNCIL GROUND,

October 17, 1835.

*To the chiefs head men, and warriors, of the Cherokee Indians, in general council assembled:*

FRIENDS: I received a communication yesterday, signed by John Ross, principal chief, George Lowrey, assistant principal chief, George M. Waters, and Lewis Ross, executive council, enclosing a resolution signed by R. Taylor, president, and William Rogers, secretary national committee, and Going Snake, speaker, and Moses Daniel, secretary of national council, purporting to be an answer to my communication to you of the 14th instant. After receiving this communication, I sent a verbal message to these gentlemen, by the honorable William H. Underwood; requesting a personal interview with them. He called on the principal chief for that purpose, who, I understood, declined the interview. It was my intention to have had a free and full conversation with them on the subject of a treaty, and satisfied them as to my authority to act as a commissioner, and to arrange with their chiefs the most acceptable manner of bringing our business before the people. Since this opportunity has not been afforded me, I take the liberty to address you again in reference to this communication.

The independent State Government organized by the Cherokees within the territorial limits of the States of Georgia, North Carolina, Tennessee, and Alabama, under the constitution adopted by them in 1827, and by which the executive and national council, and national committee are constituted, and the persons now composing these councils and committee hold office, has never been recognized by these States, as is evident by their extension of the laws over the Indians. Neither has it ever been recognized by the United States; but, on the contrary, the Cherokees have been expressly informed, at the time of this organization, by the late President of the United States, the honorable John Q. Adams, that this act of theirs was contrary to the constitution and laws of the United States, and, therefore, it

could not be done. Moreover, it is believed a majority of those who composed the convention that formed the Cherokee constitution, were citizens of the United States, as is evident from the accompanying document, marked A. Some of the officers of this Cherokee government at present, are persons who, as citizens of the United States, have been chosen and acted as magistrates, military officers, legislators, within the States, and have exercised the elective franchise within the last year.

The commissioners are, therefore, instructed as follows :

"As the application will be made to the Cherokee people assembled for that purpose, the commissioners will not recognize any other authority. There can be no objection, however, to a free interchange of opinion, and to a conditional arrangement on all the disputed points between them and a committee fairly and publicly chosen, should the Cherokees think proper to commit the details, in the first instance, to such a committee. But the final action upon the subject must be had by the people themselves, in open council ; although the mode of authenticating the fact, either by the signature of some of their people, selected for that purpose, or in any other manner, is left for the commissioners to determine."

From this you will perceive the commissioners cannot treat with any executive council, and national counsellors, and committee, but only with the Cherokee people, assembled in general council, according to their ancient usages and customs, as chiefs, head men, and warriors. You will now perceive to whom the communications of the commissioners are addressed for their consideration and action. And if the general council are now prepared to enter into negotiations to settle the details of a treaty, on the basis of the five millions, they may, if they please, and they are hereby requested, to appoint a committee of their own number to confer with the commissioners, and agree upon terms to be submitted to them, in full council assembled, for their concurrence and ratification.

The commissioner has also to observe, for the information of the general council, that the Cherokee delegation who visited Washington last winter, consisting of Messrs. John Ross, R. Taylor, Wm. Rogers Daniel McCoy, and Samuel Gunter, who were authorized by a full power of attorney, as your agents, to settle all your difficulties with the United States, and enter into a treaty for the cession of your whole country, did agree to sell the same to the United States for such a sum as the Senate of the United States should award. The Senate fixed the price at five millions, and when the President called upon them, through the Secretary of War, to submit propositions as to the manner in which they wished this amount paid and disposed of, for the purpose of embracing the same in a treaty, they declined, and proposed that this matter should be referred to the Cherokee nation in general council, to deliberate and determine on the subject, in order to produce harmony and good feeling among themselves, and to prevent any unjust imputations or prejudices against themselves or others.

In accordance with these views, the President of the United States has sent commissioners to the Cherokee nation, with full powers and authority to enter into negotiations and conclude a treaty on the basis of the five millions ; and therefore he will not receive another delegation at Washington on this subject. Should there be any important points of difference between the Cherokees and commissioners in regard to the award of the Senate, they can be included in a separate and conditional

article, by which they will again be brought before the President and Senate for their final determination.

The commissioner has only to add that, if a settlement of the Cherokee difficulties is not effected at this present council, that then the commissioners will call another council at such time and place as they think best, and submit the propositions for a treaty, already explained to the people at the council of Running Waters, in July last; and should these be rejected, the President of the United States will offer them no other terms during his administration. The commissioners, therefore, wish to know distinctly whether the people of the Cherokee nation, at this general council, will enter into negotiations for a treaty on the basis of the five millions of dollars awarded by the Senate, and which your delegation, duly authorized with a full power of attorney, agree for *themselves to accept, and urge upon their people to close their difficulties with the United States by a treaty; or whether they are determined to do nothing on the subject.*

With respect,

Your obedient servant,

J. F. SCHERMERHORN,

*Commissioner to treat with the Cherokees east.*

A. No. 33.

CHEROKEE AGENCY, EAST, *September 15, 1835.*

SIR: I know the deep interest you feel in behalf of the Cherokees, and your anxiety, on their account, that they should accept of the liberal propositions for a treaty submitted to them by the directions of the President of the United States. I am confident all this would have been done before now, and the existing difficulties between them and the United States adjusted, to the satisfaction and great advantage of the common people, had it not been for the improper interference and undue influence exercised over them, by a few persons who have very little Indian blood in them, but who, by the means of a little education and the wealth obtained under former treaties, have been able so to manage affairs as to deprive the common Indians of their rights, and to assume the whole power, wealth, and authority of this nation into their own hands.

The persons to whom I allude, are the reservees and old-enrolled emigrants under the treaties of 1817 and 1819. Of the former class there are 342 who entered their names for reservations according to the provisions of those treaties, and agreed to become citizens of the United States, and to continue to reside permanently on their reservations within the country they had ceded to the United States, within the chartered limits of Georgia, North Carolina, Tennessee, and Alabama; and of the latter who agreed to remove, and received pay for their improvements, some of whom received commutation of transportation and subsistence to their new homes, there were ten hundred and twenty-seven who never removed. These reservees and old-enrolled emigrants, and their descendants, who have received all the benefits and provisions stipulated and provided for them by these treaties, have no more right or authority to dispose of the present Cherokee country, than those members of the Cherokee nation who have actually, in conformity with the treaty, re-

moved west of the Mississippi, and continued there ever since; and yet these are the men who have been the cause of all their existing difficulties, and thus far have prevented a final adjustment of them.

I am well aware these are important facts, which will give a new aspect to this Cherokee question; but they can be fully substantiated by documents that cannot lie: and I will now proceed to lay them before you.

The Cherokee tribe of Indians, until May 6, 1817, after the manner of all Indian tribes, continued to transact their business by their proper and rightful chiefs and warriors, in full council assembled. At this time, through the influence of several white men who had taken Indian wives, and some men of mixed blood, who had received some education at the early mission schools in the nation or neighboring settlements, under pretence of saving the country from being sold to the whites, obtained the adoption of the following articles for the future government of the nation:

“Whereas, fifty-four towns and villages, having convened in order to deliberate and consider on the situation of our nation, in the disposition of our common property of land, without the unanimous consent of members of council, and in order to obviate the evil consequences resulting in such case, we have unanimously adopted the following form for the future government of our nation:

“ARTICLE 1. It is unanimously agreed that there shall be thirteen members elected as a standing committee for the term of two years, at the end of which term they shall be re-elected, or others; and in consequence of the death or resignation of said committee, our head chiefs shall elect another to fill the vacancy.

“ART. 2. The affairs of the Cherokee nation shall be committed to the care of the standing committee; but the acts of this body shall not be binding on the nation in our common property, without the unanimous consent of the members and chiefs of the council, which they shall present for their acceptance or dissent.

“ART. 3. The authority and claim of our common property shall cease with the person or persons who shall think proper to remove themselves without the limits of the Cherokee nation.

“ART. 4. The improvements and labor of our people, by the mother's side, shall be inviolate during the time of their occupancy.

“ART. 5. This committee shall settle with the agency for our annual stipend, and report their proceedings to the members and chiefs in council; but the friendly communication between our head chiefs and the agency shall remain free and open.

“ART. 6. The above articles for our government may be amended at our electional term, and the committee is hereby required to be governed by the above articles, and the chiefs and warriors in council unanimously pledge themselves to observe strictly the contents of the above articles; whereunto we have set our hands and seals, at Amoe, this 6th day of May, one thousand eight hundred and seventeen.

“Approved in council the day and date above written.”

In order to understand the occasion for this extraordinary meeting of the fifty-four towns and villages, it is merely necessary to state that the nation was greatly agitated and divided, and that General Andrew Jackson and Governor McMinn, of Tennessee, were appointed to hold a treaty with them, on the subject of selling their country and removing west. The upper and lower towns, as they were then called, were divided; the latter

were in favor of removing and following the chase in the wilds of the west, and the former concluded to adopt the habits of civilized life, and continue where they were. In this state of agitation of the people, and for fear lest they should lose their country, and while their passions and prejudices were excited, they were led to the adoption of the above articles.

By these means, you perceive the designing few wrested the whole power and authority out of the hands of the chiefs and warriors, who had hitherto constituted the council of the nation, and placed it in the hands of a committee of thirteen. Even the annuity, which had always been paid to the chiefs, who distributed it among the people, was now placed in the hands of this committee; and as far as I can learn, from that day to this, there has been no more division of the annuity among the people, except what little was taken after General Jackson ordered it to be paid out to the heads of families. In consequence of the address and management of this same set of men, however, but few were brave enough to receive this money. Some were induced to believe it was a mere trick of the President to get their names, in order that they might be claimed as enrolled emigrants, and forced off to the west; while others were prevented from receiving it for fear of being punished with one hundred stripes on their bare backs. Until the passage of an act by Congress in 1834, directing the voice of the nation, in council assembled, to be taken, whether their annuity should be paid to the heads of families, to the chiefs, or in what manner it should be disposed of, the Cherokee annuity accumulated and continued on hand; and at last, the people voted it by an almost unanimous voice, into the hands of these same men. This national committee for their services, and for the officers they created, had absorbed not only the whole annuity, but \$20,000 paid them in the year 1819 for the four-mile purchase; and have now brought the nation several thousand dollars in debt. These articles provide also for amendments and additions from time to time, which we will hereafter show this committee have not failed to improve.

As near as I can learn, this committee was composed of the following persons: Gideon Morgan, John L. Toney, Richard Brown, John Lowrey, George Lowrey, James Daniel, Alexander McCoy, George Sanders, James Rogers, Kela Chule, Roman Nose, Cabbin Smith, Carrohee Dick, and John M. Gamble, clerk of the committee. Three white men, three full-blooded Indians, and the rest half breeds.

This committee, when the commissioners met the Indians in council in June, 1817, caused much trouble and difficulty, until the commissioners entirely refused to recognise them as having any power and authority in the nation; and declared they considered the power and authority to make a treaty rested with the proper chiefs and warriors, and that they would negotiate a treaty with them only; and accordingly, the treaty was concluded on the 8th of July, 1817. In consequence of some division among the Indians themselves, this treaty was not carried immediately into full effect; and in February, 1819, the whole was finally adjusted between the honorable J. C. Calhoun, then Secretary of War, and a deputation of the Cherokee nation.

The 3d article of the treaty of 1817 provides for the taking the census of the whole Cherokee nation east and west of the Mississippi; and of those who entered to remove there, under the provisions of this treaty.

Art. 4 declares that the annuity of the nation shall be divided between eastern and western Cherokees, according to their numbers.

Art. 5 stipulates that the United States, in exchanging for the lands ceded by this treaty, will give to the Cherokees west of the Mississippi as much land as by this treaty the United States received east, acre per acre.

Art. 6 and 7 make provision for furnishing certain supplies, arms, ammunition, removal, and pay for improvements.

All those who enrolled for emigration and received the provisions made for them by the treaty, signed the following article :

" We whose names are hereunto signed, do acknowledge to have voluntarily enrolled ourselves as emigrants for the Arkansas country ; and to have received in consequence thereof the several articles annexed to our names, of the United States agent for the Cherokee nation ; in consideration of which, we do this day relinquish all our right, title, and claim to all the land lying within the limits of the Cherokee nation east of the Mississippi, for land given to us on the Arkansas and White rivers, according to the limits and boundaries stipulated in the late treaty with the Cherokees, concluded on the 8th day of July, 1817, between the commissioners of the United States and the chiefs, head men, and warriors of the Cherokee nation.

The stipulations in favor of the emigrants by this treaty, were received and receipted as above stated by 1,027 souls, who, notwithstanding all this, never removed, but continued from that day to this in this country ; some of whom have and still exercise power and authority in the nation, and are at present most hostile to the proposed treaty.

In this view of the subject, I ask what right have they and their descendants in the present Cherokee country east, or to exercise power and authority here ? Certainly none. By their own voluntary act they have excluded themselves, and they have no reason to expect that the United States will pay them twice for their rights to these lands, nor permit them any longer to meddle with this matter, if they continue to persevere in the course they have adopted.

We shall next turn our attention to the reservees, who desired to become citizens of the United States, under the treaty of 1817.

" Art. 8. And each and every head of an Indian family residing on the east side of the Mississippi river, on the lands that are now or may hereafter be surrendered to the United States, who may wish to become citizens of the United States, the United States do agree to give a reservation of six hundred and forty acres of land in a square, to include their improvements, which are to be as near the centre thereof as practicable, in which they will have a life estate, with a reservation in fee simple to their children, reserving to the widow her dower, the register of whose names is to be filed in the office of the Cherokee agent, which is to be kept open until the census is taken, as stipulated in the third article of this treaty : provided, that if any of the heads of families for whom reservations may be made, should remove therefrom, then, in that case, the right to revert to the United States : and provided, further, that the land which may be reserved under this article, be deducted from the amount which has been ceded under the first and second articles of this treaty."

By this article, provision is made to give a life estate to every head of a Cherokee family who wishes to take a reservation of six hundred and forty acres, with a reservation in fee simple to their children. All that was necessary to perfect and secure it, was to register the name in the office of

the agent any time previous to the finishing taking the census. When this treaty was concluded, there was a great probability that a majority of the nation would be in favor of removal to Arkansas, or to take reservations and become citizens of the United States. Before the contemplated census was taken, the Cherokees proposed to adjust all the unfinished matters under this treaty, by making some additional arrangements and alterations, and therefore, they concluded the treaty of February 27, 1819, which declares that this treaty is a final adjustment of that of the 8th July, 1817.

This treaty also provides reservations for such Cherokees as chose to become citizens of the United States.

"Art. 2d. The United States agree to pay, according to the stipulations contained in the treaty of the 8th July, 1817, for all improvements for land lying within the country ceded by the Cherokees, which add real value to the land, and agree to allow a reservation of six hundred and forty acres to each head of an Indian family residing within the ceded territory, (those enrolled for Arkansas excepted,) who chose to become citizens of the United States, in the manner stipulated in the treaty.

Under this article, and article 8th, of the former treaty, three hundred and eleven heads of families entered their names in the office of the Cherokee agent, for reservations. This treaty also makes provision for reservations, in fee simple, to thirty-one individuals, whose names are annexed to the treaty.

"Art. 3d. It is also understood and agreed by the contracting parties, that a reservation in fee simple, of six hundred and forty acres square, with the exception of Major Walker's, which is to be located, as is hereafter provided, to include their improvements, and which are to be as near the centre thereof as possible, shall be made to each of the persons whose names are inscribed on the certified list annexed to this treaty, all of whom are believed to be persons of industry, and capable of managing their property with discretion, and have, with few exceptions, made considerable improvements on the tracts reserved. The reservations are made on the condition that those for whom they are intended shall notify in writing, to the agent of the Cherokee nation, within six months after the ratification of this treaty, that it is their intention to continue to reside permanently on the land reserved."

From this article, it is evident that the only reason why the distinction is made for fee simple reservations, to these individuals mentioned, is because "*they are persons of industry, and capable of managing their property with discretion, and have, with few exceptions, made considerable improvements on the tracts reserved.*" The reason why life estate reservations were given to others, was, because any head of a family had a right to enter for a reservation; and it was done to guard and secure ignorant and improvident Indians against fraud and imposition of speculators. But the condition on which all the reservations were granted was, that they "*become citizens of the United States, and to continue to reside permanently on the land reserved.*"

I will here give a copy of some of the notices which were given to the agent of the Cherokees:

CHEROKEE NATION, *September 19, 1819.*

SIR: It is my intention to reside permanently on the place where I now live, under the stipulations of the treaty of the 8th of July, 1817, and to be

amenable to the laws of the United States, and will consider myself under the protection of the United States, and hope you will register my name in your office as a reservee.

Yours respectfully,

JOHN GUNTER, Sen.

Colonel R. J. MEIGS.

ROSSVILLE, *June 21, 1819.*

SIR: I do hereby notify you, agreeably to the stipulations of the late treaty, concluded at the city of Washington on the 27th day of February, 1819, that it is my intention to continue to reside permanently on the lands reserved to me in said treaty.

I am your most obedient servant,

GEORGE LOWREY.

Colonel R. J. MEIGS.

WASHINGTON CITY, *March 6, 1819.*

SIR: Agreeably to the 3d article of the treaty signed at Washington city on the 27th day of February, 1819, I hereby notify that it is my intention to continue to reside permanently on the land reserved to me in said treaty.

LEWIS ROSS.

Colonel R. J. MEIGS, *Cherokee agent.*

GUNTER'S LANDING, ALABAMA,  
*August 9, 1819.*

SIR: I hereby make my report for a section of land lying on Tennessee river, at Gunter's Landing, Alabama State, agreeable to the third article of the treaty made and concluded between the United States and the Cherokee nation, at the city of Washington, on the 27th day of February, 1819; that it is my intention to continue permanently on the land reserved to me under the provisions of said treaty.

I am, with respect, yours, &c.

EDWARD GUNTER.

Colonel R. J. MEIGS.

CHEROKEE AGENCY, *June 17, 1819.*

SIR: Finding that some of those persons who have been granted special reservations in fee simple by the late treaty concluded at Washington city on the 27th day of February last, have thought proper to report to you, agreeably to the condition stipulated in the third article of said treaty, notwithstanding I am fully convinced, in my opinion, that said condition does not immediately apply to special reservations, yet, in order to avoid any misunderstanding of the treaty, I have also thought proper to follow their example. You will therefore please to acknowledge this as my notification, in compliance with the aforesaid stipulated condition, that it is my intention to continue to occupy and enjoy permanently the land reserved me in that treaty.

I am, sir, your very obedient servant,

JOHN ROSS.

Colonel R. J. MEIGS, *Cherokee agent.*



I have introduced these communications only to show how this matter was understood immediately after the treaty was executed. The reservees could not obtain their reservations without an express stipulation on their part, of *residing permanently on the same*, and of course separating themselves from the Cherokee nation, and becoming subject to the laws of the States where they resided, like all other persons, under the immediate jurisdiction of the United States, for their reservations were located according to the terms of the treaty, in the territory, the nation now ceded to the United States for the benefit of the States of Georgia, North Carolina, and Tennessee.

Mr. John Ross, from the cautious manner in which he expresses himself in this notice to the agent, it is evident, understood well the terms of the treaty, and reluctantly gave the stipulated notice required, fearing it might cause him trouble hereafter, if he continued to reside and exercise authority among the Cherokees.

The reservees, by complying with their stipulations and agreements with the United States, according to the terms of the treaty, by their own voluntary act deprived themselves from all authority and claim in the common property of the Cherokee country. The following law was passed by the Cherokee council at the time that this committee of *thirteen* were constituted, May 6, 1817:

"Art. 3d. The authority and claim of our common property shall cease with the person or persons who shall think proper to remove themselves without the limits of the Cherokee nation." Of this law the committee of *thirteen*, who, it is believed, signed the treaty of 1819, and all of whom provided themselves with reservations, could not have been ignorant. We must then come to the conclusion that, in good faith they intended to separate themselves from the nation and become citizens of the United States. Has this been the case? Have they continued *permanently* to reside on their reservations, according to their express stipulations, and the condition on which they received them? They have not: but, the first favorable opportunity that offered, they sold them at very high prices, from \$3,000 to \$8,000 each. Mr. John Ross sold his for only 5,500; and then they removed again into the Indian country; and here they took possession of all the most valuable ferries and stands for public business; and by these means they have most of them become rich, and their wealth has given them influence over the common Indians. We ask again, how does this course, the *reservees* have pursued, agree with their express stipulations and engagements according to the treaty? Where is their moral honesty and good faith in such transactions?

Let us inquire whether, by the course they have adopted, they are absolved from their obligations to the United States as citizens, by the treaty. It will not be denied that the same power that created and imposed the obligation can alone dissolve it. Have then the United States and the Cherokee nation, the parties to the treaty, who made the provision for the reservees, which they unconditionally accepted, by any mutual or concurrent acts of theirs, ever released them from their obligations of *residing permanently* on their reservations, and under the laws and jurisdiction of the several States in which they were located? They have not. But the reservees say the nation have again admitted them, and that is enough. To this it is sufficient to say, that one party to a contract cannot absolve it at their pleasure, or disannul it. But more than this, the laws and acts of the

Cherokee nation, as published under the direction of Mr. John Ross himself, from 1817, to November, 1829, are now before me, and no act of the kind appears in their printed laws. And if there had been such an important act, the reservees, who had the power in their own hands, would not have failed to have published it.

That the opinion above expressed is correct, and in accordance with the views of the Government, is evident, from the following extracts from communications between Governor McMinn, the Cherokee agent, and one of the United States commissioners, in the treaty of 1817, and the honorable John C. Calhoun, Secretary of War, who made the treaty of 1819, on the subject of a claim of Major Walker, a reservee, to some improvements on the site selected for the agency reserve.

Governor McMinn, in his letter of the 4th September, 1820, writes: "In a former letter I mentioned to you that Major Walker would probably expect to receive something for what he conceives his interest in the site selected for the agency. I have since conversed with him; he would not say what, or whether any thing; and only replied to me, Take possession. He has no legal claim, being now a citizen of the United States; but perhaps it might be well to let him have something."

To which the honorable John C. Calhoun, Secretary of War, under date of October 7, 1820, replies: "It does not appear from your statement that Major Walker has any claim to the land where the agency is located; and as his land will be enhanced by the change of the agency, it is thought no compensation ought to be made to him."

This leaves no room to doubt what were the views of the commissioners of the United States who made the treaties of 1817 and 1819, as to the light in which they viewed the reservees under those treaties; and that they had no right in the Cherokee nation, and were, by their own voluntary acts, become citizens of the United States.

The following is a list of some of the principal reservees and enrolled emigrants, with their descendants, and persons holding in the alleged right of the same:

- |                              |                          |
|------------------------------|--------------------------|
| 1 John Ross, Ten.            | 20 Saml. Parks, Ten.     |
| 2 Lewis Ross, "              | 21 Buffington, Ga.       |
| 3 George Lowrey,             | 22 Turtle Fjelds, A.     |
| 4 Edward Gunter, A.          | 23 Gid. F. Morris, N. C. |
| 5 John Martin, Ga.           | 24 Jno. G. Ross, A.      |
| 6 Rich'd Taylor, "           | 25 Edwd. Duncan, Ga.     |
| 7 Thos. Foreman, Ten.        | 26 Rich'd. Walker, N. C. |
| 8 Geo. Hicks, Ga.            | 27 John Brown, Ten.      |
| 9 Jno. Watts, Ten.           | 28 Beaver Toater, N. C.  |
| 10 Jas. Brown, "             | 29 U. Hubbard, Ga.       |
| 11 Jno. Duncan, Ga.          | 30 Wm. Bolin, N. C.      |
| 12 Joseph Lynch, "           | 31 John Miller, Ten.     |
| 13 Jas. Foreman, Ten.        | 32 Jno. McIntosh, senr.  |
| 14 John Bengé, Ga.           | 33 Daniel Davis, Ga.     |
| 15 Jas. Spencer, A.          | 34 Jos. Phillips, Ga.    |
| 16 John Gunter, senr. A.     | 35 Fox Taylor, Ten.      |
| 17 Michael Hilterbrand, Ten. | 36 Boot, A.              |
| 18 Peter Hilterbrand, "      | 37 Musk Rat, N. C.       |
| 19 The Axe, N. C.            | 38 Geo. Parris, Ga.      |

39 Walter Adair, Ga.	60 Danl. Davis, Ga.
40 Jno. Baldrige, A.	61 Parker Collins,
41 Geo. Baldrige, A.	62 Taylor Eldridge,
42 Walter S. Adair, Ga.	63 Andrew Taylor, T.
43 Edward Adair, "	64 George Ward, Ga.
44 Saml. Adair, "	65 Sitwa Kee, N. C.
45 Andrew Adair, "	66 Alex. Drumgold, Ten.
46 Jas. A. Thompson, "	67 Saml. Ward, Ga.
47 Sapsucker, N. C.	68 Charles Ward, Ga.
48 B. F. Thompson, Ga.	69 James Bigby, Ten.
49 Saml. Mays, "	70 Andw. Miller, "
50 Gideon Morgan, Ten.	71 James Ore, A.
51 John Walker, Ten.	72 Saml. Candy, T.
52 Geo. Fields, A.	73 Jno. Welsh, N. C.
53 Richd. Fields, A.	74 Autoweh, "
54 Jacob West, Ga.	75 Abseenee, "
55 Pigeon, Ga.	76 Deer in the Water, Ten.
56 Danl. Ross, Ten.	77 Su-a-ga,
57 James Landrum, Ga.	78 Richd. Downing,
58 James Starr, T.	79 James Lowrey,
59 Jno. Riley, A.	80 Mark Watts.

Every person acquainted with the affairs of the Cherokees and the above persons, know that they have controlled every thing according to their own pleasure and after their own interest. Not content with the limited number of the committee of thirteen to manage the national affairs, they first divided the nation into eight districts, and created a national committee and council, composed of four persons from each district, with judges and marshals in each, who were all paid out of the national funds; and thus they consumed the annuity of the people. These offices were principally held by themselves and a few of the common Indians whom they associated with them, in order to perpetuate their own power and authority. See pages 12, 15, 16, and 45, of the book of their laws, published at Knoxville in 1826.

In the acts above referred unto, we find that, in 1826, not content with their present power and authority, these committee-men and counsellors resolved on forming an independent kind of State government within the jurisdiction of the States of Georgia, North Carolina, Tennessee, and Alabama; and they formed a constitution for their government, July 6, 1827, which is signed by the following persons: John Ross, president of the convention, John Baldrige, Geo. Lowrey, John Brown, Edward Gunter, John Martin, Kee-lee-chu-lee, Lewis Ross, Thos. Foreman, John Duncan, Richd. Walker, reserves, and Wm. Boling, an enrolled emigrant, in all twelve; and also by Joseph Vann, of Coosawattie, Hare Conrad, Joseph Vann, of Hightower, Thos. Pettit, John Bearmer, James Daniel, Sitewakee, John Tempson, Oclenota, Alexr. McCoy, secretary to the convention, in all ten. Thus you perceive that a majority of the convention were either reserves or enrolled emigrants, who had already disposed of all their interest in the country; and a minority only of the convention could have rightfully any authority or claim in the Cherokee country.

About this time, the national committee and council passed the following law, to silence opposition to their measures:

*“Resolved by the national committee and council, That any person or persons whatever, who shall be found guilty of forming unlawful meetings, with intent to create faction against the peace and tranquility of the people, to encourage rebellion against the laws and government of the Cherokee nation, shall receive one hundred stripes on the bare back.”*

This was the first thing which aroused the spirit of Georgia, and led her to adopt the measures she has since pursued, and the Cherokee people may justly attribute all their difficulties to the ambition and love of power, of those reserves who organized and carried into effect this new government.

With the view no doubt to prevent an adjustment of the difficulties between the United States and the Cherokees, which arose in consequence of the measures pursued by the State of Georgia to put down this new State, attempted to be organized within her jurisdiction, the Cherokee government passed the following act:

*“Whereas a law has been in existence for many years but not committed to writing, that if any citizen or citizens of this nation shall treat and dispose of any lands belonging to this nation, without special permission from the national authorities, he or they shall suffer death; therefore—*

*Resolved, By the committee and council in general council convened, that any person or persons who shall contrary to the will and consent of the legislative council of this nation in general council convened, enter into any treaty with any commissioner or commissioners of the United States, or any officers instructed for the purpose, and agree to sell any part or portion of the national lands, defined in the constitution of this nation, he or they, so offending, upon conviction before any of the circuit judges or the supreme court aforesaid, shall suffer death; and any of the circuit judges aforesaid are authorized to call a court for the trial of any such person or persons so transgressing.*

*“Be it further resolved, That if any person or persons who shall violate the provisions of this act, and shall refuse by resistance to appear at the place designated for trial, or abscond, are hereby declared outlaws, and any person or persons, citizens of this nation, may kill him or them so offending, in any manner most convenient, within the limits of this nation, and shall not be held accountable to the laws for the same.*

*“Be it further resolved, That if any citizen or citizens of this nation shall enter into a treaty with the United States Government for any object whatever other than a cession of land, he or they, upon conviction, shall be punished with one hundred lashes on the bare back; and no treaty shall be binding upon this nation which shall not have been ratified by the general council and approved by the principal chief.*

NEW ECHOTA, October 26, 1829.”

This act needs no comment of mine. I will only state the fact, that this has prevented and still prevents many who are in favor of a treaty to manifest it; and it was under this act that Jack Walker was way-laid and murdered last year, because he was supposed favorable to a treaty then proposed to the nation. There have been at least four or five killed this summer past, merely because they enrolled under the present treaty, and the lives of others daily threatened to be destroyed.

According to the constitution adopted for the Cherokee government,

there is not now a single individual belonging to the Red Clay council with John Ross at their head, legally and constitutionally in office.

*The Cherokee constitution.* Art. 3. Sec. 3. "The committee shall consist of two members from each district, and the council shall consist of three members from each district, to be chosen by the qualified electors of their respective districts for two years; and the elections to be held in every district on the first Monday in August, for the year 1828, and every succeeding two years thereafter; and the general council shall be held once a year, to be convened on the second Monday in October, in each year, at New Echota."

The Legislature of Georgia abolished this Cherokee government in 1828, and extended their laws over them; and since that, Alabama and Tennessee, if not North Carolina, have done the same. There have been no elections under the Cherokee constitution since 1828, and as their chiefs, committee, and council, were elected for two years only, there is now therefore no regular and constitutional organization; and as to their government, they are resolved into their original elements, and the sovereign power is in the people alone, when assembled in a general national council, such as was convened at Running Waters, in July last.

Mr. Ross, however, and his partisans, have resolved themselves into the council of the nation; and as one and the other leaves them, he fills the vacancy by his own appointment; and this they call the proper authority of the nation.

I have thus presented you, as briefly as possible, what I believe to be the true state of facts, in reference to Cherokee matters, and it is for the Government of the United States and the Legislatures of the several States who are interested in this question, to determine what other measures it will be proper to take in reference to these reservees and enrolled emigrants, if they do not speedily accept of the liberal propositions offered them for a treaty. For it is this class of men alone, who have made all the difficulties the Cherokees have experienced, and prevented an adjustment of them.

It has, however, been said in some of the public prints, that Mr. John Ross and his partisans are willing to take the five millions awarded by the Senate of the United States. This may be, if it were left for them to dispose of as they pleased. But, the Government of the United States is determined, while it does ample justice to all, to protect the *rights of the common Indians*. This is evident from the proposed treaty, and from which there will be no material variation. And is not this enough? And why should these reservees, who have already received for their share from 3,000 to 8,000 dollars each, have the whole money for the country at their disposal. They ought to be content at present with the offer of a proportionate share with the rest of the nation, who have received nothing heretofore.

With great respect, your obedient servant,

J. F. SCHERMERHORN.

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No. 34.

COUNCIL GROUND AT RED CLAY,  
*Cherokee Nation, Oct. 22, 1835.*

FRIENDS AND FELLOW-CITIZENS: In obedience to your resolution of the 15th instant, a letter was submitted to Mr. Schermerhorn, of which

you will find a copy annexed, with his reply accompanying. To the latter no answer has been given. The reasons for not having replied to it are briefly as follows: Instead of complying with our request to produce his credentials and submit any new proposition with which he may have been intrusted, Mr. Schermerhorn, equally inconsistent with himself and with his duty as a commissioner, in the first place, endeavors to prove that you, as well as myself, have usurped the places we hold as representatives of the nation; and then implies that he will cease to consider us the impostors he would prove we are, provided we will exchange our own views of the interests of our constituents, for those which he brings to us; and, in the second place, departs from the main question altogether, by a course evidently intended to divide the nation against itself, that it may the more readily be swayed by dazzling pretences from those in whom it has but too little reason to confide, to distrust the friends who have been faithful to it through all its trials. The character of this extraordinary production I have considered as irrelevant, and so ungracious, to say no worse of it, that I should regard myself as wanting in respect for our own dignity, to have given it any further notice. Before I dismiss this point, it may be well to remark, that Mr. Schermerhorn has accompanied his letter with a voluminous document, marked A, which I also submit you. This paper purports to be an epistle to some unknown correspondent of his own. You will perceive that it is replete with misrepresentations of our affairs; but I do not see how we can turn aside from our own momentous public business to answer the private letters of Mr. Schermerhorn to his friends. We must therefore leave it for more important matters.

Mr. Schermerhorn, as you will perceive, has not yet exhibited satisfactory credentials to prove that he is endowed with full power to make a final treaty. He admits that the treaty already submitted may be considered as rejected by the people; but he has proposed no substitute, although he persists in declaring that some treaty, upon the basis of that which he is aware has been rejected, is the only one which will be received. We are thus left without any proposal from the United States Government to act upon, further than a vague suggestion that we must treat upon the basis of the five millions. To prevent, therefore, any impression that we are disposed individually to thwart the good of the people, or to decide for them against their own judgment, I would propose that they should be called together, and distinctly asked whether it is their will that a treaty upon the basis of the five millions should be commenced; or whether they distinctly forbid the entering upon any treaty upon such a basis. Having obtained the sentiments of the people upon that head, I would further suggest that you name a delegation with full powers to enter into a treaty here, or elsewhere, and submit such nomination to the people, for their approval; and that such delegation be empowered to effect, if possible, an arrangement with any duly authorized commissioner who may be here upon the spot; but should it appear that there is no commissioner upon the spot, thus authorized, or if there be any such, that no terms can be agreed upon with him, I would then respectfully advise, that the people authorize the delegation, as representing them, to conclude, fully and finally, if possible, with the United States General Government at Washington. To prevent further difficulties, it may be well for them to declare that they will recognise no treaty but such as may be made with their representatives thus openly delegated. There are some other points of great importance, upon which

it is my intention to commmunicate with you ; but that which forms the subject of the present message is of an interest so absorbing, that I have thought it inconvenient to distract your attention by introducing any additional topic at this moiment, however interesting.

JOHN ROSS.

To the COMMITTEE AND COUNCIL,  
*In general council convened.*

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No. 35.

*Resolved by the committee and council, in general council convened,* That the people here present be called together for the purpose of giving their decision, in open assembly, as to whether they are disposed to treat with the General Government of the United States upon the basis of selling their country for the sum of five millions of dollars, as proposed by the United States commissioner.

*And be it further resolved,* That a delegation, consisting of John Ross, principal chief, Richard Taylor, Lewis Ross, John Martin, James Brown, James Daniel, Thomas Foreman, Richard Fields, Sleeping Rabbit, Joseph Vann, John Benge, Oolenawa, Elijah Hicks, John Huss, John F. Baldrige, and Peter of Aquohee, Jesse Bushyhead, John Ridge, Elias Boudinot, and Charles Vann, be endowed with full powers to enter into an arrangement with the General Government of the United States, for a final adjustment of the existing difficulties of the Cherokee nation, upon such basis and terms as may be deemed by them best fitted to secure the present peace and future prosperity of the Cherokee people.

*Resolved,* That the aforesaid delegation be authorized, if practicable, to effect such an arrangement with any commissioner or commissioners of the United States Government who may be here upon the spot, provided they, the aforesaid delegation, are satisfied that such commissioner or commissioners possess adquate powers to complete such treaty arrangement.

*Resolved,* If, for any reason, the aforesaid delegation do not conclude a treaty here, upon the ground, that they be authorized to proceed to the city of Washington, there to negotiate finally with the General Government of the United States.

*And resolved lastly,* That, to prevent all future misconception or unnecessary trouble, the Cherokee nation will abide by the decision of the aforesaid delegation, consisting of John Ross, principal chief, Richard Taylor, Lewis Ross, John Martin, James Brown, James Daniel, Thomas Foreman, Richard Fields, Sleeping Rabbit, Joseph Vann, John Benge, Oolenawa, Elijah Hicks, John Huss, John F. Baldrige, and Peter of Aquohee, Jesse Bushyhead, John Ridge, Elias Boudinot, and Charles Vann ; and that we forbid any negotiation through any other persons, and will not hold ourselves bound by the proceedings of any delegation excepting that which, pursuant to these resolutions, we now appoint in open assembly of the people, as our fully empowered representatives to the General Government of the United States of North America.

Done in general council of the Cherokee nation, at Red Clay, this 23d day of October, 1835.

*Members of the n. committee.*

Samuel Gunter, *president pro tem.*  
 George Hicks,  
 Hair Conrad,  
 Choo-noo-lin-hes-kee,  
 Nah-hoolah,  
 James Wofford,  
 George Still,  
 James Hawkins,  
 Old Fields,  
 Wm. Rogers, *clerk n. committee.*

*Members of the n. council.*

Going Snake, *speaker n. c.*  
 A. Campbell,  
 Bark,  
 Money Cryer,  
 Young Glass,  
 Chuneyhee,  
 Beat Stick,  
 John Watts,  
 James Spears,  
 Tahquoh,  
 Edmund Duncan,  
 John R. Daniel,  
 White Path,  
 James Foster,  
 John Otter-lifter,  
 Charles,  
 Chuwalooke,  
 John Wayne,  
 Sittawakee,  
 Sweet Water,  
 Moses Daniel, *clk. n. c.*

October 24, 1835.

The people were accordingly called together, and in open assembly unanimously decided against treating with the United States Government upon the basis of selling their country for the sum of five millions of dollars; then, the following proceedings were adopted by them:

We, the people of the Cherokee nation, in general council assembled, do hereby solemnly protest against selling our country on the basis of the five millions of dollars, and will never sanction any such treaty. We approve of and confirm the nomination and appointment of John Ross, principal chief, Richard Taylor, Lewis Ross, John Martin, James Brown, James Daniel, Thomas Foreman, Richard Fields, Sleeping Rabbit, Joseph Vann, John Benge, Oolenawa, Elijah Hicks, John Huss, John F. Baldrige, Peter of Aquohee, Jesse Bushyhead, John Ridge, Elias Boudinot, and C. Vann, as our representatives to the United States Government; also, of the powers in them vested under the resolutions of the general council annexed; and we unite with the committee and council in forbidding any delegation to treat with the General Government of the United States of North America, excepting the delegation now formally and openly confirmed by us, the people of the Cherokee nation.

Given under our hands, at the national council ground at Red Clay, this 24th day of October, 1835.

[Signed by 1,076 individuals.]



No. 36.

RED CLAY, C. N. *October 19, 1835.*

SIRS: This is to inform you that I have chosen Messrs. George M. Waters, Richard Taylor, and John Martin, to hold a conference with you on the subject of my letter of the 30th of July last, and it is sincerely to be hoped, that the best interests and welfare of our nation alone may influence your deliberations on this important occasion.

I am, very respectfully,  
Your obedient servant,

JOHN ROSS.

To Messrs. MAJOR and JOHN RIDGE.

No. 37.

RED CLAY,  
*Cherokee nation, October 19, 1835.*

DEAR SIR: We have received your note of this day's date, by the hand of Judge Martin, informing us of the appointment of Messrs. George M. Waters, Richard Taylor, and John Martin, to hold a conference with us on the subject of your letter of the 30th of July last.

We receive this notification with pleasure, and will meet the gentlemen chosen, in the conference, impelled by feelings of grave affection and regard for the interest and welfare of our nation. We, however, request, most respectfully, that the conferees may consist of five members each, in consideration of the greatness of the subject upon which they are about to consider; but if you do not choose to add to the number you have selected, then we will meet with a corresponding number.

We are, respectfully,

Your friends,

MAJOR RIDGE, his × mark.  
JOHN RIDGE.Mr. JOHN ROSS, *principal chief.*

NOTE.

*October 19, 1835.*

The request herein made to increase the number of the referees was promptly granted, and Messrs. John F. Baldrige and John Bengé were associated with Messrs. Waters, Taylor, and Martin.

JOHN ROSS.

No. 38.

The committees of conference on the subject of uniting the parties of the nation into one, and harmonize and associate together as one people, in any treaty which may take place between the United States and the Cherokee nation, in order to relieve the last from its distressed and afflicted condition, have agreed, that is to say, Major George M. Waters,

Judge John Martin, Richard Taylor, John Baldrige and John Benge, acting under the instructions of John Ross, principal chief, on the one part, and George Chambers, John Gunter, John Ridge, Charles Vann, and Elias Boudinot on the other, acting under the instructions of Major Ridge, and others of the treaty party, having agreed to bury in oblivion all unfriendly feelings, and act unitedly in any treaty arrangement with the United States for the relief of their nation, that the number of delegates to be chosen by the general council and people here present, shall consist of nineteen members, to act for the nation, with full powers; that, of this number, there shall be three chosen of the treaty party, and nominated and appointed in the same way as the others, the authority of each and every member of the delegation to be joint and equal, to be confirmed by the people here present; this agreement then, and in that case only, to be binding at once upon the parties. The Cherokee press is the property of the nation, and as we have become friends, no more publications shall be made, either against one or the other of the parties, because they are now united, and should be surrendered to the proper authorities of the nation. In concluding this agreement, speeches of peace and reconciliation shall be made, of a prudent and judicious character, to the people, in order to do away any unpleasant feelings which may exist.

Given under our hands and seals, this the twenty-fourth of October, eighteen hundred and thirty-five, at Red Clay, in the Cherokee nation.

GEO. M. WATERS, <i>Chairman,</i>	[ L. S. ]
JOHN RIDGE,	[ L. S. ]
JOHN MARTIN,	[ L. S. ]
CHARLES VANN,	[ L. S. ]
JOHN BALDRIDGE, his x mark,	[ L. S. ]
GEORGE CHAMBERS,	[ L. S. ]
JOHN BENGE,	[ L. S. ]
JOHN GUNTER,	[ L. S. ]
R. TAYLOR,	[ L. S. ]
ELIAS BOUDINOT.	[ L. S. ]

No. 39.

COUNCIL GROUND OF THE CHEROKEE NATION,

October 27, 1835.

SIR: In an agreement signed by Messrs. Ridge, Boudinot, and others, upon their re-union with the rest of their countrymen, for the good of our common rights and interests, they have acknowledged that the press belonging to the Cherokee people ought to be restored. But it appears that the aforesaid press is not in possession of any of those gentlemen, and as we have reasons to understand that it was seized under your authority, and as, from your letter of September 9, and subsequent circumstances, we infer that it remains subject to your control, the committee and council have instructed me to request that you will name the day when our property will be ready for delivery back again to the nation, at the spot whence it was removed under a military guard in August last.

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

JOHN ROSS,

*Principal chief Cherokee nation.*

Major B. F. CURREY,

*United States agent.*

No. 40.

RED CLAY COUNCIL GROUND,  
October 27, 1835.

SIR: Yours of this morning has been received and considered, and I have the satisfaction to say, so soon as the pending negotiations are concluded, it will afford me pleasure to inform you of the course which may be deemed proper to be pursued in relation to the press.

Most respectfully,

Your very obedient servant,

B. F. CURREY.

To Mr. JOHN ROSS.

No. 41.

COUNCIL GROUND OF THE CHEROKEE NATION,  
October 28, 1835.

SIR: Yesterday I requested to learn from you on what day the printing press and types of the Cherokee nation, removed in August last, under a military guard, would be ready for delivery to its rightful owners, by whom I have been commissioned to call upon you for its restoration.

The reply which you have honored me does not answer my question, nor is it signed according to your usual custom, as an official letter; in consequence, I beg distinctly to learn from you whether, in seizing our press, you have done it as the authorized agent of the United States, or as a private individual.

I have the honor to be, sir,

Your obedient, humble servant,

JOHN ROSS,

*Principal chief Cherokee nation.*Major B. F. CURREY,  
*United States agent.*

No. 42.

RED CLAY, October 24, 1835.

*To the committee and council:*

In pursuance of a certain agreement between a committee appointed by me, and John Ridge and his friends, for the purpose of uniting for the common good of the nation, I hereby recommend that the delegation already appointed, be increased by the additional number of three, and I hereby nominate John Ridge, Elias Boudinot, and Charles Vann, for that purpose, and submit the same for your approval. I will also state that the people of the Valley towns seem desirous that Jesse Bushyhead should be appointed one of the delegates, which I also submit for your consideration and decision.

JOHN ROSS.

No. 43.

RED CLAY, C. N. October 24, 1835.

*Resolved by the committee and council, in general council convened, That in consequence of the Ridge party having agreed to unite with the proper authorities of the nation for the good of the whole Cherokee people, and in order that confidence may be restored among them, and harmony and good feeling prevail through all classes, the recommendation and nomination of John Ridge, Elias Boudinot, Charles Vann, and Jesse Bushyhead, by the principal chief, in addition to the delegation already appointed, be and is hereby approved, and that their names be embodied in the general resolution, with the names of the other delegates, for the confirmation of the people here present.*

RICHARD TAYLOR,  
*President n. committee.*  
GOING SNAKE,  
*Speaker n. council.*

Concurred :

WM. ROGERS, *clerk n. committee.*

Approved :

JOHN ROSS.

MOSES DANIEL, *clerk n. council.*

No. 44.

RED CLAY COUNCIL GROUND,  
October 22, 1835.

SIR: Will you have the goodness to assemble the Cherokee people tomorrow, at 11 o'clock, A. M. in general council, and give me an opportunity make them a short address, and take such preliminary steps as may be deemed necessary to bring our negotiations for a settlement of the difficulties between them and the United States into some more tangible shape than it is in at present?

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,  
*Commissioner to treat with the Cherokees; east.*

To Mr. JOHN ROSS,  
*Principal chief Cherokee nation.*

No. 45.

COUNCIL GROUND OF THE CHEROKEE NATION,  
Red Clay, October 23, 1835.

SIR: The necessity of bringing the business of the Cherokee people here to a close, caused an assembly of them in general council, on yesterday, to complete the proceedings already commenced. Their meeting stands adjourned until to-day.

It will be out of order for me to interfere with the course of the proceed

ings on the part of the general council. The moment those proceedings shall be terminated, I will give you notice, and the people, no doubt, will then consent to listen to any address with which it may be your pleasure to favor them.

I am sir, very respectfully,  
Your obedient servant,  
JOHN ROSS.

Rev. J. F. SCHERMERHORN,  
*United States commissioner, present.*

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No. 46.

RED CLAY, *October 23, 1835.*

SIR: I have received your note of this morning, stating, in substance, that yesterday the general council met to take into consideration the necessity of bringing the business of the Cherokee people here to a close, and that, therefore, you cannot interfere with their proceedings; but when they have done with their business you will inform me, and that then, no doubt, the people will hear me. From this I infer you do not mean to give me an opportunity to address the general council, until the business I wish to address them on, is disposed of. Your design in this cannot be mistaken; and I now inform you, when the council assembles, and I can ascertain the fact, I will be there, and address them on the subject for which they are assembled, *before this matter is closed.*

With respect, your obedient servant,  
J. F. SCHERMERHORN.  
*United States commissioner.*

Mr. JOHN ROSS, *P. C. C. N.*

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No. 47.

COUNCIL GROUND OF THE CHEROKEE NATION,  
*Red Clay, October 23, 1835.*

SIR: Your communication to me of Saturday last distinctly avowed that you would not recognise me as one of the authorities of the nation, nor would you recognise the committee and council and other officers elected by them, as their representatives. Your communication was submitted by me to the committee and council, and by the committee and council to the people.

The decision of all parties was, at once, that our regular business should be proceeded with and in our regular way. It will be impertinent in me to interfere with this course. Your letter to me last evening appears to have been sent by you with a full knowledge that there was unfinished business before us, with the progress of which you must be equally aware I could not interfere; and if I could, I doubt whether it would be becoming in me to do so under existing circumstances, especially as your communication of Saturday last was aimed at the entire contempt of the constituted authorities of this nation, and absolutely disowns any intention to

meet the nation through those authorities: My interfeerence to obtain the substitution of arrangements *required* by you, in place of those already adopted by the people, might, owing to the course you yourself have thought proper to adopt, be construed into an admission that I felt myself bound to prefer the will of Mr. Schermerhorn, whenever or however expressed, to that of the Cherokee nation; I say the will of Mr. Schermerhorn, for I have not, as yet, seen any sufficient evidence of your authority fully and finally to represent the General Government of the United States, although I requested you to produce such credentials, if such you had.

The only course remaining, therefore, has appeared to me the one I have taken. When the authorities which you disclaim have finished the business before them with the people, notwithstanding the light you have declared that you view, not only myself, but those authorities, we are perfectly ready to afford every facility in our power for your communicating with the people, unimpeded by us. We only hope you will interfere as little with our course as we are disposed to interfere with yours. In conclusion, I would remind you, that you expressly declared it was not your intention to bring the subject of a treaty before the people during the present council, but that you would call one upon your own responsibility for that purpose; and when we remonstrated you did not withdraw that declaration. This fact renders me the more surprised at your desire to throw yourself, thus uncalled for, in the midst of our own arrangements, and makes me regret that that desire should not have been expressed in a tone less imperative, especially as we have now been a fortnight on the ground, during which you might have selected numberless times to communicate with the people without interfering with previous arrangements; and as you had declared that you would not act with any reference to us or to the authorities of the people, the way was, at any moment during the time I speak of, fully open to you, without consulting us; and no one would have objected to it; but your abrupt appearance in the midst of our own arrangements now might be looked upon as ungracious and somewhat savoring of supererogation, and, we fear, would produce only embarrassment and confusion.

I am, sir, very respectfully,

Your obedient servant,

JOHN ROSS,

*Principal chief, Cherokee nation.*

REV. JOHN F. SCHERMERHORN,  
*U. S. commissioner, present.*

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No. 48.

RED CLAY COUNCIL GROUND, *October 24, 1835.*

SIR: I am under the necessity of returning your letter of yesterday, because it contains several statements which are not true; as is evident from the whole of my correspondence.

1st. As to my credentials or commission to treat with the Cherokees east. This I have read publicly at the council at Running Waters; and, to avoid misrepresentations, I sent them for you to see, by Major Davis, who stated that he had shown them to you.

2d. As to my opportunities to address the people, I was never notified that the council was in session; and it was remarked by the gentlemen on the ground, that, apparently, every means was used to prevent me from addressing them. And when requested by me to assemble them for that purpose, it was not done.

3d. As to a treaty, I never stated what you repeat: "that I declared it was not my intention to bring the subject of a treaty before the people during this council;" for both my letters of the 14th and 17th instant prove the reverse.

I will also say, the language of your letter, used in different parts, is such as I cannot permit you to use, and will not receive.

With respect, &c.

Your obedient servant,

J. F. SCHERMERHORN,

*U. S. commissioner to treat with the Cherokees east.*

Mr. JOHN ROSS,

*Principal chief of the Cherokees east.*

*Note.*—This letter was retained by Mr. Schermerhorn until the 31st of October, after the adjournment of the council, when it was delivered by Major Davis.

JNO. ROSS.

No. 49.

COUNCIL GROUND OF THE CHEROKEE NATION,  
*At Red Clay, October 27, 1835.*

SIR: By a resolution passed yesterday, October 26, I am instructed by the national committee and council, in general council convened, to acquaint you that twenty citizens of this nation, nominated to the people in open assembly, and by them publicly appointed as a delegation, fully empowered to treat finally with the General Government of the United States, here or at Washington city, are now ready to meet any commissioner upon the subject who can produce adequate credentials. If therefore you desire to communicate in relation to this matter, I, as one of the delegation, thus appointed, am prepared to give notice of an interview for that purpose between you, my associates, and myself, in the committee-room, at any hour which may best suit your convenience,

I have the honor to be, sir,

Your obedient servant,

JOHN ROSS,

*Principal chief, in behalf of himself, Richard Taylor, &c.*

No. 50.

RED CLAY COUNCIL GROUND, *October 27, 1835.*

GENTLEMEN: In answer to your communication of this morning, I assure you I will meet you with much pleasure, at your committee room, at

3 o'clock, P. M. to-day, as the commissioner on the part of the United States to treat with the Cherokees east.

J. F. SCHERMERHORN.

To JOHN ROSS, *Principal chief, Cherokee nation,*  
*and his associates, as a delegation of the Cherokee nation,*  
*empowered to treat with the U. S. commissioner.*

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No. 51.

Whereas the condition of the Cherokee Indians east of the Mississippi has become truly deplorable and insupportable, by the influx of the citizens of the United States among them, and the extension of the laws of the States over them, within whose jurisdiction they reside, and as they are now fully convinced there is no relief for them here, and that they cannot be reinstated in their former privileges and rights, and the Government of their choice, in their present country :

And whereas the people have been much distracted and divided among themselves on the subject of selling their country to the United States, and removing west ; and since a reconciliation has now taken place, and peace, confidence, and harmony is restored among themselves, and they have agreed to unite in a treaty with the United States for a settlement of all their claims, and cession of their country, and for a removal of their people west of the Mississippi, where they can enjoy their ancient usages and rights unmolested by State legislation and interference—

Therefore, John F. Schermerhorn, duly commissioned and authorized to treat with the Cherokees east, and John Ross, &c. duly authorized and empowered by the Cherokee nation, in general council assembled, have entered into, agreed upon, and concluded the following articles of a treaty, this — day of —, 1835.

ARTICLE I. The Cherokee nation east hereby cede, relinquish, and convey to the United States all their right and title to all their lands east of the Mississippi river, those lying within the State of Georgia, North Carolina, and Tennessee, for the benefit of those States, who claim the right of soil, and those within the State of Alabama, for the benefit of the United States ; and they also, agree, covenant, and accept in full for all their claims against the United States, of every kind and nature whatsoever, for the sum of \$5,000,000, according to the award of the Senate of the United States, and shall be paid as detailed in the following articles.

But whereas a question has arisen between the commissioner and the agents of the Cherokee nation, whether the Senate of the United States intended to include in the award also the just claims of the Cherokee people against the United States, or the price of the land only, it is therefore agreed that that matter shall be again referred to the Senate for their determination ; and in case the claims were not intended to be included, then, in addition to the five millions, there shall be allowed — dollars for claims ; but if the Senate shall not allow this additional amount, it shall not invalidate this treaty.

J. F. SCHERMERHORN,

*U. S. commissioner to treat with the Cherokees east.*

To JOHN ROSS and others,  
*Cherokee delegation to treat with the U. S. comm'r.*



No. 52.

WAR DEPARTMENT, April 2, 1835.

GENTLEMEN: I have the honor to inform you that the President has appointed you commissioners to negotiate with the Cherokee Indians east of the Mississippi river.

I am, gentlemen,  
With great respect,  
Your obedient servant,

LEWIS CASS.

His Excellency WILLIAM CARROLL,  
*Nashville, Tennessee.*

Rev. J. F. SCHERMERHORN,  
*Utica, New York.*

I do hereby certify the foregoing is a true copy from the original.

B. F. CURREY.

*Special agent for the Cherokees east, and secretary  
pro tem. to the commissioners.*

RED CLAY, *Tennessee, October 26, 1835.*

No. 52.

NASHVILLE, October 13, 1835.

DEAR SIR: I have just received your letter by Mr. Currey. I regret very much that I am unable to attend the Cherokee council in consequence of my rheumatism being very painful. My sufferings are so great, that if I could even reach Red Clay, I would be unable to render useful services. I have consulted my physician, who believes it would be unsafe for me to go, especially as I am now under a course of treatment which will probably continue for several weeks, during which time I must avoid exposure.

I have a great desire to be with you, but owe too much to myself and family to run the risk of increasing my afflictions. I write in pain, which must be my apology for this short communication, as well as for the omission to write to you heretofore. The document you forwarded some time since was published in the Presbyterian. Mr. Currey will take with him some numbers of that paper.

The subject of extending our laws in full over the Cherokees is before the General Assembly, and will succeed, and so will a measure to prevent the Georgia and Alabama Indians from settling in Tennessee. Wishing you every success, and expecting to hear from you occasionally,

I am, dear sir,

Most respectfully, your friend,

WM. CARROLL.

Rev. J. F. SCHERMERHORN.

A true copy:

B. F. CURREY,

*Special agent for the Cherokees, and secretary  
pro tem. to the commissioners.*

No. 53.

COUNCIL GROUND OF THE CHEROKEE NATION,  
October 28, 1835.

SIR : The delegation chosen from and appointed by the Cherokee nation to treat with the United States, have maturely considered the papers which you have laid before them, including those produced as your credentials. They have also weighed the conversations with which you have honored them. Their views of all they would now endeavor to embody in this letter.

Their constituents, the Cherokee people, have instructed them to treat only with a commissioner or commissioners, producing credentials to show that they are "fully" empowered to act "finally" in their affairs. Under any other circumstances your simple assurance would have been all they could have desired; but, under those now prevailing, they feel themselves bound to look closely into whatever may be presented. Still, they would allow every latitude they can; for it would be doing injustice to their earnest desire for a prompt adjustment of the pending question, should they allow it to be unnecessarily impeded. Therefore it is that they have overlooked the doubt which might be created by your having produced only an extract from a letter signed Lewis Cass, stating simply that you, with another, had been "appointed commissioners to negotiate," while you could produce no regular commission to that effect; and the still greater perplexity into which they were thrown, by observing that all the communications from the Secretary of War are directed to two persons, and never to one separately, for which reason your Government might object to recognise the act of either individual by himself as binding upon the United States. But, upon your assurance that it would not be so, they were satisfied also to waive that objection, for they were desirous of affording, to a hope of satisfactory arrangements, every facility in their power. And it is entirely in the spirit of conciliation that they would express their deep regret at certain admissions in the letter of which you have favored them with a copy from Governor Carroll. They allude to those passages whence it appears that he, although one of the Government commissioners, has given circulation, in the States bordering upon our nation, to certain writings against us, emanating from you, another commissioner for the same purpose, which to us appear calculated to encourage, if not to excite among your countrymen, our neighbors, the bitter prejudices and the hostile acts to which the United States refer as rendering the protection, they are pledged by treaty to afford us, impossible. The same remark may not be inapplicable to propose proceedings of the State Legislatures, referred to in the same letter. We cannot but think that it would have been more kind, more politic, and perhaps more regular, to have abstained from a course so prejudicial, especially pending a negotiation. These points, however, they name only in sorrow. Their reception of you, and of your proposals of this morning, must convince you that they are most anxious to bring their matters with the Government to an amicable and speedy close. But, upon examining the articles you have submitted to them as the basis of the treaty you have to propose, they can find in them no real variation from those against which the Cherokee nation have already openly and formally protested. It is true you offer to insert an additional clause, allowing a consideration for "the just claims of the Cherokee people." But this is only

conditional. You make it dependent upon the approval of the Senate, who may disapprove, and who, indeed, by the explanation we have ourselves received in writing from the Secretary of War, are sure to disapprove. And you state that neither yourself, nor even the President, can pledge yourselves for this or any other change, without the sanction of the Senate. Thus you would bind us without binding the United States. As, therefore, you appear to have no proposal for us, excepting the one whose public rejection has led to our appointment, we cannot see that you can indulge any expectation of the possibility that an adjustment can be effected at this council. As a reference must be had, even by yourself, to the Senate, when it convenes, under any circumstances, it will be necessary for us to conclude at Washington, and therefore we think it would only be trifling with your time to encourage any further negotiation here, unless we have entirely misapprehended both your views and powers. This being the case, it is unnecessary to speak upon other points, which otherwise it might be expedient to explain; and it therefore only remains for us to assure you of our deep regret that the solicitude which you have expressed for a happy and prompt termination of our negotiation with your Government here upon the council ground, should not have resulted in a manner more in harmony with your own desire and with that of,

Sir, with the greatest respect,

Your very obedient, humble servants,	
John Ross,	Sleeping Rabbit,
Elijah Hicks,	Jesse Bushyhead,
John Ridge,	John Huss,
Richard Fields,	Oo-le-no-wa,
Charles Vann,	John Benge,
R. Taylor,	Joseph Vann,
James Brown,	Lewis Ross,
Thomas Foreman,	John F. Baldrige,
John Martin,	Peter, of Aquohee,
Elias Boudinot,	

*Cherokee delegation.*

To Rev. J. F. SCHERMERHORN,  
*United States commissioner, present.*

No. 54.

RED CLAY COUNCIL GROUND, *October 28, 1835.*

SIR: I requested Mr. William Rogers, secretary of the national committee, to furnish me with a copy of the proceedings and acts of the general council of the Cherokees last week; and he has informed me that he has spoken to you on the subject, and that you replied, I might have them by applying to you for them. Will you have the goodness to furnish me with a copy of them?

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

*Commissioner to treat with the Cherokees east.*

JOHN ROSS,  
*Principal chief of the Cherokee nation.*

No. 55.

RED CLAY COUNCIL GROUND, *October 29, 1825.*

SIR: I requested you last evening to let me have a copy of the proceedings of the general council of the Cherokee nation, in reference to the communication I addressed to them. I wish to know whether I am to be favored with a copy or not; I stand in need of it at present.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

*U. S. commissioner to treat with the Cherokees east.*

Mr. JOHN ROSS,

*Principal chief of Cherokee nation.*

No. 56.

RED CLAY COUNCIL GROUND,  
*October 29, 1835, 1 o'clock, P. M.*

GENTLEMEN: I have just received your communication of yesterday, and it will require some time to answer it, which I shall do with pleasure. I have only now to request your delegation to meet me at your committee-room to-morrow morning at 1 o'clock, A. M.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

*U. S. commissioner to treat with the Cherokees east.*

Mr. JOHN ROSS and others,

*Delegation appointed to treat with the commissioners.*

No. 57.

COUNCIL GROUND OF THE CHEROKEE NATION,  
*Red Clay, October 29, 1835.*

SIR: The delegation have made arrangements to depart, in order to prepare for their journey to Washington; but it will give them great pleasure to meet you to-morrow at the hour you desire.

In reference to your request for the records of the proceedings of our committee and councils, the notice of that matter was merged in the more important one between us in which I was absorbed at the time I received your first application. To your second one, I assure you, in reply, if there is any particular point in relation to the records of the committee and council, upon which you desire to be informed, if you will specify it, so far as it appears consistent with my duty to the nation, it will gratify me to meet your wishes.

I have the honor to be, sir,

Your obedient humble servant,

JOHN ROSS,

*Principal chief of the Cherokee nation.*

No. 58.

RED CLAY COUNCIL GROUND,  
October 30, 1835.

SIR: I have requested you to furnish me with a copy of the acts and proceedings of the general council in reference to my communication of the 17th instant; and although you informed Mr. William Rogers, the secretary of the national committee, to whom I applied for them, that on application to you I would be furnished with them, I have not received them; I must therefore rely on such information as I can obtain in reference to the appointment of your committee.

The chiefs, head men, and warriors were then informed, by an extract from the instructions of the commissioners, that they were to treat with the people, but that there was no objection, in the first place, if the people wished it, to commit the details of a treaty to a committee *fairly and publicly chosen by them*; but that the final action upon the subject must be had by the people in open council.

I will not depart from the explicit instructions I have received; and, therefore, you perceive, at all events, if it shall appear that the committee has been barely chosen, it will become necessary for the people again to convene; and as the commissioners are instructed to convene a council at New Echota at such time as they think best, and Governor Carroll has requested and authorized me to call said council when I deem most expedient, you are therefore hereby notified that the commissioners will meet the Cherokee people in general council on the third Monday in December next; and you are requested to assemble the people accordingly, for the purpose of negotiating and concluding a treaty with the United States. I feel it my duty also to inform you, that if the Cherokee people refuse the terms of a treaty the commissioners will then offer them, it will be the last overture which the President of the United States will make them during his administration; and on their own heads must rest the consequences; neither will he receive any delegation from the Cherokee nation at Washington to transact any business of this kind. If a treaty is made, it must be done here in the nation, where Mr. Ross and his delegation when at Washington city last winter insisted it should be closed, for the sake of peace and harmony among their people.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

*U. S. commissioner to treat with the eastern Cherokees.*

To JOHN ROSS;

*Principal chief of the eastern Cherokees,**and the delegation to treat with the commissioners.*

No. 58.

Whereas the condition of the Cherokee Indians east of the Mississippi, has become truly deplorable and insupportable, by the influx of the citizens of the United States, in consequence of the extension of the laws of the States over them, within whose jurisdiction they reside, and they are now

fully convinced that there is no relief for them here, and that they cannot be reinstated in their former privileges and rights, and the government of their own choice in their present country :

And whereas the people have been much distracted and divided among themselves on the subject of selling their country to the United States, and removing west ; and since a reconciliation has taken place, and peace, harmony, and confidence is restored among themselves, and they have agreed to unite in a treaty with the United States, for a settlement of all their claims and cession of their country, and a removal of all their people west of the Mississippi, where they can enjoy their ancient privileges unobstructed by State legislation and interference :

Therefore, John F. Schermerhorn, duly authorized and empowered to treat with the Cherokees east, and John Ross, Richard Taylor, Lewis Ross, John Martin, James Brown, James Daniel, Thomas Foreman, Richard Fields, Sleeping Rabbit, Joseph Vann, John Benge, Oolinowah, Elijah Hicks, John Huss, John Balandge, Peter of Aquohee, Jesse Bushyhead, John Ridge, Elias Boudinot, and Charles Vann, duly authorized and empowered by the Cherokee nation, in general council assembled, have entered into, agreed upon, and concluded the following articles of a treaty, this — day of —, 1835 :

ARTICLE 1. The Cherokee nation east, hereby agree, cede, relinquish, and convey to the United States, all their right and title to all their lands east of the Mississippi river ; those lying within the States of Georgia, North Carolina, and Tennessee, for the benefit of those States, who claim the right of soil, and those within the State of Alabama, for the benefit of the United States ; and they also agree to commute and accept in full for all their claims against the United States, of every kind and nature, whatsoever, for the sum of five millions of dollars, according to the award of the Senate of the United States, and shall be paid as detailed in the following articles.

But, whereas, a question has arisen between the commissioner and the agents of the Cherokee nation, whether the Senate of the United States intended to include in the award, also, the just claims of the Cherokee people against the United States, or the price of the land only, it is therefore agreed that that matter shall again be referred to the Senate for their determination, and in case the claims were not intended to be included, then, in addition to the \$5,000,000, there shall be allowed — — for claims ; but if the Senate shall not allow this additional amount, it shall not invalidate this treaty. Such a sum as the Senate of the United States shall award for the same, and which sum shall be paid as detailed in the following articles.

Whereas, by the treaty of May 6th, 1828, and the supplementary treaty thereto, of February 4, 1833, with the Cherokees west of the Mississippi, the United States guarantied and secured, to be conveyed, by patent, to the Cherokee nation of Indians, the following tract of country : “ Beginning at a point on the old territorial line of Arkansas Territory, being twenty-five miles north from the point where the territorial line crosses Arkansas river ; thence running from said north point south, on the said territorial line, to the place where the said territorial line crosses Virdigris river ; thence down said Virdigris river, to the Arkansas river ; thence down said Arkansas river to a point where a stone is placed, opposite to the east or lower bank of Grand river, at its junction with the Arkansas ; thence running south forty-four degrees west one mile ; thence in a straight line to a point four

miles northerly from the mouth of the north fork of the Canadian ; thence along the said four-mile line to the Canadian ; thence down the Canadian to the Arkansas ; thence down the Arkansas to that point on the Arkansas where the eastern boundary of the Choctaws strikes said river, and running thence with the western line of Aarkansas Territory, as now defined, to the southwest corner of Missouri ; thence along the western Missouri line to the land assigned the Senecas ; thence on the south line of the Senecas to Grand river ; thence up said Grand river as far as the south line of the Osage reservation, extended, if necessary ; thence up and between said south Osage line, extended west, if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line, will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee nation, a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extends : provided, however, that if the saline or salt plain, on the western prairie, shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain, in commop with the Cherokees ; and letters patent shall be issued by the United States, as soon as practicable, for the land hereby guarantied."

And whereas, it is apprehended by the Cherokees that, in the above cession, there is not contained a sufficient quantity of land for the accommodation of the whole nation, on their removal west of the Mississippi, the United States, therefore, in consideration of the sum of five hundred thousand dollars, hereby covenant and agree to convey to the said Indians and their descendants, by patent in fee simple, the following additional tract of country, situated between the west line of the State of Missouri and the Osage reservation, beginning at the southeast corner and runs north along the east line of the Osage line fifty miles, to the northeast corner thereof, and thence east to the west line of the State of Missouri ; thence with said line south fifty miles ; thence west to the place of beginning ; estimated to contain eight hundred thousand acres of land. But it is expressly understood, that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds, the same shall be reserved and excepted out of the lands above granted, and a *pro rata* reduction shall be made for the same by the United States. The United States also agree that the lands above ceded by the treaty of February 4th, 1833, including the outlet, and those ceded by this treaty, shall all be included in one patent, to be executed to the Cherokee nation by the President of the United States, according to the provisions of the act of May 28, 1830. The military reservation at Fort Gibson shall be held by the United States ; but should the United States abandon said post and have no further use for the same, it shall revert to the Cherokee nation. The United States shall always have the right to make posts and military roads, and forts, in any part of the Cherokee country, as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds, for the construction and support of the same, as may be necessary ; provided that, if the private rights of individuals are interfered with, a just compensation therefor shall be made.

ART. — The United States also stipulate and agree to extinguish, for the benefit of the Cherokees, the title to the reservations within their country, made in the Osage treaty of 1825, to certain half-breeds; and for this purpose they hereby agree to pay to the persons to whom the same belong or have been assigned, or to their agents or guardians, whenever they shall execute, after the ratification of this treaty, a satisfactory conveyance for the same to the United States, the sum of fifteen thousand dollars, according to a schedule accompanying this treaty, of the relative value of the several reservations. And whereas, by the several treaties of the United States with the Osage Indians, the Union and Harmony missionary stations, which were established for the benefit of the Osage Indians, are now situated within the country ceded by them to the United States, the former being situated in the Cherokee country, and the latter in the State of Missouri, it is therefore agreed that the United States shall pay to the American Board of ———.

ART. — The President of the United States shall invest in some safe and most productive public stocks of the country, for the benefit of the whole Cherokee nation, who have removed or shall remove to the lands assigned by this treaty to the Cherokee nation west of the Mississippi, the following sums, as a permanent fund for the purpose hereinafter specified, and pay over the nett income of the same annually, to such person or persons as shall be authorized or appointed by the Cherokee nation to receive the same, and their receipt shall be a full discharge for the amount paid to them, viz: the sum of ——— to constitute a general national fund, the interest of which shall be applied annually by the council of the nation to such purposes as they may deem best for the general interest of their people. The sum of ——— to constitute an orphans' fund, the annual income of which shall be expended towards the support and education of such children as are destitute of the means of subsistence. The sum of ——— to constitute a permanent school fund, the interest of which shall be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as may be established in the Indian country; and in order to secure as far as possible the true and beneficial application of the orphans' and school fund, the council of the Cherokee nation, when required by the President of the United States, shall make a report of the application of those funds; and he shall at all times have the right, if the funds have been misapplied, to correct any abuses of them, and to direct the manner of their application for the purpose for which they were intended.

The council of the nation may, by giving two years' notice of their intention, withdraw their funds, by and with the consent of the President and Senate of the United States, and invest them in such a manner as they may deem most proper for their interest.

The sum of ——— is also hereby appropriated to pay the debts of the Cherokee nation. The Cherokee nation of Indians believing it to be for the interest of their people to have all their funds and annuities under their own direction and future disposition, hereby agree to commute their permanent annuity of \$10,000 for the sum of \$214,000. The same to be invested by the President of the United States as a part of the general fund of the nation; and their present school fund amounting to \$48,251 76, shall constitute a part of the above general school fund of the nation.

ART. — The claims of every kind of the Cherokee people upon the



United States for spoliations, since the treaty of 1819, and for reservations under former treaties, shall be examined and decided upon by the United States commissioners to treat with the Cherokees east, and who have concluded this treaty, and their decision shall be final; and on their certificate of the amount due, the several claimants shall be paid by the United States. And it is expressly understood and agreed between the parties to this treaty, that all the Cherokees and their descendants, to whom reservations have been made under former treaties with the United States, and who have not sold and conveyed away the same by deed or otherwise, and who have complied with the stipulations of said treaties as far as practicable; and which reservations have been since sold by the States in which they were situated, or by the United States, shall be considered as just claims against the United States, and be entitled to receive the value thereof as *unimproved* lands; and all such reservations as have not been sold by the United States, where the stipulations of treaties have been complied with by the reservee, as far as practicable, they or their heirs and descendants shall be entitled to the same; and it is hereby agreed that the same be granted and confirmed to them; and also all persons who were entitled to reservations under the treaty of 1817, and who, as far as practicable, have complied with the stipulations of said treaty, although by the treaty of 1819, it was included in the unceded lands of the Cherokee nation, are hereby confirmed to them. And all such reservees as are obliged by the laws of the States in which they were situated to abandon the same, or to purchase them from the States, shall be deemed to have a just claim against the United States for the amount which they were obliged to pay for the same, with interest thereon; and in case they were obliged to abandon them, to the value of the same, estimated as unimproved lands.

But in all cases where those who have had reservations made to them under former treaties, and who have sold and conveyed the same by deed, or otherwise, or who have commuted for the same with any State in which they were situated, or which the United States shall not be considered as having any claim for the same against the United States under this treaty; it is also understood, distinctly, that the amount which may be allowed under this treaty for the reservations shall not be deducted out of the consideration money allowed under this treaty, for the lands and claims of the Cherokee nation. In order to remove all difficulties in such cases as they may occur, it is hereby agreed between the parties to this treaty, where a Cherokee citizen shall have children by two or more wives, they shall all be equally entitled, the wives and children, to an equal share and proportion of their father's property; where the same has not been otherwise disposed of by a will only ratified and recorded.

ART. — It is also agreed, on the part of the United States, that such warriors of the Cherokee nation as were engaged on the side of the United States in the late wars with Great Britain and the southern tribes of Indians, and who were wounded in such service, shall be entitled to such pensions as shall be allowed by the Congress of the United States, to commence from the period of their disability.

ART. — The United States hereby agree to protect and defend the Cherokees in their possessions and property by all legal and proper means, for two years after the ratification of this treaty, within which time they shall be removed; and if they are unprotected, the United States shall pay

the Cherokees for the losses and damages sustained by them in consequence thereof.

ART. — After deducting from the consideration money allowed by this treaty, and the present annuity and school funds, —, the several sums provided for in this treaty; for land, removal, subsistence, payment of improvements, claims, debts of the Cherokee nation, and the amount to be invested for the permanent national school and orphans' funds, the balance of the whole funds of the Cherokee nation, whatever the sum may be, shall be equally divided among the Cherokee people east, according to the present census, and to which shall be added, and including those who have emigrated since June, 1828, in conformity with the assurances given by the Secretary of War after the removal of the whole nation to their new homes west of the Mississippi river.

And, also, that they shall not be construed as extending to such citizens and army of the United States as may travel or reside in the Indian country, according to the laws and regulations established by the Government of the several ———

Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee nation from domestic strife and foreign enemies, and against intestine wars between the several tribes. The Cherokees shall endeavor to preserve and maintain the peace of the country, and not make war upon their neighbors; they shall also be protected against all interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent, and all such persons shall be removed from the same by order of the President of the United States; but this is not intended to prevent the residence among them of useful farmers, mechanics, and teachers for the instruction of the Indians, according to the treaty stipulations and the regulations of the Government of the United States.

ART. — The Cherokee nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegation in the House of Representatives of the United States whenever Congress shall make provision for the same.

ART. — The United States also agree and stipulate to remove the Cherokees to their new homes, and to subsist them one year after their arrival there, and that a sufficient number of steam-boats and baggage-wagons shall be furnished to remove them comfortably, and so as not to endanger their health, and a physician, well supplied with medicines, shall accompany each detachment of emigrants removed by the Government. Such persons and families as in the opinion of the emigrating agent are capable of subsisting and removing themselves, shall be permitted to do so; and they shall be allowed in full for all claims for the same, twenty dollars for each member of the family, slaves excepted, for which (those now owned in the nation) they shall be allowed eighteen dollars each; and in lieu of their one year's rations, they shall be paid the sum of \$33 and 33 cents, if they

prefer it. Such Cherokees also as reside at present out of the nation, and shall remove with them in two years west of the Mississippi shall be entitled to removal and subsistence, as above provided.

ART. — The United States agree to appoint suitable agents, who shall make a just and fair valuation of all such improvements now owned by the Cherokees as add any value to the lands; and, also, of the ferries owned by them, according to their nett income, and such improvements and ferries from which they have been dispossessed in a lawless manner or under any existing laws of the State where the same may be situated.

The just debts of the Indians shall be paid out of any moneys due them for their improvements and claims: and they shall also be furnished, at the discretion of the President, with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee agency west of the Mississippi. The missionary establishments shall also be valued and appraised in like manner, and the amount of them paid over by the United States to the treasurers of the respective missionary societies, by whom they have been established and improved, in order to enable them to erect such buildings and make such improvements among the Cherokees west of the Mississippi as they may deem necessary for their benefit; such teachers, at present among the Cherokees, as their council shall select and designate, shall be removed west of the Mississippi with the Cherokee nation, and on the same terms allowed them.

Those individuals and families of the Cherokee nation that are averse to a removal west of the Mississippi, and are desirous to become citizens of the States where they reside, and who, in the opinion of the commissioners or the agent of the Cherokees east, are qualified to become useful citizens, and competent to manage their business with discretion, shall be entitled to receive their due proportion of all the personal benefits accruing under this treaty, for their claims, improvements, ferries, per capita allowance and subsistence here, and shall be entitled to a pre-emption right of one hundred and sixty acres of land, to include their improvements, within that part of the Cherokee nation which lies within the States of North Carolina, Tennessee and Alabama: this right of pre-emption to extend to all those heads of families of the above description who now reside within these States, or shall be found resident therein and having improvements on the first day of June, 1836, and the certificate of the commissioners shall entitle them to their right of pre-emption.

Such Cherokees, also, who, in the opinion of the commissioners or agent are capable of taking proper care of their farms and property, and are desirous of receiving their money before they remove west, shall also be paid here, and as soon as an appropriation is made for that purpose.

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No. 59.

RED CLAY COUNCIL GROUND, *October 31, 1835.*

SIR: Neither your last communication in writing, nor that with which you did us the honor to accompany it in person, appear to disclose any views materially different in fact from those upon which we have already decided, although there may be some difference in form. We are, therefore, compelled once more to assure you, that our former answer must be,

considered as final, and our arrangements requiring despatch, we have closed our meetings as a delegation and shall do no further business until we arrive at Washington.

This decision will preclude the necessity of our entering into any discussion upon minor points; and we will only state, generally, that your last letter seems written in haste, because it discloses several misapprehensions which we trust would not have been the case had you weighed it more maturely.

In reference to another council at New Echota, we cannot enter into your views, as the people have already made their election upon the course they wish pursued. We, in their name, protest against any future meeting being called under the name of a council, in the way you propose, as an unnecessary agitation of the public mind, and as an act which will never be recognised by the Cherokee nation, but must result only in useless expense to your Government; which it would be in us uncandid to encourage.

It, therefore, only remains for us to desire that you will have the goodness to apprise your Government that we depart for Washington on the first of December next, with full powers from the Cherokee people, in general council assembled, to make such a treaty as may appear to us best calculated to ensure the present peace and future prosperity of our country.

And now, once more regretting that we should not have been fortunate enough to meet your views, we have only to add the respectful farewell with which

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

John Ross,	Elias Boudinot,
Elijah Hicks,	Sleeping Rabbit,
John Ridge,	John Huss,
Richard Fields,	Oolenowa,
Charles Vann,	John Benge,
R. Taylor,	Joseph Vann,
James Brown,	Lewis Ross,
Thomas Foreman,	J. F. Baldridge,
John Martin,	Peter of Aquohee.

REV. JNO. F. SCHERMERHORN,  
- United States commissioner.

No. 60.

RED CLAY COUNCIL GROUND,  
October 30, 1835.

SIR: I am informed by some of your delegation that you have taken a copy of the propositions for a treaty I proposed to you to-day for your consideration; you have seen fit to reject my propositions, and, without my consent, you had no right to take a copy of my papers; and therefore you are requested to deliver the copy you have taken, without my consent, to Major Davis, the secretary of the commissioners.

With respect, your obedient servant,  
J. F. SCHERMERHORN,

*U. S. Commissioner to treat with the Cherokees, east.*

Mr. JOHN ROSS,  
P. C. C. Nation.

[This note was handed by Major Davis to Mr. Ross, at his residence, on the morning of the 31st October, after the adjournment of the general council.]

No. 61.

RED CLAY, *November 23, 1835.*

SIR: When I saw Mr. Ridge at Spring Place, in my late captivity, he told me that there was some doubt of your going on to Washington city with the delegation; and since my return home I have seen Mr. Stephen Foreman, who assured me that he heard you say that you had come to the determination not to go. As the time fixed upon for the departure of the delegation is at hand, it is proper and necessary that I should be informed of your final decision upon this point; and should you decline accompanying the delegation on their mission, you will please to signify it, and send me your written resignation, as a delegate, by the bearer.

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

JOHN ROSS.

Mr. ELIAS BOUDINOT.

No. 62.

NEW ECHOTA, *November 25, 1835.*

DEAR SIR: I send you my resignation by Mr. Wier, which I should have done by Mr. Ridge, if you had not sent. I should have been happy to have acted with you here, but I cannot go to Washington. As I suppose you will have to fill the vacancy, through my suggestion, and the approbation of all our friends who were consulted, my brother, Stand Watie, will be recommended to you by Major Ridge and George Chambers, who have agreed to give place to him. Though probably not particularly known to you, from his great modesty, yet he is a man of sterling sense and integrity, and you will be pleased to find him so. I hope there will be no objection to his filling my place.

Very respectfully,

ELIAS BOUDINOT.

Mr. JOHN ROSS.

NEW ECHOTA, *November 25, 1835.**To the Delegation:*

GENTLEMEN: Finding that I cannot consistently accompany you to Washington as a member of the Cherokee delegation, I have thought proper to resign my appointment, which I herewith accordingly do.

Very respectfully,

ELIAS BOUDINOT.

To JOHN ROSS, and others,  
*Cherokee delegation.*

No. 63.

CHEROKEE AGENCY,  
*November 30, 1835.*

DEAR SIR: Mr. Elias Boudinot has resigned his appointment as member of the Cherokee delegation, and I have consulted with the as

sistant principal chief on the subject of filling the vacancy. We have agreed to appoint your father, Major Ridge, to accompany the delegation to Washington city, as a member, but in case he should decline to accept, then the appointment will be offered, agreeably to the understanding between you and myself, at Spring Place, to Mr. George Chambers, who, it is to be hoped, will not decline to accept.

In filling any vacancy which might occur on this occasion, we can only act on the principle of unanimity, and make the appointment from the citizens of the nation, without knowing any parties, looking only to the approbation and interest of the great mass of the people.

I am, dear sir, your obedient servant,

JOHN ROSS.

Mr. JOHN RIDGE.

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No. 64.

ATHENS, TENN. *December 1835*

SIR: I have the honor to decline going on with you to Washington city, after having read John Howard Payne's statement, and the Cherokee address to the people of the United States, prepared, no doubt, at your request and suggestion.

That address unfolds to me your views of policy, diametrically opposite to me and my friends, who will never consent to be citizens of the States, or receive money to buy land in foreign parts.

I trust that, whatever you do, if you can effect a treaty, that the rights of the poor Indians, who are nearly naked and homeless, will not be disregarded.

Neither do I believe waging a political war, by appealing from the treaty-making power of the United States, will be of service to our people, but will result in their ruin.

I will not trouble you with an answer. I hereby return your letter, addressed to me, concerning our understanding of the appointment of Major Ridge, or George Chambers, as a delegate.

I am, sir, respectfully, your friend,

JOHN RIDGE.

Mr. JOHN ROSS.

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No. 65.

ATHENS, TENN. *Dec. 4, 1835.*

SIR: You do me unmerited injustice in your remarks. I have not settled upon any fixed course in relation to the duties assigned to the delegation. In their business, the whole delegation are to determine, and I am but one of them. It is the good of the whole Cherokee people alone which I desire, in whatever may be done, therefore I must request you to pause and reconsider your intention of declining to go on with the delegation.

Yours, very respectfully,

JOHN ROSS.

Mr. RIDGE.

P. S. The address written by Mr. Payne, was based by him on the former correspondences with the United States Government.

No. 66.

CHEROKEE AGENCY, EAST,  
November 30, 1835.

GENTLEMEN: Enclosed I transmit, for your perusal, copies of letters from the War Department to Mr. Schermerhorn and myself, which contain the views and determination of the President of the United States, and the Honorable Secretary of War in relation to your contemplated visit to the city this winter.

I am at the same time authorized to say to you, that Messrs. Carroll and Schermerhorn will attend at New Echota, on the 3d Monday in December next, prepared to enter upon the duties assigned them, of which they request general notice to be given to the Cherokee people east.

Very respectfully,

Your most obedient servant,

BENJAMIN F. CURREY,  
*Special agent for the Cherokees, east.*

*To John Ross, John Ridge, Lewis Ross, Jesse Bushyhead, Thomas Foreman, Richard Taylor, John Martin, and others, delegates appointed in behalf of the Cherokees to treat with the United States Government.*

No. 67.

WAR DEPARTMENT, Nov. 14, 1835.

SIR: Agreeably to your request, I enclose the copy of a letter addressed by the Commissioner of Indian Affairs to Mr. Schermerhorn, on the subject of the council he has been instructed to hold with the Cherokees, and of their proposed visit to this city.

You are at liberty to give full publicity to the terms of that letter, as it contains the determination of the President, from which he will in no event depart. It will be utterly useless, therefore, for the proposed delegation to come here, under any expectation of holding communications with this Department.

I shall lament exceedingly if the Cherokee people cast from them this chance of a liberal and final settlement of their affairs. Such a proceeding would lead, I fear, if not to actual destruction, still to great distress, and to an annihilation of all prospects of their improvement and advancement.

Very respectfully,

Your obedient servant,

LEWIS CASS.

Major B. F. CURREY,  
*Superintendent Cherokee emigration.*

WAR DEPARTMENT,  
*Office of Indian Affairs, Nov. 10, 1835.*

SIR: I have the honor to acknowledge the receipt of your letter of 27th ultimo, enclosing copies of letters with the Cherokee chiefs.

From the tenor of the correspondence, I am inclined to think that they do not perceive their true interest, and that they are still determined, through the influence probably of bad counsel, to reject the liberal overtures that have been made to them by the Government.

You have done right in stating to them explicitly, and you will repeat the assurance, that no delegation from them will be received here, and that no treaty will be listened to, unless made in accordance with the terms heretofore offered and specified in the letter of the acting Secretary of War, of 25th May last.

If, therefore, on the receipt of this, you shall not have concluded an arrangement with them, or there is not an encouraging prospect of speedily making one with them, consistently with the instructions and views already communicated to you, you will immediately leave their country, and return to this place.

Very, &c.

ELBERT HERRING.

Hon. J. F. SCHERMERHORN,  
*Calhoun, Tennessee.*

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No. 68.

CHEROKEE AGENCY, *December 2, 1835.*

SIR: The undersigned delegation of the Cherokee nation, in reply to your letter of the 30th ultimo, have only to refer you to their letter of the 30th of October last, to the Rev. Jno. F. Schermerhorn, it being the last and final communication the delegation had to make to Mr. Schermerhorn, on the subject of his mission. They have now only to reiterate the contents of that letter, and request that you will have the goodness so to inform Messrs. Carroll and Schermerhorn. Also, that in pursuance of the imperious duty enjoined on the delegation by the Cherokee nation, they have set out on their journey for the seat of the United States Government.

They have the honor to be, sir,

Your obedient servants,

John Ross,	Lewis Ross,
Elijah Hicks,	John Huss,
John F. Baldridge,	R. Taylor,
John Benge,	Sleeping Rabbit,
Joseph Vann,	James Brown,

*In behalf of themselves and others, Cherokee delegation.*

MAJOR BEN. F. CURREY,  
*United States agent.*

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No. 69.

WASHINGTON CITY,  
*January 2, 1836, at Mrs. Arguelles's.*

The undersigned delegation of the Cherokee nation east, present their compliments to the honorable Secretary of War, and beg leave to report through him, for the information of the President, their arrival in this city,



with powers to enter into an arrangement with the General Government of the United States for a final adjustment of the existing difficulties of their nation, &c. They would also respectfully state that, so soon as it shall meet the convenience of the honorable Secretary of War, and his Excellency the President, to receive them, it will afford them pleasure to wait upon the honorable Secretary and President of the United States.

The honorable Secretary will, therefore, please communicate to the undersigned the earliest time convenient to receive their visit.

Most respectfully they are, sir,

Your obedient humble servants,

John Ross,	Peter of Aquohee,
Lewis Ross,	Jno. Ridge,
John Martin,	Rich'd Fields,
R. Taylor,	Charles Vann,
Thomas Foreman,	Jesse Bushyhead,
Sleeping Rabbit,	Stand Watie,
Jno. F. Baldrige,	Elijah Hicks,
Oolenowa,	John Berge.
John Huss,	

To the hon. LEWIS CASS, *Secretary of War.*

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No. 70.

WAR DEPARTMENT, *January 4, 1836.*

GENTLEMEN: In answer to your letter, stating your desire to have an interview with me, I have to inform you that I will see you whenever you will call at the Department for that purpose. It is proper, however, to remark, that I presume the views of the President relating to the final consummation of a treaty with your people at the city of Washington are known to you.

Very respectfully, your most obedient servant,

LEWIS CASS.

Mr. JOHN ROSS *and the Cherokee delegation,*  
*at Mrs. Arguelles's, Washington.*

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No. 71.

*January 9, 1836.*

SIR: In relation to the memorial or letter of Major Ridge and others, which was shown to you this morning, I am instructed to say, that it is considered inexpedient to furnish you with a copy.

Very respectfully, your humble servant,

ELBERT HERRING.

JOHN ROSS, Esq.

No. 72.

WASHINGTON CITY, AT MRS. ARGUELLES'S,  
January 14, 1836.

SIR: After exhibiting before you, for the information of the President, the full powers vested in us by the Cherokee people, as their representatives, to conclude an arrangement with your Government for the final adjustment of the existing difficulties of our nation, we were assured by the President at our interview with him, that, whenever we should present any proposition for the consideration of the Government through your Department, that it would be immediately attended to. Being earnestly desirous to enter upon the duties of our mission without unnecessary delay, it was with no little embarrassment we were informed by the Commissioner of Indian Affairs, that he was instructed not to furnish us with a copy of a letter which he had already agreed to let us have, from certain persons of our nation, and addressed to the President of the United States, and which was said to contain principles for a treaty upon which the President of the United States would insist in the proposed convention. Having come to the conclusion to submit the wishes of the Cherokee people without further delay, and when on the eve of being prepared to do so, it was stated to one of our colleagues by the Commissioner of Indian Affairs, that a letter had been received by the Department from Mr. B. F. Currey, United States agent, communicating intelligence of a treaty having been entered into between the United States commissioners and the chiefs and warriors of the Cherokee nation east, in council, at New Echota. We have received no information from our constituents on this subject, as yet. Being possessed of the views and wishes of the Cherokee people east, and having been by them vested with the fullest powers, as has been shown, to conclude an arrangement with the Government of the United States in their behalf, we cannot but confess our surprise on receiving the information given by Judge Herring, and we beg leave to express our apprehension, that if such a convention has been concluded, it has not been by the voice of the nation, but directly against their will. Resting under the strongest conviction of this fact, we deeply deplore the situation of our people, and anticipate with horror, the consequences which may grow out of it, not to the United States, but to the Cherokee people. You will readily perceive the awkward and delicate situation in which we are placed. Our present position, not one of choice, imposes the necessity of requesting to be informed if any thing in the form of a treaty has been entered into by the United States commissioners; and, if so, with whom, and when, and also of its contents or purport, or if the instrument has been received at the Department, that it may be laid before us. We beg you to be assured that this request is not made for delay, or to gratify idle curiosity; but it is essential to a correct understanding between us, in our negotiation, that we should guard against any impositions which might emanate through misrepresentation or fraud, to the end that we may be enabled to discharge the important duties of our

mission harmoniously, under the sanguine hope of its speedy and favorable termination.

We have the honor to be, sir,  
Very respectfully,

Your obedient, humble servants,

John Ross,	Thomas Foreman,
Lewis Ross,	James Brown;
John Martin,	John Ridge,
R. Taylor,	Sleeping Rabbit,
Richard Fields,	Oolenowa,
Joseph Vann,	John F. Baldrige,
Charles Vann,	Peter of Aquohee,
John Huss,	Jesse Bushyhead,
John Benge,	Elijah Hicks,

*Representatives of the Cherokee nation.*

To the Hon. LEWIS CASS,  
Secretary of War.

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No. 73.

WAR DEPARTMENT, Jan. 16, 1836.

GENTLEMEN: In answer to your letter of the 14th inst. I have to inform you that Mr. Schermerhorn has reported the formation of a treaty with the general council of the Cherokee people. It has not been received here, nor are its terms known. I presume, however, that they are in conformity with the instructions given to the commissioners, which I suppose are well known to you. As to the paper to which you refer, I have only to observe that I see no kind of use in giving you a copy of it. Such a document would, probably, occasion additional discord among your people, and might lead to loss of life. As you have read it, its contents must be sufficiently known to you for all useful purposes.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Mr. JOHN ROSS,

" LEWIS ROSS,

" JOHN MARTIN,

" R. TAYLOR, and others,

*Members of the Cherokee delegation Washington.*

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No. 74.

Whereas, we, the citizens of the districts of Aquohee and Taquohee, in the Cherokee nation, are informed that, on the 21st of December, 1835, certain individual Cherokees assembled at New Echota, and without any authority from the council or people of the nation, entered into an agreement with the Reverend Mr. Schermerhorn, under the name of a treaty, by the provisions of which, all the lands of the Cherokees are ceded, their

government and laws abolished, their private improvements, the property of individuals alienated from their rightful owners, without their consent, and all their rights, as freemen, wrested from them; and left to the discretionary disposal of strangers.

And whereas, we are further informed, that this compact is to be presented to the Senate of the United States for ratification, as a treaty, we, the undersigned, do, with the deepest anxiety and the most respectful earnestness, appeal to the Senate of the United States against the ratification of the same; and in entering our protest before that honorable and august body, we again humbly solicit their attention to the following points; on account of which we so urgently deprecate the ratification of said instrument. viz. the persons who are represented as acting in behalf of the Cherokees, in this matter, are wholly unauthorized, and the circumstance of a few individuals making a treaty vitally affecting the liberties, the property, and the personal rights of a whole people, appears to us so utterly repugnant to reason and justice, and every dictate of humanity, that we come to the Senate of the United States with full confidence that, under such circumstances, the voice of weakness itself will be heard in its cry for justice. To the basis of said instrument, and most of its details, we entertain insuperable objections; but being fully persuaded that an instrument so unwarranted will not be sanctioned by the Senate, we deem it unnecessary to recite the particular provisions which it contains, as we feel all assurance of the justice and magnanimity of the august body before whom we humbly presume to present our grievances.

*[Signed by three thousand two hundred and fifty persons.]*

[The signatures to the original, as counted in the office of the Secretary of the Senate, are three thousand three hundred and fifty-two.]

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No. 75.

WASHINGTON CITY,  
February 9, 1836.

Sir: In your letter of the 16th, in reply to ours of the 14th ultimo, you say that Mr. Schermerhorn had "reported the formation of a treaty with the general council of the Cherokee people," and that it had not been received at the Department, nor were its terms known, "but you presumed they were in conformity with the instructions given to the commissioner which you supposed were well known to us." It becomes our duty now to state, explicitly, that the apprehensions we entertained and expressed, in relation to the voice and will of the Cherokee people on this subject, have been fully verified. We have received, by the hand of James D. Woffard, of our nation, who has been deputed as a special messenger by the Cherokee people of Aquohee and Taquohee districts, their protest against the confirmation of the treaty, which is said to have been formed by the commissioners.

This protest is signed by three thousand two hundred and fifty persons, and from information derived from other sources, it is evident that the great body of the Cherokee people deprecate the proceedings of the New Echota meeting. We know nothing of the tenor of the instructions under

which the commissioners acted; but it is enough for us to know that the Cherokee people, whose rights and interests we have the honor to represent, disapprove of, and solemnly protest against, the proceedings of New Echota. As we have heard of Mr. Schermerhorn's arrival in this city, we presume he has, ere this, laid before the Executive department his proceedings. We would, therefore, respectfully request to be informed of the final determination of the President concerning the treaty said to have been formed by the commissioner.

You have seen from the powers vested in us by the whole Cherokee people, that we are the only legal representatives to whom their rights and interests, in all things, have been confided, in the contemplated negotiation with the Government of the United States.

You will readily see the propriety and necessity of removing every impediment which may be placed in the way of a free and untrammelled intercourse between the authorized representatives of the Cherokee people and the Executive department.

If we are, therefore, to be considered as we have already been recognised, the duly constituted representatives of the Cherokee nation, with whom to enter into a treaty arrangement, for the adjustment of the existing difficulties, under which the Cherokee people are so unjustly suffering, and the Government be now ready to receive propositions from us, we wish to be distinctly informed of the fact.

The suffering condition of our people requires that the duties assigned to us by them should be performed as soon as practicable; and should there be no difficulties thrown in our way, we will be ready to prepare and submit, for the consideration of the President, propositions for a treaty arrangement, based upon such principles as will meet the approbation of the Cherokee people, with the hope that they may also merit the sanction of the United States Government.

We have the honor to be, sir,

Your obedient servants,

John Ross,	Thomas Foreman,
John Martin,	Peter A. Aquohee,
Richard Fields,	R. Taylor,
John Ridge,	James Brown,
John Benge,	Jesse Bushyhead,
Lewis Ross,	Charles Vann,
John Huss,	J. F. Taylor,
Sleeping Rabbitt,	Elijah Hicks,
John F. Baldrige,	S. Watie.
Oo-le-no-wa,	

Hon. LEWIS CASS, *Secretary of War.*

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No. 76.

WAR DEPARTMENT,  
*Office Indian Affairs, February 13, 1836.*

GENTLEMEN: Your communication of the 9th instant, addressed to the Secretary of War, has been referred to this office to be answered.

The treaty to which the Secretary of War alluded in his letter to you

of the 16th ultimo, has been submitted to the Department, and you are at liberty to inspect and peruse it, and I will add, to sign it also, agreeably to the instructions of the general council of the Cherokee nation, held at New Echota on the 21st of December last.

You allege "that a protest against its confirmation, signed by 3,250 persons, has been received by you from the hands of a special messenger sent on by the Cherokee people;" and you add, "it is evident, from information derived from other sources, that the great body of the Cherokee people deprecate the proceedings of the New Echota meeting."

The discipline under which the Cherokees act, in obedience to the dictates of their chiefs, readily accounts for the numerous signatures attached to the alleged protest; but it is difficult to believe that such a number of your tribe would have signed it had the treaty been fairly made known to them, and fully explained. The brief space of time that has elapsed since the adoption of the treaty and the reception of the protest, plainly indicates the precipitancy with which it has been hurried on, and cannot justly be considered a fair expression even of the feelings of those who signed it. Permit me also to assure you, gentlemen, that you are laboring under extreme misapprehension in believing that you have been recognised by the Department as the duly constituted representatives of the Cherokee nation.

The delegation from the Cherokee nation of which some of you were members, and which visited this city last winter, was emphatically assured, during the last session of Congress, and that assurance was officially repeated in the course of the following autumn, that no delegation would be received here to make a treaty; and, in defiance of that notification, you have come on and presented yourselves for that purpose. How could you, under such circumstances, imagine that you would be received by the Department as the duly constituted representatives of the Cherokee people? It is not easy to account for that strange error of opinion, unless it arose from the courtesy with which you were treated when you called upon the President and Secretary of War.

It is proper to observe that the delegation of which Major Ridge and others are members, was appointed by the general council of the Cherokee nation at New Echota, after the adoption by that body of the proffered treaty, and they were sent on to effect its ratification, and not to make a new treaty.

In conclusion, I would beg to remark that if, as members of the Cherokee nation, you see fit to submit propositions to the Department touching the interests of your people; they will receive due consideration, and such an answer as they may seem to require. But you will distinctly understand that you will not be recognised by the Department as members of a delegation, unless you unite with the delegates appointed by the general council of the Cherokee nation in December last, after their adoption of the proffered treaty, and in pursuance of instructions from that body, sign the adopted treaty, and co-operate with the delegation chosen and sent on by them to effect its ratification.

Very respectfully,

Your humble servant,

ELBERT HERRING.

Messrs. JOHN ROSS, JOHN MARTIN, and others,

Washington city.

No. 77.

WASHINGTON CITY, February 6, 1836.

GENTLEMEN: The undersigned, a delegation appointed at a general council held in New Echota, in December last, and convened agreeably to a public notice, signed by William Carroll and J. F. Schermerhorn, commissioners of the United States, to negotiate with the Cherokees east, herewith submit to your consideration the accompanying articles of a treaty. We do this in compliance with the instructions of the council, which will be found in the copy of the journal also herewith submitted.

It is needless, gentlemen, to speak at large upon the imperious considerations and urgent necessity which has compelled your constituents at home to negotiate this treaty; those considerations and that necessity are found in the suffering condition of our people, the *urgency* of some relief, and the *uncertainty* of it, as was apprehended, from the fact that you were officially informed before you left the Cherokee country, that the President of the United States would not receive your delegation; and that if a treaty was made, it must be made with the people at home, according to the instructions given to the commissioners, one of whom was then in the country. That uncertainty was also greatly increased from similar declarations that were made to the council at New Echota, and the circumstances that had brought about the award of the Senate last winter, and a certain protest signed at Red Clay, and appended to the instrument of writing that gave you authority as a delegation, declaring that that award of the Senate, made upon the reference of our own delegation, *would never be accepted*. It appeared to the council, therefore, that there was no other alternative left but either to linger out another miserable year, subject to all the privations incident upon the oppressive legislation of the States, or immediately to settle these perplexed difficulties by a treaty arrangement. In doing what the people have done at New Echota, it was with no view to lay any obstacles in your way. They were desirous that the matter should have been settled by you if practicable, and they have instructed us, as their delegation, to proceed in such a manner as not to retard any good work that you may have done or can do for the benefit of the Cherokees. In compliance, therefore, with that instruction, we assure you of the heartfelt satisfaction that it would give us, and certainly our constituents, if you have settled or can settle our difficulties with the Government by a treaty. The treaty we now present to you was signed as the best that can be obtained from the Government. So it was considered by those who signed it. If, upon a perusal of it, you will, in your wisdom, consider that a better one can be made, and will be enabled to effect one, it will rejoice us much; and we will congratulate our country in the happy consummation. You will perceive from the copy of the journal we herewith transmit, that we are instructed, in case that you have not already made, or are able to make a better, to urge the ratification of this treaty, and we shall proceed to the performance of that duty as soon as we shall be satisfied upon that point. As the case is very urgent, the misery of our people accumulating every day, we trust we may be enabled soon to [learn] your prospects and your views upon this most important matter. If you think the treaty we send you is the best we can obtain from the Government, of which we are decidedly convinced, but will propose any modification or alteration which will

be to the advantage of our people, we shall be happy in lending you any assistance in our power.

We are, gentlemen, with high respect,

Your humble and obedient servants,

Major Ridge, his × mark,

James Foster, his × mark,

Long-shelled Turtle, his × mark,

Tah-ye Skee, his × mark,

John Fields, his × mark,

William Rogers,

John A. Bell,

James Star, his × mark,

George Welch, his × mark,

John Gunter,

Joseph A. Foreman.

Johnson Rogers, *secretary to the delegation.*

Mr. JOHN ROSS, and others,

*Cherokee delegation, now in Washington city.*

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No. 78.

NEW ECHOTA COUNCIL HOUSE,  
*December 22, 1835.*

The people of the Cherokee nation having convened at this place, according to the notice of the United States commissioners, William Carroll and John F. Schermerhorn, they were addressed by the commissioner, Mr. Schermerhorn, then present, who stated fully the manner in which the meeting had been called, and its objects, namely, to lay before them certain propositions for a treaty which he would submit to-morrow.

The council then organized and appointed John Gunter to preside at this council, and Alexander McCoy secretary. The meeting then adjourned till to-morrow morning.

*December 23, 1835.*—The council assembled at the council-house, and the commissioner addressed the people, and presented to them propositions for a treaty, which were then read and fully explained, both in the English and Cherokee languages. After some discussion, it was

*Resolved,* That this council will receive the propositions, and enter into negotiations with the United States commissioners.

*Resolved,* That a committee of twenty persons be appointed to consider the propositions which have been submitted to the council, and that they have power to confer with the commissioner on such points of difference as may arise between the United States and the Cherokee people provisionally, and that they report their proceedings to the people in general council assembled, for their approbation or disapprobation.

*Resolved,* That William Rogers, Elias Boudinot, and John Gunter, belong to this committee, and that they nominate seventeen others as said committee.

The committee nominated the following persons, and who were appointed by the council, namely: Major Ridge, George Chambers, Archilla Smith, Te-sata-skee, Jesse Half-breed, Charles Foreman, Charles Moore, Robert



Rogers, James Foster, William Lassley, Ka-ti-hee, Tah-ye-skee, Te-kah-eskee, Washington Adair, Andrew Ross, James Starr, and John A. Bell.

*Resolved*, That the Arkansas delegation be requested to participate in this council.

The council then adjourned to meet again at the call of the committee.

*December 28, 1835.*—The council assembled at the council-house, and, in the absence of Mr. Gunter, appointed Johnson Rogers chairman.

The committee reported that they had carefully examined the propositions for a treaty, and conferred with the commissioner on some points of difference as to spoliation claims, pre-emption rights, and reservations, under former treaties. And it was agreed by the commissioner, that there should be a certainty on the subject of claims, before the treaty was submitted to the Senate. And also, that a committee should be appointed, of the Cherokee people, to recommend suitable persons for pre-emption privileges, and to transact and settle all the business of the nation, under this treaty with the United States. The subject matter of the treaty, as agreed upon by the committee and commissioner, was fully explained to the people, both in the English and Cherokee languages. After due deliberation and consideration of the same, it was

*Resolved*, That the committee of twenty be, and hereby are, fully authorized and empowered to make and conclude the said treaty with the United States commissioner, and sign the same in behalf of the Cherokee nation.

*Resolved*, That a committee of five be appointed, to consist of William Rogers, Elias Boudinot, John Gunter, Bear Meat, and John West, to nominate a delegation to accompany the commissioner to Washington city with the treaty, and whose duty it shall be to use all their influence with their brethren who were appointed a delegation at the Red Clay council, and who are now at Washington city, to sign this treaty; and they are hereby requested and instructed to do so, if they have not already made, or cannot make, a better treaty. And it shall also be the duty of the delegation appointed by this council, to use their best exertions to secure the ratification of this treaty, by the United States Senate, if a better shall not be effected; and they are hereby also authorized to make such alterations in this treaty as they may find necessary to secure its ratification, and to promote the peace of the Cherokee people.

The council then adjourned, to assemble at the call of the committee.

*December 30, 1835.*—The council met at the council-house, and, in the absence of A. McCoy, appointed Johnson Rogers, secretary. The committee appointed to conclude the treaty, made a report, that, on yesterday, in conformity with the power in them vested, they did sign and seal for and in behalf of the Cherokee nation, a treaty with the commissioner on the part of the United States. On the question of approval of this act of the committee, it was unanimately concurred in by the people.

The committee of nomination reported the following persons as the delegation to Washington, viz: Major Ridge, John Sanders, William Rogers, James Foster, John A. Bell, John Fields, George Welch, John Gunter, Long-shell Turtle, James Starr, Joseph Foreman, John Timpson, and Roman Nose. A vote was then taken on each of the persons nominated, and all confirmed but that of Roman Nose.

*Resolved*, That in case of the death or resignation of any of the delegation, the vacancy may be filled by the other members of the delegation.

The whole proceedings of the council from the commencement, and of the committee, were then read and explained, and were unanimously confirmed by the people in general council assembled; and the chairman and secretary were required to sign the same, and cause a copy thereof to be handed to the United States commissioner.

JOHN GUNTER,

*Chairman to the council of the C. N. convened at New Echota.*

JOHNSON ROGERS, *Secretary.*

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No. 79.

*Resolved by the committee and council in general council assembled,* That, having been informed that certain individuals of the Cherokee nation, after having organized themselves into a body, and calling themselves a general council, did, at New Echota, appoint a committee, consisting of Major Ridge, William Rogers, Robert Rogers, Elias Boudinot, John Gunter, Teasteskee, Charles Foreman, Charles Moore, John A. Bell, George Chambers, Teyeskee, Archilla Smith, James Starr, Katihee, James Foster, Jesse Half-breed, George W. Adair, Andrew Ross, William Lassley, and Tekaheskee, did, on the 28th or 29th of December last, at New Echota, enter into an agreement or treaty with John F. Schermerhorn, commissioner on the part of the United States, ceding away the entire lands of the Cherokee nation east of the Mississippi, to the United States, contrary to the known will and declaration of a large majority of the Cherokee people, and without any authority whatever from the authorities and people of the Cherokee nation so to act:

Now, be it known that we, the undersigned, members of the committee and council, in general council convened, do most solemnly protest, before God and man, against the said treaty, and of its ratification by the Senate of the United States, as we are determined never to acknowledge any acts of individuals without authority, *to treat away the most sacred rights and dearest interests of the Cherokee people.*

And be it further known that we will never submit to any arrangement or treaty unless it is made by the proper authorized delegation of the nation, who were duly empowered and authorized at Red Clay general council, in October last, to represent the rights and interests of the Cherokee people before the Government of the United States, composed of Messrs. John Ross, principal chief, Richard Taylor, Lewis Ross, John Martin, John F. Baldrige, John Bengé, Joseph Vann, James Brown, John Huss, Jesse Bushyhead, Sleeping Rabbit, Soft-shell Turtle, Peter, John Ridge, Charles Vann, Thomas F. Taylor, Thomas Foreman, Richard Fields, and Elijah Hicks; and whose acts the Cherokees will acknowledge; no others having authority from the Cherokee people to enter into any arrangement with the Government of the United States, excepting the delegation above named.

Done at Red Clay, Cherokee nation, this 3d day of February, 1836.

SAMUEL GUNTER,  
President Nat. Committee, *pro tem.*

A. McCoy, Clerk Nat. Com.

Hair Conrad,	Young Glass,
George Still,	John Watts,
George Hicks,	James Spears,
Old Fields,	Bean Stick,
Canetah,	Walking Stick,
Fence-maker,	Tahquoh,
Tahloluskee,	Sitwakee,
Chumelhuskee,	Sweet Water,
John Timpson,	White Putt,
James Hawkins,	Necowe,
<i>Members of Council.</i>	Charles,
Going Snake, <i>Speaker.</i>	Chuwalaskee,
Archibald Campbell,	Money Crier,
The Bark,	George Canby,
Chunuhukah,	<i>Clerk Nat. Council.</i>

Approved : GEORGE LOWREY,  
EDWARD GUNTER.

We, the undersigned individual citizens of the Cherokee nation, do concur with the resolution and protest of the committee and council adopted at Red Clay, Cherokee nation, February 3, 1836.

[*This protest is signed by upwards of twelve thousand persons.*]

[The signatures to the original protest, as counted in the office of the secretary of the Senate, are fourteen thousand nine hundred and ten.]

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No. 80.

WASHINGTON CITY, February 29, 1836.

SIR : At the date of our communication of the 9th instant, we believed that we would have been enabled to have convinced the Government of our sincerity, in the assurances we had so repeatedly made through your Department, of our deep solicitude for a speedy and amicable adjustment of the perplexing difficulties under which the Cherokee people are now suffering; and, also, that the Executive department would have been fully satisfied with the ample powers exhibited before you, by us, that we had been delegated and duly constituted, as representatives of the whole Cherokee people, for the purpose of entering into a treaty arrangement with the United States Government. Under this anticipation, and with all the frankness and candor due to the importance of the subject, we addressed you the several letters which have been replied to by the Department. Keeping in view what passed between us verbally as well as in writing, together with the sanction of the address of letters we have been honored with from you, we could not for one moment hesitate as to the recognition of our delegated functions from the Cherokee people, by the Government. However, the letter of Elbert Herring, Esq. dated the 13th, written as a

reply to the one we had the honor of addressing you on the 9th instant, seems to express emphatically, that "*we were laboring under extreme misapprehension, in believing that we have been recognised by the Department as the duly constituted representatives of the Cherokee nation,*" and without a shadow of authority and any force of reason, he professes not to believe that the protest alluded to in our letter of the 9th instant, nor the information therein communicated by us, contains a fair expression, even of the feelings of those who signed it. Instead of being informed, as has been requested, of the *final determination* of the President concerning the treaty said to have been formed by the commissioners, we are told it has been submitted to the Department, that we were at liberty to inspect and peruse it, and to sign it also, agreeably to the instructions of the general council of the Cherokee nation, held at New Echota, on the 21st of December last. Mr. Herring has also thought proper to observe, that "the delegation, of which Major Ridge and others are members, was appointed by the general council of the Cherokee nation, at New Echota, after the adoption by that body of the proffered treaty, and that they were sent on to *effect its ratification and not make a treaty.*" And we are also told "you will distinctly understand that you will not be recognised by the Department as members of a delegation, unless you will unite with the delegates appointed by the general council of the Cherokee nation in December last." We are fully informed of the manner in which the council alluded to was gotten up, the course of proceeding in it, and the object intended to be attained. We beg once more to reassure you, that the will of the Cherokee people was not then expressed; nor are their wishes contained in the instrument the Department informs us we may sign; that meeting consisted only of a small faction; and the agitators and actors in it were altogether self-constituted, as will be fully seen by the protests of the Cherokee people, a copy of which are herewith submitted, and they are numerously signed by them; the last one was received a few days since, through the hands of Messrs. Daniel McCoy, Archibald Campbell, and Bark, who have been specially deputed by the general council of the nation, held at Red Clay, on the 1st instant, for the double purpose of bringing on said protest to us and to be associated with us in the discharge of the duties assigned to us by the nation. So, you will clearly see that the meeting which took place at New Echota, was by no means the act of the Cherokee people, and that it cannot justly be called "the general council of the Cherokee nation." The people themselves have raised their voice against the proceedings of that meeting, and protested against its acts. They deny the right of the few individuals who have presumed to arrogate to themselves the powers of the nation. Consequently, it is altogether untrue, in point of fact, that *we* have been instructed by the "general council of the Cherokee nation" to sign the instrument alluded to. And it is equally unfounded to suppose that Major Ridge, and others associated with him in their doings at New Echota, have been appointed by the "general council of the Cherokee nation," as a delegation, and sent on to this place to effect the ratification of their own individual acts, or to make a treaty; for it is true that Major Ridge and his associates here, as well as "party" at home, all united with the people at the general council of Red Clay, in October last, in conferring the powers which have been delegated to us, as the only proper representatives of the nation on this mission, and their signatures are to be found upon our credentials. Under these circum-

stances, and the incontrovertible proofs attending them, we cannot suppose it is the wish of the Government of the United States, that we should disobey the known will of our constituents; therefore, with due respect, we are bound to say that we cannot, whatever may be the consequences to us and our people, disrobe ourselves of our delegated authority, and act as individuals, by uniting ourselves with the unauthorized few who have entered into a contract with the United States, in the form of a treaty, thereby to divide or take from them that responsibility they have thought proper to assume. We repeat the fact, "that the great body of the Cherokee people deprecate the proceedings of the New Echota meeting. It has become our imperious duty, therefore, to protest against the acts of the unauthorized individuals who have been brought on here, at the instance of Mr. Schermerhorn. Long since, the Cherokee people placed themselves under the protection of the United States, and paid the price, and hoped to enjoy freedom and happiness, and looked for safety to the faith of treaties, but all is lost if the agreements of a few who arrogate to themselves the power to deal with the rights, liberties, and future destiny of the Cherokee nation, shall be carried into effect by physical force. If the United States will it, we know our fate, and that of the Cherokee people, and have only to suffer and submit. Our all is at the disposition and mercy of the United States, and to that mercy we appeal to save us.

We beg leave to renew our assurances of the high regard of, sir,

Your obedient servants,

Charles Vann,	John Ross
John Huss,	John Martin,
Soft-shell Turtle,	Lewis Ross,
Thomas Foreman,	Joseph Vann,
Peter of Aquohee,	R. Taylor,
Archy Campbell,	Sleeping Rabbit,
Bark,	John Benge,
Daniel McCoy,	T. F. Taylor,
Jesse Bushyhead,	Richard Fields,
Elijah Hicks,	James Brown,
Jno. F. Baldrige,	

*Representatives of the Cherokee nation, E.*

To the Hon. LEWIS CASS,

*Secretary of War.*

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No. 81.

DEAR SIR: I see from the public papers that Mr. Schermerhorn has informed the Governor of Tennessee, that he had negotiated a treaty with the Cherokees, in general council assembled. I do hereby certify that I was present during the whole time the people were there, that I was requested to act as interpreter and clerk to the committee of twenty who signed the treaty, and a vote being taken at the time the committee of twenty was appointed, and that I counted the votes as given in, and there was but seventy-nine votes in favor of receiving the propositions of the treaty, and seven votes against it, but there were more, but finding our number too small, declined voting, and the majority who were in favor of the treaty were emigrants.

Very respectfully,

A. McCOY.

To JOHN ROSS, Esq.

No. 82.

GUNTER'S LANDING, CHEROKEE NATION,  
February 11, 1836.

MY DEAR SIR: The first information which I could rely on, of Mr. Schermerhorn making a treaty at New Echota, was a letter written by Mr. Schermerhorn to Governor Carroll, of Tennessee, except rumors which were circulated through the country that a treaty was made. This letter of Mr. Schermerhorn was published in some newspaper, and what paper I do not at present recollect, in which letter he stated that he had negotiated a treaty in general council, assembled at New Echota.

After these reports were out, Major Lowrey, the assistant principal chief, sent over for me to consult what measures should be adopted to counteract these proceedings. I gave it as my opinion, a council should be called and the people informed, and Major Lowrey then went up to Red Clay, and appointed the time for the council to meet, which meeting was to commence on Saturday, the 30th day of January last, and which was the only general council of the nation since our October council. After my return home from Red Clay council, I am informed that Mr. Schermerhorn informed the honorable Secretary of War that he, Schermerhorn, had concluded a treaty with the Cherokees in general council assembled at New Echota. It appears, from the best information that I can get, this meeting, which Mr. Schermerhorn calls a general council of the Cherokees, was a meeting of a small number of emigrants, with a few exceptions. This letter you are at liberty to use as you please. I enclose a certificate of A. McCoy, which you are also at liberty to use as above. Give my respects to the delegation, and accept for yourself my best wishes for your success.

I am, dear sir,

Your friend,

EDWARD GUNTER.

JOHN ROSS, Esq.

No. 83.

WILLS'S VALLEY, February 11, 1836.

DEAR FRIEND: I received yours of the 9th instant; was glad to hear of the good health of all our friends, also of the friendly interview you had with the President. The general council of the nation was convened at Red Clay on the first instant, the weather was extremely cold on that day, much snow fell, which prevented many people from attending the council. There were upwards of four hundred people in attendance, and protested against the ratification of Schermerhorn's treaty; others who did not attend forwarded their protest by persons chosen by them for that purpose. The council deemed it expedient, and Messrs. Daniel Coy, Archibald Campbell, and Bark, have been deputed to take on the proceedings of the council and protest of the nation to the delegation. I have been informed that Schermerhorn says that great many Cherokees had attended his meeting, and that he had effected a treaty for the whole nation; but I have seen and conversed with several persons who were there; all agree in saying that *only* about *seventy-nine persons* were there in favor of the proceed-

ings, and that most of the people in attendance were white people. Mr. Schermerhorn also appointed a meeting in the Valley towns, but no Cherokees attended, excepting *two*, who happened there for other purposes than intended by the commissioner. Schermerhorn remarked that it made no difference, for he would carry his purpose into effect; that his design was to inform the people of his treaty; then departed for Washington to meet his delegation on the way. Accept my best wishes through life.

I remain, your humble servant,

GEORGE LOWREY.

Mr. JOHN ROSS,

*of the Cherokee delegation, Washington city.*

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No. 83.

TALONEY, *January 26, 1836.*

BELOVED FRIEND: We have been notified of the council at Red Clay, and should rejoice to attend, but on account of the small pox which has been prevailing in our neighborhood, we fear that some might be fearful of our spreading that complaint, though we ourselves do not think so. But, as it is, we think it will be best to remain mostly at home, till all fears of the small pox may have subsided. We wish, however, to have you suppose that our minds are the same they have ever been respecting our country. We shall make no private arrangement to sell our country, but whatever our chiefs and the nation generally conclude is best, that we intend to submit to.

Your friends and fellow-citizens,

GEORGE SANDERS.

ANDREW SANDERS.

Major GEORGE LOWREY.

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No. 84.

MILLEDGEVILLE, *January 8, 1836.*

MY FRIENDS AND BROTHERS: I left home a few days ago, and had prepared a letter to you on the subject of the meeting held at Newtown last month, but thinking best to wait a few days to give you a more full detail of the proceedings, I have deferred until now; and it is hardly worth while at this late date to say much, but shall give you a true account of the first transactions of the meeting.

The commissioner met the assembly, read his propositions; they then convened and passed resolutions that it was expedient and proper the propositions should be received, taken, and maturely considered; then a committee of twenty was appointed to act on those propositions, and report to the people for their final action. On the passage of the resolution it was proposed the vote should be taken by ayes and noes, but I opposed this mode, and had them taken by ballot, for the object of getting the number present; for the resolution 79, against it 7. It is believed of those not present 15, making in the whole 100; of this number 20 whites who in-

termarried. After the business had progressed thus far, I left, and did not return, but have been informed a treaty was signed, and a delegation appointed, which will set out on Monday next to meet you in that place, to submit their treaty for your confirmation. If Mr. Lowrey had attended, the object of the meeting could have been defeated, for at his call there could have been from Chootoogatah, Coosawatee, and Talaquoyah, a sufficient number brought to vote their treaty down; so it was we had no head, and those few present [knew not] what course best to adopt; but finally we concluded the Senate of the United States, when the matter was fairly brought before them, the rejection would be the issue. Mr. Trott was on the treaty-ground until the matter was concluded, and he will give a detailed account soon. Write me or some of our people as soon as convenient, and give us what is going on.

\* I remain, my friends, with you in adversity, &c.

W. S. ADAIR.

MESSES. JOHN ROSS, and others  
of the Cherokee delegation, Washington city.

No. 85.

Ooyegelege, (Cher. N.)  
January 6, 1836.

GENTLEMEN: Ere you receive this you will no doubt have heard of the late *Christmas trick* at New Echota; but having been a painful spectator of the strange affair, I consider it a duty incumbent on me to write you on the subject.

Very few attended the meeting; not more than 100 warriors, in my judgment, were present at any time during the meeting, who were friendly to the project, and I think about three-fourths of them were of those who had either enrolled for emigration or signed former treaties.

On Tuesday evening, Major Currey very shrewdly insinuated that if Red Wat had come there to oppose a treaty, he might receive an introduction to the Floyd Slicks! How magnanimous!

Wednesday and Thursday, the 23d and 24th, the honorable commissioner addressed us in his usual style, only a little more so. I noted down the most material parts of his speeches, which may hereafter serve as matter for him who may have the honor of writing your history. After the address on Thursday, the proposed treaty was read by Major Currey, and a short comment by the commissioner interpreted. But before the matter was through, we were suddenly alarmed by the cry of fire, fire! The roof of the old council-house had caught on fire, and was all in a blaze. We all scuffled out immediately, and soon extinguished the fire. Whether this fearful blaze was emblematical of the indignation of Heaven at the unlawful proceedings within, or of the great fiery trial of our people, the Lord only knows. The reading and interpretation thereof were, however, resumed and finished, the fearful sign notwithstanding. After the commissioner had finished his supplementary remarks on the treaty, he suggested the propriety of the people's organizing themselves and appointing a committee to confer with him on the subject. Accordingly, at night the people met, and determined on the propriety and necessity of receiving and conferring with the commissioner.



On Friday, a committee of 20 were appointed to negotiate provisionally with the commissioner, and to report to the people Saturday night. John Gunter, William Rogers, E. Boudinot, Major Ridge Catehee, James Foster, George Chambers, Jesse Half-breed, John A. Bell, Tyeskee, G. W. Adair, Charles Moore, Andrew Ross, James Starr, Charles Foreman, Robert Rogers, Archibald Smith, William Lassley, and Desataskee composed the committee. James Rogers and Smith, of Arkansas, were ex officio members of the committee. The committee were not prepared to report at the time appointed, and if they had been, the people were not in a condition to receive the report, in consequence of intoxication. The committee adjourned on Saturday night to meet again on Monday. On Monday night, the committee reported to the people that they had agreed with the commissioner, and recommended that the said committee or another be authorized to close the treaty. The report was received, and the same committee authorized to close the treaty, and also to obtain the signatures of other persons of note in the nation. The commissioner also recommended that a delegation of thirteen should accompany him to Washington city: accordingly E. Boudinot, John Gunter, and William Rogers were appointed a committee to nominate the delegation, and to consult with the commissioner and Major Currey in making the selection. The commissioner also informed the people that he had some presents to bestow upon them. The meeting adjourned to meet next day, in order to close the business.

Tuesday, 29, met according to adjournment. The committee of three reported that the nomination of the delegation was a matter of great delicacy, and recommended that the selection be left exclusively to the commissioner! This did not please the people. Several speeches were made on the subject. The commissioner adjourned the meeting to the next day! I was credibly informed that there were about fifty applications for the honor of a mission to Washington! At night the committee assembled in the council room, to finish and sign the treaty. About midnight, the fatal act was committed. After the treaty was signed, Judge Underwood introduced an article respecting the *Galphin claim*, as a kind of supplement, which was added. Wednesday, all met, elected a delegation, received the blankets, and dispersed. John Gunter, Soft-shell Turtle, James Starr, Joseph Foreman, Roman Nose, John Timpson, Major Ridge, William Rogers, John Sanders, James Foster, John A. Bell, John Fields, and George Welch, are the delegation. Roman Nose, John Timpson, and Sanders were not at the meeting. The committee of twenty are authorized to fill vacancies. The treaty is nothing better than was offered to the delegation at Red Clay. It is left open for your concurrence; and the commissioner has given a written pledge not to present it to the Senate until it is ascertained that they will comply with the contingencies; and if they do not, it is no treaty! The commissioner has gone to the Valley towns with the Federal troops; for what purpose, I know not.

On the 18th of this month, I understand, the delegation are to meet at Athens, Georgia, on their way to Washington. Necessity, fatal necessity, is their pretext!

The Georgians are swarming into the country.

Most respectfully, your obedient servant,

JAMES J. TROTT.

The honorable DELEGATION  
of the Cherokee nation east Mississippi.

An Act to authorize the issuing of grants by the State of Georgia, to the fortunate drawers of all lots of land situate in the counties of Cherokee, Cass, Cobb, Forsyth, Floyd, Gilmer, Lumpkin Murray, Paulding, Union, and Walker, which were drawn in the late land and gold lotteries; and to repeal all laws repugnant to the same.

Whereas, the Legislature of Georgia, while it has hitherto been directed to promote the general good of its citizens, has, at the same time, kept constantly in view the Indian tribes settled within its chartered limits; and whereas, time and experience have clearly demonstrated that the habits and principles of the red man are adverse to the progressive and enlightened character of the present day, and the longer he is kept in the neighborhood, and the oftener he is brought into contact with civilized man, that he rapidly sinks into a corresponding state of degradation; and whereas the present Executive of the United States has, for years past, used the most untiring effort to transfer the remaining remnant of the Cherokee Indians to a climate and soil beyond the Mississippi, far more eligible for them than that they at present occupy, with an offer of protection and ample support during their removal and early settlement: they would have been surrounded with comforts which are withheld from the yeomanry of our country who emigrate to the west: to a country to which other Indian tribes have voluntarily gone, and in which the national character and habits of the Cherokees would remain unchanged. It is assumed with confidence that the great mass of these Indians would long ago have acceded to these humane and benevolent offers, but for the intriguing and selfish motives of their chiefs, in whom, by old custom, they have hitherto confided their destinies. And whereas a crisis has arrived when necessity demands that the past policy of the State, in relation to this tribe of Indians, should be carried out, to wit, securing to these aborigines a distant establishment, where they can enjoy their old and established habits and peculiar mode of government, and thereby keep up their identity as a separate people; to place our citizens in the possession of undisturbed lands, which have long been withheld from them; the occupation and cultivation of which would strengthen the State, and add to the sum of human happiness. And whereas recent and melancholy experience has proven, beyond doubt, that a white population, and a dense Indian one, cannot, with safety intermingle in the same region of country, especially in the Cherokee counties, in many of which the Indians predominate, whose minds are uninformed and uninfluenced by moral principles, and whose habits and ferocious customs make them insensible to the effects of penal sanctions; thereby placing our citizens, their wives and children, and all that is dear to them, at the mercy of the savage, stimulated by his vindictive passions; and whereas, from a knowledge of the Indian character, and from the present feelings of these Indians, it is confidently believed that the right of occupancy of the lands in their possession should be withdrawn, that it would be a strong inducement to them to treat with the General Government, and consent to a removal to the west; and whereas the present legislature openly avow that their primary object in the measures intended to be pursued, are founded on real humanity to these Indians, and with a view, in a distant region, to perpetuate them with their old identity of character

under the paternal care of the Government of the United States; at the same time frankly disavowing any selfish or sinister motives towards them in their present legislation:

SEC. 1. *Be it hereby enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That immediately from and after the passage of this act, it shall be the duty of his Excellency the Governor, to cause grants to issue for all lots which have been drawn in the late land and gold lotteries, now situate in the counties of Cherokee, Cass, Cobb, Forsyth, Floyd, Gilmer, Lumpkin, Murray, Paulding, Union, and Walker, in the name of the fortunate drawers thereof, upon his, her, or their application, upon the payment of the fees now established by law, into the Treasury of the State.

SEC. 2. *And be it further enacted by the authority aforesaid,* That if any Indian, descendant of an Indian, or other person entitled to the privileges of an Indian, shall be in possession or occupancy of any lot or lots of land which may be hereafter granted according to the provisions of this act, or any part thereof, it shall not be lawful for such grantee, or any person claiming under him, her, or them, to dispossess, molest, or in any way disturb the possession of such Indian occupant, (provided such Indian, or person entitled to the privileges of an Indian, are entitled to the possession under any of the laws now in force in this State,) until the 25th day of November, 1836, and not then if a future legislature shall deem it necessary to give such Indian further time to remove from the lands within the limits of Georgia; and such occupant shall be protected in his possession or occupancy of such lot or lots of land, in the same manner as is now prescribed by law, until the time is pointed out in this act.

SEC. 3. *And be it further enacted,* That all laws and parts of laws which militate against the true intent and meaning of the foregoing act, be and the same are hereby repealed.

JOSEPH DAY,

*Speaker of the House of Representatives.*

ROBERT M. ECHOLS,

*President of the Senate.*

Assented to, December 21, 1835.

WILLIAM SCHLEY, *Governor.*

An act to amend an act entitled an act to protect the frontier settlements of this State from the intrusion of the Indians of the Creek nation, passed the 20th December, 1828.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of February next, it shall be unlawful for any Indian of the Creek nation to come within the limits of this State, excepting the city of Columbus; and that whenever such Indian shall come within the limits of this State, it shall be the duty of each and every civil and military officer in this State, having knowledge or being informed of the fact, to arrest such Indian and lodge him in jail, there to remain until he shall be relieved therefrom by due course of law, and on payment of all

expenses incurred ; and that each and every such Indian, offending against the foregoing provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof according to law, shall be punished by imprisonment at hard labor in the penitentiary, for any time not less than four months, nor more than eight months, for the first offence; and the second offence, not less than one year nor longer than three years, or imprisonment in the common jail of the county, at the discretion of the presiding judge: Provided, that this act shall not be so construed as to prevent any Indian or Indians of the Creek nation from coming into the State unarmed and without any offensive weapon, *bona fide*, to collect any debt or debts due or owing such Indian or Indians, by any person or persons being or residing in this State; or to prosecute or defend any suit or suits at law or in equity, in any of the courts of this State, in which such Indian or Indians shall be a party, or have a valuable interest; or to give evidence against any Indian or Indians in any of the courts in this State; provided, such Indian or Indians shall be accompanied by some white person of known good character and responsibility.

SEC. 2. *And be it further enacted*, That any white person who shall trade or deal with, or hire for work or labor, the said Indians within the limits of this State, he, she, or they shall be indicted for a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars for the first offence, and for the second offence the sum of five hundred dollars, and imprisonment in the common jail of the county, at the discretion of the court; one half of said fine to go to the informer, and the other half for county purposes.

SEC. 3. *And be it further enacted*, That the said Indians shall be permitted to fish in the Chattahoochee river, and that if any of the said Indians shall be found fishing in said river it shall not be deemed a violation of this act, until otherwise provided by law, and that any delegations of Indians from said nation, on business with the General Government *bona fide*, shall be permitted to pass through any of the counties aforesaid, without being subject to arrest, provided they can produce satisfactory evidence of their being such delegation, appointed according to the common usages of said nation.

JOSEPH DAY,

*Speaker of the House of Representatives.*

ROBERT M. ECHOLS,

*President of the Senate.*

Assented to, December 24, 1835.

WILLIAM SCHLEY, *Governor.*

*Memorial of the Delegation of the Cherokee nation of Indians, and papers relating to their affairs.*

MARCH 2, 1835.—Submitted by the committee, with their report.

*To the honorable the Senate of the United States of America in Congress assembled:*

The undersigned delegates of the Cherokee nation, beg leave to represent to your honorable body that, since the presentation of the memorial of their nation through them, on the 19th day of January last, certain propositions

have been made by them, to the Executive, as a basis upon which they were willing to enter into an arrangement, subject to the ratification of their nation, for a final termination of the difficulties in relation to their affairs. And upon being informed that those propositions did not receive the assent of the President, the delegation then respectfully requested him, through the War Department, to submit the same before your honorable body; in order that the sense of the Senate might be had on them, inasmuch as he had often remarked to the delegation, that he was disposed to treat their nation with liberal justice, and that he would go as far as your honorable body would allow him, in money matters. On the morning of the 28th ultimo, the delegation, in compliance with a special verbal message from the honorable Secretary of War, waited on him in his office; and at that interview, the honorable Secretary urged upon them the necessity of their stating in writing to the Department, before their proposition could be submitted by the President, that so far as they were concerned, they would abide the award of the American Senate upon their proposition, and that they would recommend the same for the final determination of their nation. The honorable Secretary then left the delegation in his office, to make up their minds on the subject, until he would return from a visit to the Executive department; and upon his return, the delegation had a letter prepared to meet his request, and after placing it into his hands, he assured the delegation that their proposition would be cheerfully submitted, and that the President had expressed himself to be still disposed to "go as far as the Senate." Upon these distinct assurances and understanding, the delegation took leave of the honorable Secretary.

Copies of the correspondence between the delegation and the Department of War, in reference to the propositions, &c., are herewith respectfully submitted for the information of your honorable body; the views and sentiments of the delegation, in behalf of their nation, being so clearly and fully expressed in that correspondence, that it would be useless for them to say any thing further; but, in conclusion, they would most respectfully call the serious attention of your honorable body to a full view of their case, and the grave questions which have grown out of it, for your consideration. In connection with the various rights and claims of the Cherokee nation, under the solemn bonds of treaty stipulations, it will be seen that, when their nation recognised the Cherokee people to be under the protection of the United States Government, and of no other sovereign whomsoever, a valuable consideration in lands, &c., were surrendered to the United States; and in consequence whereof, the protection of this Government was guaranteed to them, and its faith solemnly pledged for that protection. The delegation would now appeal to the honor, magnanimity, and justice of this Government, to determine whether their propositions ought not to be met; and if not, whether their rights under the existing treaties ought not to be enforced, or whether the Cherokee people ought to be forced to abandon their country by the effects of unprovoked oppressions, under the exercise of State authority, &c. And as humble, dependent supplicants, they once more (and perhaps for the last time) prostrate themselves, in behalf of their suffering nation, before your honorable body, to determine the fate of that peo-

ple, who are dependent upon the protection of the United States Government, and who are at its mercy.

JOHN ROSS,  
R. TAYLOR,  
DANIEL McCOY,  
SAMUEL GUNTER, his x mark,  
WILLIAM ROGERS.

WASHINGTON CITY, *March 3, 1835.*

WASHINGTON, *March, 3, 1835.*

DEAR SIR: The delegation have thought proper that a communication should accompany the documents which I placed in your hands the other day, containing the propositions which they made to the President, and that the same be laid before the Senate; and I take the liberty to enclose the same to you.

Very respectfully,  
Your obedient, humble servant,  
JOHN ROSS.

To the Hon. TH. FRELINGHUYSEN.

WASHINGTON CITY, BROWN'S HOTEL,  
*February 25, 1835.*

SIR: We have the honor to acknowledge the receipt of your communication of the 16th instant, in answer to our letter of the 14th. It is with the utmost regret and astonishment we are informed by you that the President considers the proposition which we offered, as a basis for an adjustment of our national difficulties, to be inadmissible. We need not assure you of this well known fact, that nothing but the most sincere desire on our part to harmonize the good feelings of the citizens of the border States, and to remove all reasonable grounds of objection on the part of the President; and, in order to relieve the Cherokee people from the almost insufferable oppression under which they are placed, and the multiplying injuries which are inflicted upon them by the States and their citizens, could ever have induced us to have consented to offer a cession of any part of our territory. It is not our intention or desire to renew the discussion of the subject of the protection which the Cherokee people had a right to have expected from the treaties now subsisting between the United States and their nation, and the laws of Congress heretofore enacted for carrying those treaty stipulations into full effect; nor will we pretend now to determine whether the Cherokee people could be prosperous in the country they now inhabit or not, provided the protection promised had been extended. But this much we must be permitted to say, that whilst those treaties and laws were enforced, (from the time they were made up to a very recent period,) and particularly since the treaty of 1819 to the year 1830, no people improved more rapidly in civilization, the arts, and agriculture; and were both prosperous and happy, although surrounded all the time by a white population, and as much in its "midst" as they would now be, provided the benefits of those laws and treaty stipulations were extended to them. From the time

of the withdrawal of that protection, we admit that our people have suffered severely, as would consequently attend all people when reduced to submit to laws in the enactment of which they have no share, and when extended only for their oppression. But, notwithstanding all the disadvantages attending their grievous situation, we are compelled from such unquestionable facts attending the emigrants who have removed from east of the Mississippi to the west of that river, to say that the Cherokee people east are not disposed to exchange their situation for that of those in the west. And it is with regret we are compelled to remark, that from the most authentic information in our possession, relative to the prosperity and happiness of the Cherokees who have removed to Arkansas, are altogether different from the view in which their condition has been reported to your Department. We are sorry to discover, that nothing short of transplanting all the different tribes from the country east of the Mississippi, to the west of that river, will satisfy the Government in making that unhappy experiment which it has projected upon the future welfare and happiness of the Indians. The discussion of these subjects, however, you remark, would now be "a work of supererogation." And inasmuch as the President's views upon them appear to be unchangeable, we are therefore necessarily compelled by the force of circumstances, to propose an alternative, which, under a different state of things, no pecuniary consideration whatever could have induced us to have considered for a moment. That basis, upon which alone the Cherokee people had every reason to believe that their difficulties ought to and would have been adjusted, being rejected by the President, we are now driven by the dire necessity of the case, under the most earnest solicitude for the peace and salvation of our people, to take the most delicate step of making another and the last proposition to the President, for a final adjustment of those difficulties; and which, if accepted, by him, will be closed by a negotiation in detail, and then referred by us to the general council of the nation for a final confirmation on its part.

The terms of the propositions heretofore offered by the President, and to which our attention has been called for their reconsideration, have been maturely deliberated, and more than once unequivocally rejected by the councils of the nation; it would be, therefore, useless for us to make any further remarks on them, than to state that they are wholly inadmissible.

We propose, therefore, to meet the proposition of the President for an arrangement on the basis of a gross sum being paid to our nation for its title to all the lands lying within the charter limits of Georgia, North Carolina, Tennessee, and Alabama, leaving to the nation all the arrangements for indemnifying the individual rights of its own citizens, for their removal and ultimate residence, on the following terms, as the general basis, to wit: That the United States will stipulate to pay to the Cherokee nation east of the Mississippi, for a cession of its territory, the gross sum of twenty millions of dollars; and forthwith remove all the white settlers from that part of the territory lying within the charter limits of North Carolina, Tennessee, and Alabama; and to protect the Cherokees from the operation of the State laws, and the exercise of jurisdiction over them, upon the Cherokee territory, for five years, unless the Cherokees shall find it convenient and will remove voluntarily previous to that time; and shall protect the Cherokee citizens from being turned off from their possessions and improvements within the limits of Georgia during said term of years, and to cause such as have been dispossessed under the laws of Georgia, to be restored forthwith to possession.

That the United States shall pay to the Cherokees for all losses sustained by them from the acts of the adjoining States and their citizens, in violation of the laws of the United States and treaties subsisting with the Cherokee nation; and an indemnity for all just claims arising out of the treaties of 1817 and 1819, for reservations of land, of which they have been deprived, contrary to provisions of those treaties; and secure to the Cherokee nation an indemnity for the contract stipulated with and secured by the treaty of 1819 to the Unicai Turnpike Company. And, also, secure to the Cherokee nation such annuities and school funds as have been stipulated and provided for in former treaties, by investment of the same in some profitable stock, to the credit and interest of the nation.

In submitting these general outlines, as the basis upon which we propose to conclude a final arrangement with this Government for the relief of the Cherokee people, we would wish the President distinctly to understand that we do it solely from our sincere desire to extricate our distressed people from the lamentable situation into which they are placed; not that we know that they can ever be persuaded to give their consent to seek a home any where else, but because we are fully convinced that their interests, under all circumstances, demand it; and that we are prepared to advise them to adopt the measure; not that our opinion in regard to their *rights* have undergone the slightest change; not that we have become wearied in supporting them, and are disposed now to desert their cause, but simply for the deplorable state of things that has been unjustly brought upon them. The terms proposed have been maturely considered, and have been fixed upon the most reasonable estimate that can be made, so as to leave all further objections on the part of the President out of the question. We need not assure you, for the fact cannot be doubted, that, were the protection of the United States Government fully extended to them, and the good neighborhood of the border States inculcated, as hitherto, no amount of money far above the sum proposed can be offered which could induce the Cherokee people voluntarily ever to yield their assent to a cession of their homes and their firesides, that are so much endeared to them by the circumstance of being situated in the land of their birth-place; and where, in their childhood, they have been taught by their aged sires the lessons of venerating the soil which moulders the bones of their ancestors. No, sir, money can never purchase their love of country; but the love of freedom may compel them to seek an asylum in other climes, in the far regions of the West. Taking every thing into consideration, upon that broad and liberal principle which always controls the actions of a generous people, we cannot doubt the magnanimity of this Government in this case, when the immense value of our territory, and the unparalleled sacrifice which the Cherokee people are about to make for the peace and happiness of the American people, in connection with the great value of individual rights which must be indemnified, and the consequent sufferings and privations attendant to a long and tedious sojourning into remote wilderness countries, the expenses necessary to meet the comfort and preservation of the health of the people, the purchase of a territory for their future residence, and the indispensable contingent expenditures in the settlement of the colony, and the means necessary for the support of institutions to disseminate general knowledge in the various branches peculiar to a civilized community, &c. We say, when



all these things are fully weighed, we cannot doubt that this proposition will be promptly met on the part of the General Government.

We have the honor to be,

Sir, very respectfully,

Your obedient humble servants,

JOHN ROSS,

R. TAYLOR,

DANIEL McCOY,

SAMUEL GUNTER,

WM. ROGERS.

HON. LEWIS CASS,

*Secretary of War.*

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WASHINGTON CITY, *February 27, 1835.*

SIR: Having been informed by Wm. H. Underwood, Esq. and others, that the President considers the terms of our propositions to be too extravagant, we beg leave to remind him that he has often remarked, that he would grant us as liberal terms as the Senate or the friends of the Indians would be willing to allow. We would therefore respectfully ask that our propositions be submitted to the Senate by the President, in order that the sense of that honorable body may be had on them.

We have the honor to be, sir,

Your obedient, humble servants,

JNO. ROSS,

R. TAYLOR,

DANIEL McCOY,

SAMUEL GUNTER,

WILLIAM ROGERS.

To the Hon. LEWIS CASS,

*Secretary of War.*

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WASHINGTON CITY,  
*Brown's Hotel, February 14, 1835.*

SIR: The Cherokee delegation not having received any reply to the address which they had the honor of communicating through your Department, on the 14th of January last, to the President of the United States, nor to the one which, from the exigency of the occasion, they deemed it a duty to make directly to himself, on the 23d of the same month, would beg leave now to make another, on the momentous question arising out of the afflicted condition of their nation.

In the last communication referred to, the delegation was candid in saying to the President, that "the crisis of the fate of the Cherokee people seems to be rapidly approaching;" and, that "the time had come when they must be relieved of their sufferings;" that, inasmuch as they had fully determined against a removal to Arkansas, the delegation earnestly requested to be informed "upon what terms the President would negotiate for a final termination of the sufferings of their people, that they may repose in peace and comfort on the land of their nativity, under the enjoyments of such right

and privileges as belong to freemen." It may be proper, also, to add, that, in reference to what has already been stated relative to the cruel sufferings of the Cherokee people, under the usurpation of State authority, is based upon facts derived from ocular demonstration; and that in relation to this grave subject, the delegation have no disposition to, and will not, portray any thing under false colors. The true situation of the case, touching the unhappy condition of the Cherokees, requires no such aid; it shows and speaks for itself. In ruminating on the subject, the mind becomes confused, and is lost in the fog of amazement. And such being the dilemma into which the ideas of the delegation are placed, that they have no inclination to wander through the mystical avenues of speculation on the subject, they must view it as it is, and take the most harmless course that will lead their people to safety and happiness if practicable; and in taking a survey of the whole field which covers the ground wherein the difficulty first grew up, it is clearly seen that the unhappy conflict arose exclusively from the illegal exercise of State jurisdiction.

Being now deeply impressed with the truth of this belief, that it will be impossible for the Indian tribes to be perpetuated as distinct independent communities within the limits of the United States—not because they are destitute of such rights, and do not hold a strong claim on the protection of this Government—but because it is evident that when the political interests of the States comes into contact with the rights of the Indian, the Government will not afford that necessary protection which the Indian right demands; consequently, the weaker power will be forced to yield to the pretensions of the greater power. And, under a full conviction of the correctness of this view of the subject, together with the reality which the Cherokees are now witnessing under the practical operation of Georgia nullification, through the peaceful principles of unionism, the delegation have, upon mature reflection and solemn decision, come to the conclusion to make a proposition to the President for a final adjustment of the existing difficulties, the basis of which, it is firmly believed, is the only one by which the Cherokee people can be preserved and elevated into the respectable circle of the white community around them.

It is this: They propose, in behalf of the Cherokee nation, to cede to the United States, for the use of Georgia, an extensive portion of their territory lying within the charter limits of that State, and reserving to the nation only a fractional part bordering on Tennessee and Alabama, so as to unite those parts of the nation lying within the charter limits of those States in connection with the strip lying within the charter limits of North Carolina; and that the United States, on their part, will guaranty the fee-simple right of property in the soil, to the Cherokees, in the lands thus reserved, and to expel from and keep off all intruders from the same; that with the consent of the States within whose limits the lands lie, counties may be organized, and the jurisdiction and laws of the States extended over the same, upon the condition that the States will receive and admit the Cherokee people into all the immunities, rights, and privileges, belonging to the free citizens of the States. Such an arrangement could not fail in removing the seed of contention which has been sown on the ground of jurisdiction; and thereby all causes which have ever been fruitful in creating irritating excitements, would be eradicated.

As to the interest of the claimants of Georgia in the lands proposed to be reserved to the Cherokees, it can be extinguished on far more reasonable

terms than the Cherokee title to the same: there can be no difficulty as to this point. The largest portion of these lands are in reality so very poor, that the drawees will never take grants out of the office for them, even if the Cherokees were to surrender their title to them. Now, sir, it is confidently hoped that there can be no objection raised to an adjustment based on so reasonable a proposition as this.

From the earliest existence of this Government, General Washington, whose sagacity was ever equal to his benevolence and magnanimity, foresaw the practicability of civilizing and christianizing the aborigines of this country. He laid the foundation for it; and he, under the authority of the United States, patronized it; and his footsteps have been followed by his illustrious successors. And, although the sceptic's voice within a late period has been heard proclaiming against the practicability of its accomplishment, yet the day has arrived when this point has been given up. Adopt the proposition herein submitted; let peace and tranquillity be restored, and academies and colleges will be established; and churches be reared, amongst the Cherokees; and in the train of the herdsman, the farmer, the mechanic, the merchant, and the clergy, will soon follow the statesman, &c.: in a word, the spectacle of a civilized and christianized community of Cherokees will be exhibited before the world, that will bear a contrast with any other community.

Would not such a community of the aboriginal descendants of this continent, then, be worthy of that common privilege which has ever been graciously conferred on the outcasts of the European shores, whose lot it has been to seek an asylum under the tree of liberty; of becoming free citizens of the United States? Would they not be worthy a place in the martial ranks of the bulwark of your country, when arrayed in the defence of the honor and the liberties of this great republic? If not, then they ought not to exist within your bosom. By the God of nature they have been made free; and that spirit of freedom, which is implanted in their hearts, can never be enslaved. But, as a nation, they are weak and powerless; they cannot resist the decrees of this Government, consequently, they are at your mercy; and in pleading for the protection of their just rights, they can but rest their hopes on the good faith and magnanimity of the United States.

The proposition herein submitted, simply asks that the Cherokee people may be effectually protected, on that basis by which alone they can be preserved and elevated, in a moral, religious, and political point of view, to an equal standing with the white man, on their own native soil. With that intensity of interest which is peculiarly involved in the decision of a question of so vast a magnitude, the delegation will await the final determination of the President on their proposition. And, in conclusion, permit them to urge upon your kindness an early decision.

In the mean time,

They have the honor to be, sir,

Your obedient, humble servants,

JOHN ROSS,  
DANIEL McCOY,  
R. TAYLOR.  
SAMUEL GUNTER,  
WILLIAM ROGERS.

To the Hon. LEWIS CASS,  
Secretary of War.

WAR DEPARTMENT, *February 16, 1835.*

GENTLEMEN: I have received your letter of the 14th instant, and have submitted it to the President.

I am directed by the President to say to you, that he has examined your proposition with a sincere desire to do all that can be done to relieve you from the difficulties in which you are placed, and as far as possible to yield to your wishes. But, on a full consideration of the whole subject, and a review of all that has taken place, it appears clear, that any arrangement short of a general removal of your people, would neither relieve the difficulties of the present, nor prevent those of the future. The considerations connected with this matter, and the views of the Executive, have so often been stated to you, that it would be a work of supererogation again to discuss the matter. You are in the midst of a white community; the great body of your people are qualified neither by education, habit, nor by their pursuits, to live in such a state of society. That this remark is not applicable to all, is most freely admitted; but that it is so to much the largest portion of the Cherokees, is firmly believed. What then would you gain by a permanent establishment in your present situation? Want and misery would press upon your people: depredations would ensue, which would terminate in collisions, and too often in bloodshed. The laws of the State where you might reside would immediately interpose, with all those consequences which are known to you. The Cherokees would soon be driven to desperation, and their fate would be similar to that of too many tribes of Indians who have heretofore existed in our country, and who have disappeared before our advancing settlements. It is to prevent this melancholy result, that the great experiment is now making, of transplanting these communities from the country east of the Mississippi to that west of that river. So far as this experiment has gone, it has fulfilled the highest expectations of the Government. The reports of the condition and prospect of the Indians who have migrated are satisfactory and encouraging. Subsistence in abundance has been procured, and the elements of future prosperity and improvement been developed. With the consent and cooperation of the well-informed and influential among the tribes yet remaining within the civilized border of the United States, there is little room to doubt but that the ultimate issue will be happy for the Indians and consoling to all who take an interest in their present deplorable condition. But if men of this character, among the Indians, discourage all efforts to give effect to the enterprise, and thwart the views of Government, lamentable as the issue may be, it will be beyond the reach of the Executive. The tribes must rapidly decline and ultimately perish.

But, independently of any other considerations, the proposition you make, with respect to the permanent retention of a part of the State of Georgia, is inadmissible, because it would prevent the settlement of the very question which has been pending so many years, and which has occasioned such anxiety to the Government. Nothing short of an entire removal from that State would terminate this difficulty. And the President does not feel himself authorized to agree to any arrangement which would not finally settle the troubles that have occurred.

With respect to your remarks concerning the letters addressed to this Department and the President, I will state here what I observed to you personally—that those letters contained nothing more than the views which you had so often submitted, and which had been as often fully considered

and answered. No new proposition was made, and it would have been entirely useless to renew a correspondence promising no useful result.

As you perceive, the moment a distinct proposal is made by you, it is met and answered in a spirit of kindness—decidedly indeed, for it would be worse than useless to suffer you to entertain expectations which the future would be sure to disappoint.

The President still further instructs me to say to you that he wishes you again to take into consideration the proposition heretofore made to you for the removal of your people. He is fully prepared, so far as depends upon him, to carry into effect all the inducements he has ever held out to you. He is willing to conclude an arrangement upon the basis of the propositions offered to you by this Department, through Mr. Chester, or to allow you a gross sum for your claims; and leave to your own people all the arrangements for their removal and ultimate residence. Allow me to invite your attention again to these offers. If they are calmly reviewed, and due weight given to the circumstances in which you are placed, it appears to me impossible; but that you would accept one or the other. The details, of course, would be left open for mutual discussion. But it is at first necessary that you should distinctly state whether you are disposed to treat on the basis of either of those offers.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Messrs. JOHN ROSS and others,

*Washington City.*

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*Articles of agreement entered into between John H. Eaton, commissioner on the part of the United States; and the Cherokee delegation of Indians.*

That portion of the Cherokee people who reside east of the Mississippi river, through their delegates, Andrew Ross, James Starr, Thomas J. Pack, and John West, charged specially to enter into an arrangement with the Government of the United States, from a settled conviction entertained by them that it is not in the power of the Cherokee people to reside longer within the limits of the States, of whose laws, usages, and customs they are ignorant, do hereby, by their said delegates, enter into and agree to the following articles :

ART. 1. Between the United States and the Cherokee nation of people, it is stipulated that amity and perpetual peace shall exist. Against no nation or tribe of Indians will the Cherokees make war, and if war be made against them, the Government of the United States promises to them aid and assistance.

ART. 2. The Cherokee delegation, for themselves and for their nation, hereby cede to the United States, all the lands owned and possessed by them, lying and being within the States of Georgia, North Carolina, Tennessee, and Alabama; and as consideration therefor, the United States pledge themselves to the following covenants and undertakings:

Firstly. An enrolling agent or agents shall be appointed by the Government, and so soon as a majority of the Cherokees who reside within the

limits of the State of Georgia shall remove or enrol for removal, the country they occupy in said State shall be considered as ceded to the United States; and so soon as a majority shall remove or enrol to remove from the State of Tennessee, then that portion of their country shall be considered also to be ceded, and the same shall be understood in reference to the States of North Carolina and Alabama; or when a majority of the entire Cherokee people shall remove or enrol for removal, then the whole country is to be considered as having been surrendered and ceded; and the better to ascertain this fact, a census of their population shall be taken, in which shall be included those Cherokees who have removed beyond the Mississippi since the date of the treaty made in the year eighteen hundred and twenty-eight; and to those who have removed within the last twelve months, all the privileges secured by this agreement shall equally belong to them. And where any portion of the Cherokee country shall become ceded, after the manner above prescribed, the same shall remain, and be considered as a fund pledged for carrying out and meeting the provisions of this agreement, unless where Congress, by any act heretofore passed, may otherwise have disposed of the right of soil.

Secondly. To grant to the Cherokee people, so soon as, by removing west of the Mississippi, this treaty takes effect, twenty-five thousand dollars a year for twenty-four years, the same to be paid annually to the chiefs, or the people thereof, as may be requested by the nation in council. But it is agreed that the annuities thus secured, are to pertain exclusively to those who have emigrated, and who shall emigrate and reside west of the Mississippi; and so soon as a majority of them shall remove, then the annuities shall be considered to be due, and payable to the whole Cherokee people, west, and to no others; and this shall be the case in reference to all annuities secured to the Cherokee people under former treaties entered into, and also in reference to their school funds.

Thirdly. An agent shall continue with them, to watch over and take care of them, and, in his selection and continuance in office, the Government of the United States will always pay regard to the recommendation and wishes of the Cherokee people.

Fourthly. To cause emigrants to be carried to their homes, under the guidance of some faithful conductors, at the expense of the United States; and they are furthermore, to be furnished with the means of living for twelve months after their arrival.

Fifthly. To furnish to those who emigrate, rifles, Mackinaw blankets, and brass kettles, as are stipulated for in the eighth article of the "treaty of the sixth of May, one thousand eight hundred and twenty-eight," concluded at the city of Washington; the same to be furnished west of the river, except the blankets.

Sixthly. To secure to those Cherokees who intend to emigrate, and to those who have emigrated, the territory which has been assigned to them, west of the Mississippi, by patent, agreeably to the authority granted and permitted by the act of Congress, of one thousand eight hundred and thirty; and to restrain from intrusions on the same, all persons, except such as the Cherokee people or the laws of the United States may authorize to go into, and reside within, said limits; all others the United States Government, on being applied to by the nation, will cause to be removed, that the Cherokees may repose in peace and enjoy quiet, free from unauthorized disturbances.

Seventhly. To possess all the right and privilege of being governed by their own laws, usages, and customs, without being interfered with or disturbed by any authority, except the councils of their own nation, or such laws as the Congress of the United States, rightfully, and for their peace and happiness, may enact; and to this end it is agreed; that the Cherokee people shall be no more interfered with by any State and Territorial laws, nor by any other than what they or the Congress of the United States may declare.

ART. 3. A desire is expressed that the Cherokee people may have a delegate in the House of Representatives; it is laudable, and evinces a desire of an onward march to improvement and civilization; but the treaty-making branch of the government is incompetent to grant such a privilege, it being one on which all the branches of the Government are necessary to a decision; but it is agreed that as soon as a majority of the Cherokee people shall reach their western homes, the President will refer their application to the two Houses of Congress, for their consideration and decision.

ART. 4. A wish is also expressed that an agent to represent the rights and interests of the Cherokees may remain at the city of Washington, after a removal takes place. This request is admitted, and it is agreed that he shall receive from the United States, an annual compensation of twelve hundred dollars for performing this trust, but after five years the same shall be discontinued, if, in the opinion of the President, the duties to be performed by the said agent may be dispensed with, and no injury result thereupon to the Cherokee people.

ART. 5. Improvements which were authorized and admitted, under the provisions of the treaties of eighteen hundred and seventeen and nineteen, are not to be prejudiced by any thing herein contained, but they are declared to be protected and secured, so far as the claimants, or those legally and rightfully claiming from them, can assert a valid demand; and where any just and rightful claim has not heretofore been admitted and compensated for to any person, the same shall be recognised and paid for.

ART. 6. Persons who desire to become citizens of the States in which they reside, and who, within ten months from the date of this treaty, shall signify that intention, and which intention shall be recorded in the county where the party resides, shall be entitled to the section or fractional section of land on which their dwelling or improved land, as they prefer, may be situated; and to such as shall thus signify a disposition to become citizens, a reservation as aforesaid shall be granted, but no patent shall issue for the same, unless the person claiming shall reside thereon for five years after the time of recording his intention to become a citizen; and having done so, he shall thereafter cease to be considered as being entitled to any further privilege as a Cherokee, under the articles of this agreement, except so far as the Cherokee nation, in council, may resolve and determine. But any white man married to an Indian woman shall receive the right and patent in the name of his wife only, and not his own.

ART. 7. It is stipulated and agreed that thirty months from the date of this treaty be allowed for removal, and until then, no survey of the Cherokee land, by the United States, shall take place, except under the circumstances of enrolment or removal, such as are stated in the first section of the second article of this agreement; and as compensation and inducement to those who may remove early, it is agreed that Indian persons who

shall emigrate before the fifteenth of October, one thousand eight hundred and thirty-five, of whatever age or sex they may be, shall be entitled, on their arrival west, to be paid sixty dollars each; and twenty-five dollars will be allowed to those who shall remove during the ensuing year thereafter; but after that period, to wit, October, eighteen hundred and thirty-six, this compensation will not be allowed, except to those who may have emigrated previously to that time.

ART. 8. That no delay be occasioned to those who may desire to remove, it is consented that an agent or agents shall be sent into the Cherokee country as soon as notice of the intended removal is obtained, who shall receive all Indian personal property which is not desired to be carried away; and the same shall be sold and the nett proceeds paid over to the owners respectively, who may be entitled to the same; or the same, at the direction of the United States, may be valued, and the valuation thereof be paid by the United States.

ART. 9. The Cherokees are rapidly improving; their people have yielded the chase, and are becoming agricultural. They desire still to progress, and to that end it is consented that, on getting to their new homes, one thousand dollars shall be advanced to them to procure materials for printing and publishing a newspaper; that ten thousand dollars a year, for twenty years, shall be allowed for common schools within the limits of the nation, and for teachers, and the furnishing of blacksmith's shops with iron and steel, and for erecting mills, as the nation may desire; and also the further sum of ten thousand dollars, for eighteen years, for the education of their children within the States, the same to be disbursed under the superintendence of the Secretary of War; also there shall be advanced to them twenty-five thousand dollars for the purpose of erecting such school, and other houses, as the nation may desire; and for ploughs, axes, hoes, looms, and wheels, thirty thousand dollars.

ART. 10. The parties further agree that such of the Cherokees as shall, after this date, remove to the west, shall be paid for the improvements which may be left, and which add real value to the land; and to this end the President will appoint some discreet person or persons to value the same, and make report to the Secretary of War of all the improvements, and their value, within the Cherokee country; and it is agreed that five hundred thousand dollars shall be set apart for that purpose, to be disbursed to the different claimants at their new homes, as their removal takes place. But as many of the Indians may, by the whites, be arrested on the eve of their departure for debts actually due, or feigned, and their emigration thereby be prevented, it is consented that the United States will pay all such claims after the mode and manner that the President may prescribe, as may be ascertained to be justly and fairly due, to an amount not exceeding fifty thousand dollars; but no part or portion of this sum shall be paid to any person who shall cause an Indian to be arrested for the debt claimed of him, nor on account of any Indian who does not emigrate beyond the Mississippi.

The several items of payments secured and promised to be paid under the different provisions of this treaty, may be estimated beyond and greater than what the expenditure actually may be; and to avoid all difficulty and uncertainty in reference thereto, it is understood that if the several amounts herein pledged be not expended, that the balances remaining shall be added to, and form an increase to the Cherokee annuities; and further, it is agreed that the annuities now due, and owing, and those which shall become due,



shall be apportioned and paid to the east and west Cherokees, in proportion to their relative numbers, until a majority enrol to remove, or actually remove, and thereafter the whole of the annuities shall be paid to those living west of the Mississippi river.

ART. 11. It is further agreed that, to satisfy fully the Cherokee people who entertain and express doubts if the country to the west, already possessed, and which is to be patented to them, be adequate to the wants and probable necessities of the whole nation, that the following territory, supposed to contain about eight hundred thousand acres, shall be added to the large and extensive country already secured to them, to wit: all that territory which lies east of the Osage reservation, and west of the western boundary of the State of Missouri; and should it be satisfactorily ascertained, after the removal of the Cherokees to their western homes, that, in extent and quality, the country secured to them for agricultural purposes is inadequate to their wants and necessities, then the United States promise to use their endeavors to procure from the Osage Indians, along their southern boundary, a cession of such of their lands as may be sufficient to furnish a comfortable and satisfactory home for the Cherokee people; and if the United States prove successful in the negotiation, the same is to be assigned by patent to the Cherokees; and thereupon, if desired by the United States, the Cherokee nation will surrender all the claim they have to an equal quantity of their extreme western boundary, usually denominated the "outlet" to the west. But from the above cession the lands granted heretofore under former treaties, to the Senecas, Shawnees, and Quapaw Indians, are reserved and excepted; but said tribes, if consented to by them, and the Cherokees residing to the west, may become members of the Cherokee nation, and possess all the rights and privileges of other Cherokees; and, therefore, all their lands shall be considered as being held in common.

ART. 12. In their earnest desire and efforts to remove, the Cherokees expect much interruption, and that means will be resorted to, to prevent their enrolment and removal, through threats to be made and fears to be excited. The United States, therefore, covenant and agree to protect them from interruption, if any should be attempted or threatened; and, furthermore, will cause to be prosecuted, to the extent the laws will authorize, such persons as shall interfere to disturb or to prevent their removal.

ART. 13. It is stipulated that the expenses of the Cherokees who have come to the city of Washington, and are here at this time, shall be paid, and also their expenses in returning home.

Signed this 19th of June, 1834.

JOHN H. EATON,  
*Commissioner on the part of the U. S.*

Witnesses:

Charles F. Little, *Sec'y to com.*  
Richard M. Johnson,  
Wm. Schley,  
Wm. B. Lewis,  
John Coffee,  
C. C. Clay,  
James Standefer,  
Benjamin Reynolds, *Indian ag't.*  
F. W. Armstrong, *C. agent,*  
A. P. Chouteau,  
Benjamin F. Currey.

ANDREW ROSS,  
JOHN WEST,  
T. J. PACK,  
JAMES STARR,  
his x mark.

The undersigned, being a delegation from the western Cherokees, representing fully the wishes of their nation, have considered the several articles of this agreement, and they do hereby agree to, and approve of the same, and hereby give, as far as we can, our assent to the same, and do invite our friends and brothers, who remain in the States of Georgia, North Carolina, Alabama, and Tennessee, where we all know they cannot reside in peace, to come and participate with us in the blessings we enjoy. They will be received by our people kindly and as brothers.

Charles F. Little, *Sec'y to com.*  
 Luke Lea,  
 Samuel Burch.

JOHN ROGERS,  
 JOHN DREW,  
 JAMES ROGERS,  
 MOSES SMITH, his x mark.

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*Supplement to a treaty between the United States, by their commissioner duly appointed, and the Cherokee delegation, which was concluded at the city of Washington, on the 19th day of June, one thousand eight hundred and thirty-four.*

Whereas, by former treaties entered into, it was stipulated that a country should be set apart for the residence of the Cherokee people, and in pursuance of this agreement and understanding, many have removed, and more proposed to remove; now, it is understood that the country heretofore ceded west of the Mississippi, being originally intended for the use and occupancy of the whole Cherokee people, the United States will secure and protect them in the use, possession, and enjoyment thereof, to the extent that others heretofore at any time have enjoyed and possessed the same. But upon application of the Cherokees that the country assigned to their use is sufficient, then the United States, influenced by the kindest feelings towards their Cherokee friends and brothers, will approve any arrangement which the Cherokee nation, by one or more persons to be appointed, shall arrange or cause to be arranged with their neighbors, the Osage Indians, for an enlargement of their present limits, so as to run north along the eastern Osage boundary, sixteen miles, and thence west to what is called on the map hereto annexed, and signed and dated this day by the commissioner and the Cherokee delegation, "McCoy's habitable line;" and as consideration to effect this object, the United States consent to a cession, to the Osage Indians, of an equal quantity of land ceded by them, from the unoccupied territory possessed by the United States along and with the northern boundary of the Osages, to the eastward of said "habitable line." And it is further more provided, and expressly understood, that the expenses of obtaining this territory, over and above the land to be ceded by the United States in aid thereof, shall be chargeable on the Cherokee funds, secured under the articles of agreement to which this is a supplement, the same to be taken from any part of the estimates and allowances which are authorized under the ninth article of the agreement to which this is a supplement. But, as an arrangement may be made before the Cherokees are authorized to receive any thing from the Government, it is agreed that the sum to be paid shall be advanced by the United States, and be charged to the Cherokees, by them to be reimbursed.

The tenth article is agreed to be so amended that, when the Cherokees

remove, ferries owned by any of them shall be taken into the estimate as parts and portions of the value of improvements to be estimated and paid for. Said article also requires that improvements shall be paid for to the Cherokees on reaching their western homes. It is agreed that so much of any Indian improvement as may be necessary to any debts which shall be due and owing, and shall so appear to the satisfaction of the Secretary of War, may and shall be paid for by said Secretary to the creditor after the debtor emigrates. But any demand thus to be allowed and paid shall be subject and liable to the several restrictions and conditions which are contained in said article in reference to the paying of other Indian debts; and the amount for that purpose, limited in said article, shall be applicable first to those Indians whose improvements are found insufficient to pay their debts.

Andrew Ross, it is understood, has made a turnpike road, which has cost not less than one thousand dollars; it is stipulated that he shall be paid for the same.

It is requested and agreed to, that the United States will redeem the Osage reserves of eight sections, within the Cherokee territory, which heretofore have been reserved and secured to them by previous treaties, whenever the same can be effected on fair and reasonable terms.

It is stipulated and understood that an equal and just proportion of the present Cherokee annuities shall be given to each person who shall enrol for emigration, and the same shall be paid when the parties are about to emigrate to the West; and so far as the Secretary of War can ascertain, he will cause their former annuity of ten thousand dollars to be proportioned from time to time, equally, to the east and west Cherokees, agreeably to their respective and relative populations.

Any Indian person who, under the provisions of this agreement, may be entitled to subsistence for a year after removing to the West, may commute that subsistence for money at the ration price, if the disbursing agent on the part of the Government shall consider it advantageous to the party applying, and shall consent to the same; and whenever contracts are necessary to be made, for procuring supplies for subsistence, and any Cherokee shall propose for the same, the contract shall be awarded to him if the terms of the offer be liberal and low as those offered by others.

The expenses in coming to, returning from, and remaining at the city of Washington, of the western Cherokee delegation, who have come here to aid and assist their eastern brothers, and encourage them to go West, it is agreed shall be paid, and also their clerk, Mr. Shaw, who has accompanied them, and aided in this service.

The Cherokees propose that their rights may be regarded, and to this end, ask that the act of eighteen hundred and thirty-two, which prohibits ardent spirits to be introduced into their country, may be repealed. The authority of Congress to "regulate commerce with the Indian tribes" is not denied; but in that does not consist, they think, a right to restrain and prevent them to use and enjoy, and take into their country, on their own account, those articles which their white brothers use and consider to be comforts and luxuries. The application offered is thought to be reasonable and just, and it is agreed that the Cherokees shall, for their own family use, carry into the nation wine and ardent spirits; but it is also agreed that no white traders shall be permitted to introduce them; and the Cherokees agree that they will not, for the purpose of speculation and gain, whereby

to corrupt the temperate habits of their brothers and friends. Yet, if the President and Senate shall think proper to disapprove of this proposition, it is consented that its rejection is not in any wise to affect this treaty, although they consider the request just, reasonable, and proper.

The abuse not the use of ardent spirits, makes the wrong; and upon this point they respectfully submit, if their own councils, instead of Congress, should not be at liberty to decide; and if this article be admitted, it is further agreed that the Secretary of War shall settle and pay for such ardent spirits of the Indians as was seized and confiscated by Captain Vashon and Major Armstrong, the agents of the Government, in the year eighteen hundred and thirty-two.

Done at the city of Washington, this 23d day of June, 1834.

JOHN H. EATON,

*Commissioner on the part of the United States.*

ANDREW ROSS,

JOHN WEST,

F. J. PACK,

JAMES STAR, his + mark.

CHARLES F. LITTLE, *Secretary to com.*

RICHARD M. JOHNSON,

WM. SCHLEY,

JOHN COFFEE,

C. C. CLAY,

JAMES STANDEFER,

LUKE LEA,

SAMUEL BURCH,

JAMES A. WHITESIDE,

BENJ. F. CURREY,

WM. D. SHAW, *Secretary to Cherokees.*

WASHINGTON CITY, July 16, 1834.

The within is a true copy of a treaty which was concluded by me, as commissioner on the part of the United States, with the Cherokee delegation, at this place, during the present summer.

Given under my hand this day.

JN. H. EATON.

The above certificate was written by Major John H. Eaton, at the office of Indian Affairs, in my presence, on the day above named.

ELBERT HERRING,

*Commissioner of Indian Affairs.*

October 13, 1834.

The foregoing is a copy of articles of agreement; which I am directed by the President of the United States, to submit to the Cherokee people for their approval. As these articles will be carried out and acted upon sooner or later, your aid in their promulgation is most respectfully requested.

BEN. F. CURREY,

*Superintendent Cherokee removal.*

To John Ross, George Lowrey, George Waters,  
Major Ridge, and other Cherokees,  
assembled at Red Hill, Tennessee.

WAR DEPARTMENT,  
February 28, 1835.

SIR: Having submitted a proposition for a final adjustment of our difficulties with the Government of the United States, and understanding that the President deems it to be too extravagant, we must beg that the subject be referred to the Senate for its sense on the question: the President having often told us that he was disposed to treat us with liberal justice, and that he would go so far as the Senate would allow him in regard to money matters.

We therefore trust that he will adopt this course. Being extremely desirous that this unhappy controversy might be speedily adjusted, and deeply sensible of our dependent condition, and confiding in the liberal justice of the United States Government, we are prepared, so far as *we* are concerned, to abide the award of the sense of the American Senate upon our proposition, and to recommend the same for the final determination of our nation.

We have the honor to be, sir,

Very respectfully,

Your obedient, humble servants,

JNO. ROSS,  
R. TAYLOR,  
DANL. McCOY,  
SAML. GUNTER,  
WM. ROGERS.

To the Hon. LEWIS CASS,  
*Secretary of War.*

WAR DEPARTMENT,  
February 9, 1835.

The Secretary of War, with an assurance of his respect, transmits to Judge White an extract of a letter from Lieutenant Jamieson, acting assistant quartermaster at Fort Dearborn.

*Extract of a letter from Lieutenant L. T. Jamieson, acting assistant quartermaster at Fort Dearborn, who has been charged with disbursements for the Indian service, at Chicago, the past year, dated*

JANUARY 15, 1835.

Before closing this report, I would respectfully remark that I have received the most authentic information of a disposition on the part of the Indians affected by the late treaty, to remove to the west as early as practicable, should that treaty be ratified. One of the reasons asserted for this speedy emigration by Mr. Alexander Robinson, (one of the head chiefs of the Prairie Indians, Pottawatamies) is, that no corn or potatoes were raised last year, the Indians having mostly wasted the agricultural season in drinking. And the sooner they emigrate under the guidance and protection of the Government, the sooner will they be relieved from the prospect of starvation. It may be, therefore, of the utmost importance to them, that the goods and money to be paid this year, arrive in the spring, or as soon thereafter as practicable.

## IN SENATE OF THE UNITED STATES.

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 APRIL 1, 1836.
 

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The following documents were ordered to be printed, *in confidence*, for the use of the Senate.

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 WAR DEPARTMENT, *March 30, 1836.*

SIR: The enclosed report of the Commissioner of Indian Affairs has been prepared and is transmitted in answer to the resolution of the Senate of the 23d ultimo, calling for certain correspondence between the Cherokee delegation and this Department.

Very respectfully,  
Your most obedient servant,

LEWIS CASS.

Hon. M. VAN BUREN,  
*President of the Senate.*

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 DEPARTMENT OF WAR,  
*Office Indian Affairs, March 27, 1836.*

SIR: I have the honor herewith to transmit, in conformity with the resolution of the Senate of the 23d instant, "a copy of all the correspondence which took place between the Secretary of War and the delegation of the Cherokee Indians, of which John Ross was a member, between the 3d and 15th days of March, 1835."

Very respectfully,  
Your obedient servant,

ELBERT HERRING.

Hon. LEWIS CASS,  
*Secretary of War.*

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 DEPARTMENT OF WAR, *March 6, 1835.*

GENTLEMEN: In your letter of the 28th ultimo, you stated your readiness to accept for yourselves, and to recommend to the Cherokee people to accept such a sum for their claims east of the Mississippi river as the Senate of the United States might deem just. The Senate have, by a resolution, stated as their opinion, that "a sum not exceeding five millions of dollars should be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river."

The President wishes now, as he has always done heretofore, to treat with you in a spirit of candor as well as liberality. He has therefore di-

rected me to communicate to you, at once, the resolution of the Senate, and to state his willingness to enter into a negotiation with you, for the cession of all your claims east of the Mississippi, upon condition that the whole amount of the consideration to be given shall not exceed the above-mentioned sum. This, you were before informed, should be done, and the pledge will be redeemed with fidelity.

I am now ready to receive your propositions concerning the various stipulations to be embodied in a treaty, for the protection of private rights, and for such arrangements as may be necessary for the removal and re-establishment of your people. As I have already stated, it is the earnest wish of the President that you should all unite together and cooperate in the restoration of harmony and good feeling among yourselves. This object is secondary to that of doing justice to you, and of providing for the satisfaction of your claims. If this good understanding can be re-established, and the stipulations of an agreement rendered acceptable to all your people now here, then, as I have before told you, but one arrangement need be made for submission to the Cherokees. But if the state of feeling between yourselves and the other party now here should continue, and prevent the insertion in the arrangement of such stipulations as may be acceptable to the whole, or as the President may think just and safe for the others, then propositions will be submitted through you, and through the other party, for the consideration of your people, and the President will lay before the Senate, for its constitutional action, the arrangements which may be approved by the Cherokees.

I will now thank you to reduce your views to writing, in a series of propositions; and as soon as they are prepared, to bring them with you, as it will be far better to discuss the matter personally, than by written communications. For the latter, I have no time.

Very, &c.

LEWIS CASS.

Messrs. JOHN ROSS,  
R. TAYLOR,  
DANIEL McCOY,  
SAMUEL GUNTER,  
WILLIAM ROGERS.

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WASHINGTON CITY, *March 6, 1836.*

SIR: Your letter of this date is received, and we regret that you did not submit for our information the whole proceedings of the Senate in relation to the propositions which we had the honor of presenting for the consideration of the President, and which, upon placing into your hands our letter of the 28th ultimo, we were distinctly informed by you would be cheerfully submitted. To a full and clear understanding of the entire action of the Senate on our case, we claim it as a matter of justice to our nation, that the same should be laid before us; we must, therefore, respectfully ask the favor of you to have a full transcript of the same made out and sent to us. We would also beg leave to inquire whether we are to understand from your communication of this date, that the five millions of dollars resolved by the Senate "should be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river,"

as embracing also the expenses for transportation and subsistence in removal, and for subsistence for twelve months after their arrival at their new homes; for blankets, guns, &c.; or whether that sum is an offer, as really appears from the resolution to be, only for the extinguishment of the Cherokee title to the lands east of the Mississippi river, and for the houses and improvements of the Cherokee inhabitants situated thereon; and that the United States will, in addition, pay for the expense of transportation and subsistence in their removal, &c. the same as have been provided for under the general plan for Cherokee removals, which have been adopted from the provisions of the treaty of the 6th day of May, 1828, between the United States and that portion of the Cherokees residing west of the Mississippi river; and, also, whether an additional extent of territory will be added to the one already laid off for the Cherokees west of that river, and of what extent. It is indispensably necessary to candor and justice that all these points should be clearly understood on both sides; and it is utterly impossible for us to proceed further until we do understand them. As to what you have remarked respecting the desire of the President, of the Cherokees uniting and co-operating in the restoration of harmony and good feeling among themselves, we can only re-assure you, with the utmost sincerity, that on our part no other feeling ever did exist, and that the Cherokees as a people, all things considered, exhibit in a greater degree unanimity of sentiment and good feeling among themselves than can be found among any other people whatever, similarly situated. We are the representatives of the nation, and not of a party; we desire not, and will not do any act that will in the slightest manner injure the individual rights of any Cherokee citizen, as we have already more than once told you; and if there be any individuals here who are unfriendly towards us personally, or may be opposed to our official acts, we stand prepared to meet any charges which may be brought against us before the proper tribunals of that unfortunate people whom we represent, and we cannot divert from the path of public duty. We beg leave again to repeat that, on our part, we have not any private feelings of animosity or of revenge to indulge against any individual here, nor will we cherish any, much less in our official acts are we disposed to disturb or injure the individual rights of any Cherokee citizen; and if you harbor any suspicion against the truth of what we say on this subject, we must request the favor of you, as a matter of justice to ourselves, to communicate frankly to us the reasons and authority upon which that suspicion rests.

We have the honor to be, sir, respectfully,

Your obedient, humble servants,

JOHN ROSS,

R. TAYLOR,

DANIEL McCOY,

SAMUEL GUNTER, his x mark.

WILLIAM ROGERS.

Hon. L. CASS, *Secretary of War.*

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DEPARTMENT OF WAR, *March 7, 1835.*

GENTLEMEN: I have just received your letter of this date. The sum of 5,000,000 dollars, which is offered for your claims east of the Mississippi,



will, as I have already informed you, be in full for your entire cession. The application of it will be such as you desire, a just regard being had to individual rights. Nothing more will be paid for removal or for any other purpose or object whatever. In giving to you the full value of your property, the United States comply with all the demands of justice upon them.

This letter closes the intercourse in writing between us. I have already intimated to you that I could not continue this mode of communication. Any information that you may desire, that it is proper to be given you, shall be given at any time you may come to the office for that purpose; and I will enter with you into a liberal and candid examination of the whole affair, with a sincere desire to adjust it in a manner satisfactory to your people, and just on the part of the United States.

Very, &c.

LEWIS CASS.

Messrs. JOHN ROSS, and others,  
*Washington City.*

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WASHINGTON CITY, *March 9, 1835.*

SIR: We desire not to intrude upon your time, nor are we disposed to trouble you with any further written communications on the subject of the affairs of our nation, inasmuch as you have signified to us, in your letter of the 7<sup>th</sup> inst. that that letter closes the intercourse in writing between us; but from what has passed between us, at our interview in your office on this day, we are constrained by every consideration of duty, as well as of self-respect, to address you again, and to repeat in writing what we have said verbally, that we, as the duly authorized delegation of the Cherokee nation, are prepared in good faith to redeem every promise which we have made to the Department, so far as recommending to our nation the expediency of closing our unhappy difficulties by a treaty with the United States; and to enable us to do so more successfully and satisfactorily before the Cherokee people, we proposed that the whole matter should be referred to our nation, and there, in general council, to deliberate and determine on the subject. And in order to ensure harmony and good feeling among ourselves, it was greatly to be desired that the Cherokee people and their representatives should not be trammelled by any premature act on *our* part, and that the whole subject should be brought before them, free from any suspicion or unjust imputations against ourselves or others. By such a fair and open course as this, there would be some ground to hope that the aggravated controversy will be terminated in a proper manner. Such were our own views, and which we still entertain, in reference to this subject. And you have so often communicated to us the earnest desire of the President, that the Cherokees should all unite together and co-operate in the restoration of harmony and good feeling among themselves; we cannot see any good reason for objecting to the course proposed by us; and if the Department persist in the unexpected and most extraordinary course which you intimated to us this morning was about to be adopted, that is, of entering into a treaty with John Ridge and others, unauthorized individuals who are here, for an entire cession of the Cherokee lands, &c., east of the Mississippi river, and providing for the application of the money proposed to be given for the same, the great object so earnestly pressed on

both sides, for reconciling and restoring the harmony and good feeling of all, and thereby terminating the Cherokee difficulties satisfactorily, will most assuredly be defeated by your own acts. And, as the duly authorized delegation of the Cherokee nation here, we do most solemnly protest against any such arrangements being entered into with these individuals. In your letter of the 7th instant, closing all further intercourse in writing between us, you distinctly informed us that the application of the \$5,000,000 which is offered for our lands and possessions east of the Mississippi river, will be such as we desire—a just regard being had to individual rights. Well, then, if the nation will consent to treat and accept of the sum offered, let its own wishes in regard to the application be consulted and adopted—a *just regard being had to individual rights*. And on the part of the delegation here, we again repeat, that *we* are prepared to comply in good faith with every promise which we have made to the Department on the subject, provided you do the same on your part, and will not throw any obstacles in our way.

We have the honor to be, sir,

Very respectfully, your obedient, humble servants,

JOHN ROSS,

R. TAYLOR,

WILLIAM ROGERS,

DANIEL McCOY,

SAMUEL GUNTER, his × mark.

Hon. L. CASS,

*Secretary of War.*

## MESSAGE

TRANSMITTING

In compliance with a resolution of the Senate,

*A letter of Major Davis, relative to the Cherokee Treaty, and the accompanying certificates.*

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APRIL 12, 1836.

Read, and referred to the Committee on Indian Affairs.

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IN SENATE OF THE UNITED STATES.

APRIL 19, 1836.

*Ordered,* That the following message, and the documents thereby transmitted, be printed in confidence for the use of the Senate.

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WASHINGTON, *April 12, 1836.*

*To the Senate :*

I transmit, herewith, a report from the Secretary of War, communicating the original letter from Major Davis, and the statements which accompany it, referred to in the resolution of the Senate of the 8th instant.

ANDREW JACKSON.

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WAR DEPARTMENT, *April 12, 1836.*

SIR: In conformity with your instructions, I transmit the original letter, together with the accompanying statements, from Major Davis, referred to in the resolution of the Senate of the 8th instant.

It is proper to remark, that I received a letter from the Committee on Indian Affairs in the Senate, expressing a wish that a copy of this letter might be transmitted to the committee.

The accompanying answer will explain why I did not feel myself authorized to do so. The letter being a confidential one, I have not caused it to be copied, but transmit the original, and will ask its return, after the Senate shall have no farther use for it.

Agreeably to the information given in Major Davis's letter, it was immediately shown to Mr. Schermerhorn, not only as an act of justice to him, but also as preparatory to any investigation which it might be proper to make into the circumstances stated.

The answer of Mr. Schermerhorn, together with some letters transmitted by him, is enclosed. As there is not time, without creating delay, to copy these letters, I have to request their return also.

Very respectfully,

Your obedient servant,

LEW. CASS.

The PRESIDENT of the *United States*.

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WAR DEPARTMENT, *April 7, 1836.*

SIR: I have been prevented, by indisposition, from giving an earlier answer to your letter of the 4th instant.

A letter has been received, as you suggest, from Major Davis, giving his reasons on the subject of the Cherokee concerns; but he has communicated it with this injunction: "This communication I wish the President to see, if practicable, which is confidential; but to Mr. Schermerhorn it is not confidential: I wish him to see it." Under these circumstances, it appears to me that I should not be justified in furnishing a copy of it. I beg the committee to be assured that any information in the possession of the Department, which I can properly communicate, shall, at all times, be prepared, and transmitted, upon their requisition; without unnecessary delay.

Very respectfully, your most obedient servant,

LEW. CASS.

Hon. H. L. WHITE,

*Chairman Com. Ind. Affairs, U. S. Senate.*

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CHEROKEE AGENCY, EAST,

*5th March, 1836.*

SIR: In 1831 I had the honor to receive from your hands the appointment of enrolling and appraising agent in the removal of the Cherokees west of the Mississippi. Since which time I have faithfully discharged my duty here without complaint or fault-finding of me from any quarter, white or red. I speak of this with more pride and pleasure, as I stand alone upon this point, among those with whom I have been associated here. I have been thus fortunate, because I have been uniformly friendly and conciliatory to these people in all things: advocating the policy of the administration with firmness, but always with mildness and friendship; showing the greatest respect for their feelings and sympathy for their distressed situation; and, in my intercourse here I have known no party, but have been equally friendly with Ross-men as Ridge-men, or anti-emigrating as well as emigrating party; and I feel proud to say, that I believe I had the confidence and the friendship equally of both parties. I pursued the course mentioned, because I felt confident it was my proper course, and the only way to carry out, successfully, the policy of the Government towards these people; but as I was placed here subordinate to others who had the control, and whose course of policy was of the compulsory kind, and diametrically opposite to mine, I was counteracted, and could render my

country but little good. And I solemnly declare to you, that nothing has been wanting here for the last twelve months to settle our long difficulties with these people by treaty, but a commissioner who is prudent and discreet, and who would treat them with respect and kindness; and upon this ground alone did the negotiation fail at the Red Clay council last October, between Mr. Schermerhorn, our commissioner, and the United delegation, composed of the parties of Ross and Ridge. Nothing, sir, was wanting at that time to adjust our difficulties here by treaty, but a commissioner in whom the Cherokees had confidence. And here I regret to say to you, that the appointment of John F. Schermerhorn, as commissioner to treat with the Cherokees, was a most unfortunate selection. By his imprudence here, he lost the confidence of all parties, first of the Ross party, and then of the Ridge party, and rendered himself completely odious and hateful to all the Indians. Of this fact, inquiry has only to be made here to ascertain it; and if disputed by Mr. Schermerhorn, I pledge myself to prove it. The limits of a letter forbid a detail or you should have it. But, sir, I hope it will suffice when I state to you, that his conduct and his course of policy was a series of blunders from first to last, and calculated to prolong our difficulties here instead of bringing them to a close. His policy was wholly of a partisan character, marked by the highest imprudence throughout, and more calculated to put down one party and put up another, than to effect a general treaty with all parties. He fell into the line of policy pursued here from the first opening of emigration in 1831—the *compulsory kind*; and this miserable wretched policy has alone prevented the settlement of our difficulties here. I conceive, sir, that my duty to the President, to yourself, and to my country, reluctantly compels me to make a statement to you of facts, in relation to a meeting of a small number of Cherokees, at New Echota, last December, who were met by Mr. Schermerhorn, as United States commissioner, and articles of a general treaty entered into between them for the whole Cherokee nation, which treaty, I have just understood, has been laid before the President by Mr. Schermerhorn, as a bona fide treaty, made with the *whole Cherokee nation*; and to be sent to the Senate for final ratification. True, sir, it does not come within the sphere of my immediate duty to make reports to you upon the subject of our Indian relations here; that has been intrusted to other hands, and I should not interpose in the matter at all, but I discover that you cannot receive impartial information upon this subject; that you have to depend upon the ex parte, partial, and interested reports of an officer who will not give you the truth. And, sir, I cannot, nor will not, be silent, when I see that the President and yourself are about to be imposed on, by a gross and base betrayal of the high trust reposed in the Rev. John F. Schermerhorn, by the President and yourself. Sir, that paper, containing the articles entered into at New Echota, in December last, called a treaty, is no treaty at all, because not sanctioned by the great body of the Cherokee people, and made without their consent or participation in it, pro or con.; and I here solemnly declare to you, without hesitation, that, upon a reference of this treaty to the Cherokee people, it would be instantly rejected by more than nine-tenths of them: in fact, I incline to the belief that nineteen-twentieths would rise up against it. I was not present at the meeting at New Echota, being prevented by indisposition. But, sir, I have it from the best authority, that there were

not present, at the meeting, more than a hundred voters, and in all, including men, women, and children, not exceeding 300 souls. To prove this, I enclose to you the statements of Lieutenant Bateman, of 6th United States infantry, and disbursing agent Lieutenant Hooper, of the 4th United States infantry, and commandant of the troops in the Cherokee nation, and assistant surgeon C. M. Hitchcock; all gentlemen of the strictest honor and highest standing in the service, who were impartial eye-witnesses, and took pains to ascertain their numbers; who were in nowise interested, except so far as their country was concerned. I enclose the statement of Mr. Price, a respectable white man, who was present at the meeting, confirming the statements of the gentlemen mentioned.

At the time of the meeting, they had fine, warm, dry weather, and no excuse can be had for not having a numerous meeting on that account.

The Indians had been long notified of the time of this meeting, and every pains taken to induce them to come in; blankets were promised gratis to all who would come in and go for a treaty. A very inflammatory address against the chiefs, and urging the Indians to attend the treaty, was written by Mr. Schermerhorn, translated, and printed in the Cherokee alphabet and language, and extensively circulated. But all to no purpose, a mere handful attended, and they were the remnants of the old Ross and Ridge parties, many of whom would not have attended the meeting at all, but through fear of being legislated out of their homes by Georgia, and were induced to believe that, by attending the treaty, they could retain their homes awhile longer. The most cunning and artful means were resorted to, to conceal the paucity and smallness of the number of Indians present at the treaty; their numbers were not taken down by the commissioner. He doubtless had no wish to do so, for they were too small to answer his purpose. You could not ascertain them from the issues of provisions, as I am credibly informed they were irregular and not strictly according to numbers present. The business of making the treaty was transacted with a committee appointed by the Indians present, and not with all of them present—that would expose their numbers. And if I am not misinformed, the power of attorney under which the committee acted, was not signed by every Indian present, (which was the case when the Ridge delegation were appointed last year,) but by the chairman and secretary of the meeting—for that would expose their weakness. It does therefore appear to me that Mr. Schermerhorn designed to conceal the real number present, and to impose on the public and the Government upon this point; the greatest pains were taken by him to puff the number present and to puff the treaty; the numbers were variously rumored at from 500 to 700 Indians present, and circular letters written to the Governors of Tennessee, North Carolina, Georgia, and Alabama, announcing the conclusion of a general treaty at New Echota, in "*general council*" with the Cherokees, which were published in the newspapers, and have gone the round of the Union, and all done by the commissioner to puff his treaty and to deceive the public. But admit for a moment that there were were 500, or even 700 men, women, and children of the Cherokees present at New Echota, (which I deny positively,) none of whom were delegates—were they a proper number to make a treaty for 16,000 Cherokees? a number not exceeding one-thirtieth part of the

whole Cherokee nation. But, sir, in the absence of all other evidence in relation to this matter, what can be more conclusive proof that the commissioner himself thought the number of Indians *too small* that made the New Echota treaty; or why did he, at the close of that treaty, appoint another meeting of the Cherokees within the chartered limits of North Carolina, near the Valley towns, to submit this same treaty to them for their consideration, after they had refused to meet him at New Echota? This meeting was appointed near the Valley towns, in the immediate vicinity of about 5,000 Indians, where the great body of the full-blooded Cherokees reside, who were all notified of it; preparations were made for their entertainment on the appointed day, a feast was prepared, and the commissioner and his retinue present to receive them. But the Indians would not meet him—none came but one or two half-breeds, which I have from the best authority, and the commissioner was left to eat his own feast, with about thirty or forty white men, intruders into the nation, and the riff-raff of the country. I have been thus particular to detail to you these things, in order that you may know public sentiment among the Cherokees in relation to Mr. Schermerhorn and his New Echota treaty. And this confirms what I stated to you in the first part of my letter. But, sir, this was not all: Mr. Schermerhorn prostrated the dignity of his station, and exhibited himself to the Indians in a very ridiculous and ludicrous point of view, by itinerating and wandering through the nation with a detachment of United States troops, and his retinue of officers, forming a sort of caravan or show, to induce the Indians to meet him in council, after they had positively refused to have any thing to do with him. This course of proceeding was certainly a novelty in the annals of our Indian diplomacy, and made the Indians stare and wonder. From the bad success attending this *new caper* in our Indian negotiations, I do sincerely hope it will be abandoned in future.

Mr. Schermerhorn, in order to carry out his scheme of deception more effectually, took on with him to Washington a large delegation, selected from among the few who attended the New Echota meeting, and who formed a considerable portion of that meeting. But, sir, that delegation had no more authority to make a treaty for the whole nation than any other dozen Cherokees accidentally picked up for that purpose; they are not the delegation of the Cherokee nation, nor have they power or authority to act for them. But I presume they are the delegation for John F. Schermerhorn, through whom he is trying to impose upon the Government, to accomplish his views of ambition, and of *further continuance in office* in this country. Sir, I have fathomed and penetrated this individual's designs: in his treaty he has provided a snug office for himself, (commissioner for spoliations;) here is the secret of his reckless course. And I now warn you and the President that if this paper of Mr. Schermerhorn's, called a treaty, is sent to the Senate, and finally ratified, you will bring trouble upon the Government, and eventually destroy this nation; we shall doubtless have a similar scene to that of McIntosh in the Creek nation in 1825, or perhaps those of Black Hawk in Illinois in 1832, or those now going on in Florida. The Cherokee people are a peaceable, harmless people, but you may drive them to desperation; and this treaty cannot be carried into effect except by the strong arm of force. Of this fact I have no doubt Mr. Schermerhorn is well convinced; for, upon his departure for Washington, he told the officer in command of the

United States troops here, and several others, that there would be several additional companies of regular troops ordered here. What does this indicate? It evidently proves that he himself knew that his treaty was made without the consent of the nation, and that it would have to be carried into effect and enforced by the armed force of the United States. Do this, sir, and you destroy this nation, for those you don't kill will scatter to the four winds of heaven. Will this be carrying out the President's policy towards the Indians, and effecting his object by their removal? And will it comport with the spirit of the American republic, and our institutions, that a miserable, pitiful, and contemptible minority should prevail over an overwhelming majority? And I here again repeat, that if you carry out this treaty to its ratification in the Senate, you will bring trouble upon the Government, and the destruction of the Cherokees will be the final result. And you can't be too quick in concentrating here the whole disposable regular force of the Union.

Amidst these difficulties, it may be asked what ought to be done. Sir, the way is open to you to obviate all these difficulties, and to make a general treaty with the Cherokees, that will satisfy all parties, settle our disputes with them in peace and quietness, send them to their new homes, and accomplish the President's great desire, viz: the preservation of the Cherokee people as a nation.

The united delegation, now at Washington city, which was appointed by the Cherokee nation, at the Red Clay council, last October, and selected by a compromise among all parties, headed by John Ridge, John Ross, John Martin, Lewis Ross, Charles Vann, Joseph Vann, and others, who carry with them the confidence and the expressed voice and will of the Cherokee nation, have full power to sell and dispose of their country here by treaty, and went to Washington city for that purpose, and whatever treaty is made by this delegation, will be cheerfully acquiesced in by the great body of the Cherokee people; and I do sincerely hope and desire that you will avail yourself of this opportunity to adjust our long and vexatious difficulties with these people; for this delegation, headed by Ridge and Ross, is the only one properly authorized by their nation to make a treaty with our Government. And this is the first period since the commencement of our difficulties with these people, that the whole nation united, appointed a delegation from all parties, and come to the determination, at last, to sell their country. These people have finally come to the point that we have long labored to bring them; and I do hope you will pause and reflect upon this subject before you reject this delegation. There are men in that delegation I have the utmost confidence in. John Ridge has sacrificed much to promote and further the policy of the Government here; Lewis Ross and John Martin would never have left their homes and their business here, but for the expectation of aiding in a final treaty for the cession of their country. I have the assurances, solemnly given, of all these men, that they would not serve as delegates but for this purpose. I have full faith in their promises; they are men whose characters stand above suspicion. Why not, then, take them by the hand, and adjust our difficulties at once? But you may say, they will be too extravagant in their demands. No doubt they will drive the best bargain they can with our Government. But, sir, their present distressed situation here, will compel them to accept of reasonable terms, and I have no idea it is their intention to prolong their difficulties with us, by holding out upon unreasonable terms. They must do



something forthwith, or their women and children, many of them, will suffer, starve, and die. And perhaps it may be urged that this delegation refused to treat with John F. Schermerhorn, United States commissioner, who was present with them for that purpose, and, therefore, you will not receive them at Washington. At the Red Clay council, I urged the union of all parties, and the appointment of this delegation, which was effected. I then urged them to make a treaty with the commissioner, and not go on to Washington; but, sir, it was in vain I urged it, for Mr. Schermerhorn was so unpopular, odious, and hateful to them, that they would not consent to make a treaty with him, and determined to go to Washington to make a treaty. And, sir, if your commissioner was so imprudent, and so indiscreet, as to offend these people, they treated *him* as he deserved, and meant no disrespect to you or the President, which they candidly avowed to me. In the negotiations at Red Clay, last October, your commissioner commenced and carried on, with John Ross and his delegation, an insulting, angry correspondence, which ended in his being outwitted and overreached by them, for they drew from him his propositions and terms for a treaty, and then dropped him; and if the correspondence in that farcical negotiation, should ever reach the light, any American citizen who reads it, will blush for his country, when he contrasts the rough, insulting, and threatening communications of the commissioner, with the dignified, respectful, calm, and chaste answers of the principal chief and his delegation, who did not seek this correspondence. Who is this John F. Schermerhorn? What distinguished and eminent services has he rendered the republic, that his *ipse dixit* should stand in the way of an adjustment of our Cherokee difficulties? Sir, it is no time to stand upon trifles, when thousands of innocent women and children are suffering, and will suffer and die from starvation, if these difficulties are not settled by treaty, and arrangements made for their removal west of the Mississippi forthwith. A misstep now may prove fatal forever, and we may never have the same opportunity to peaceably settle this difficulty. This difficulty has been too long already upon the hands of the Government, and it will operate to the prejudice of the administration and its friends, for this matter to remain longer unadjusted. Georgia and the surrounding States, I have no doubt, purposely staid further legislation against the Cherokees, for the present year, upon the written pledges of the Ridge and Ross delegation, that they would make a treaty the present winter or spring; and public expectation in these States, I am confident, rests upon that delegation as the legitimate and proper one to make a general treaty. I am done with this subject, and regret that any cause should have compelled me to trouble you with this long, disagreeable communication. An humble individual addresses you, who is personally unknown both to yourself and the President, although I have served under you both in the tented field during the late war. In the autumn of 1813, I well recollect General Cass, of the northwestern army, commanded by Harrison and Shelby; he was conspicuous at the landing of the troops upon the Canada shore, below Malden, on the 27th September; and conspicuous at the battle of the Thames, as the volunteer aid of the commanding general. I saw him in the midst of the battle in the deep woods upon the banks of the Thames, during the roar and clangor of fire-arms and the savage yells of the enemy; then I was a green youth of seventeen, and a volunteer from Kentucky. With the President I was at New Orleans, a subaltern

officer in 1814 and '15, and heard the sound of the first and last gun during his memorable contest with the British army below that city, and was disbanded at the close of the war. My situation compels me to speak of myself; I hope you will make allowances for it; I don't mention these things in a boastful spirit. I was taught by my father (who was a revolutionary officer) to be honest, and to love my country. I have mentioned these things to show you I have served my country, and have a right to be heard.

When I discover that country is about to be imposed upon by an individual who has had the honor to have a high and important trust confided to him by the President, I feel indignant, sir, whenever I think of it, and cannot repress my feelings; and I pronounce John F. Schermerhorn unworthy of the confidence of the President, and should be spurned from his presence. But, sir, should you feel any doubts as to the weight of my statements, as my character is unknown both to you and the President, you are referred to Colonel R. M. Johnson, of the Kentucky delegation in Congress, honorable Amos Kendall, Postmaster General, and F. P. Blair, Esq. editor of the Globe; all distinguished friends of the President, with whom I labored for years in Kentucky, side by side, in our fierce political conflicts in defence of General Jackson, and of democratic principles. These gentlemen, with the aid of the lamented Barry, procured for me my appointment in the Cherokee nation; they know my character, respectability in society, the stations I have been called to in Kentucky, both from the people and the Government, my devotion to General Jackson and the cause of democracy, the sacrifices I made for him. To these gentlemen, who are all at hand, you are referred for my character for truth and integrity, and whether my statements are entitled to consideration or not. This communication I wish the President to see, if practicable, which is confidential; but to Mr. Schermerhorn it is not confidential. I wish him to see it. I make no stabs in the dark, and he is not ignorant of my views of his conduct here. I charged him by letter of his conduct in this nation, and let him know I should expose and arraign him before the President.

With very great respect,

I have the honor to subscribe myself,

Your most obedient servant,

WM. M. DAVIS.

HON LEWIS CASS,

*Secretary of War, Washington City.*

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WASHINGTON, D. C. *March 29, 1836.*

SIR: I thank you for the opportunity of reading and answering a communication of Major Wm. M. Davis to you, in reference to myself and the treaty concluded at New Echota. You well know the difficulties incident to public stations, and the impossibility of pleasing every body, especially if we mean to act with independence and integrity. For my part, I have long been convinced of its utter impracticability, and I have adopted one course to be uniformly pursued; and that is, to endeavor, in all things, to maintain a conscience void of offence towards God and man, and then, when the storm comes, I can meet it unmoved.

It is evident from the whole of Major Davis's long letter, that it is written under very improper and excited feelings towards me; and the question arises, What is the cause of it? From his letters to John Ridge, and others, it appears that they are owing to an impression that I was instrumental in his removal from the office of appraising and enrolling agent; and, also, my unwillingness to allow his account for expenses, amounting to thirty-six dollars, for conveying a letter to Elias Boudinot and Stand Waite, and arranging some Cherokee printing, preparatory to the New Echota council. In that account he charged me for eighteen days' board, and (\$8) eight dollars for the hire of a wagon and horses to convey him to the agency, while he was sick. This I deemed an improper charge, as he was in the receipt of his per diem allowance. Had it not been for this, I presume you would never have heard of his complaints. The cause of his removal was owing to Lieutenant Bateman's representations, and not mine. When his account is presented, you will be able to determine whether I acted correctly or incorrectly. I now proceed to notice what he says about the treaty.

He attributes the failure of a treaty at Red Clay, in October last, to want of respect, and attention and kindness, to John Ross and his council; to my imprudence and ignorance, and want of skill in conducting negotiations with Indians; to a forcing and overbearing policy; and, because the Indians had lost all confidence in me, and because I had become odious to them. To this I have only to reply, that the gentleman is mistaken, as will be seen from an examination of the whole of my transactions with the Cherokees, an account of which has been transmitted to the Department. It will therein appear that I have done every thing in my power to conciliate the Indians, restore peace and harmony among them, and that I uniformly treated them with forbearance and kindness, as far as consistent with the respect due to myself and the Government which I represented. Indeed it was soon manifest to me that Mr. Ross and his partisans meant to play the same game with me they had with all the commissioners that had been sent to treat with them for some years past, and those friends that had taken an interest in their affairs, viz: to deceive me with their fair speeches, misrepresentations, double-dealing, and false pretensions; or else to denounce me as every thing that was vile, bad, and odious, and as an enemy of the Indians. And because I would not permit them to deceive me, and defeat my mission, I am now denounced by them; and not by them only, but by such white men and officers of the Government among them as they have deceived and drawn into their course of policy, in opposition to all the views, policy, and interest, of the Government. In this I have no reason to complain, for I find they have pursued the same course of denunciation towards the President, Secretary of War, honorable John McLean, Theodore Frelinghuysen, Edward Everett, and all their best friends they ever had, because they have advised them to make a treaty and remove west of the Mississippi, the only land of rest and peace for the Indians. There is only one class of men Ross and his men speak well of, and they are those who continue to flatter them, court their favor, and continue to foment and excite their opposition to the Government, and who justify them in their perverse course in opposing the present treaty, which can only end in the ruin and destruction of their people.

2. In reference to the New Echota council, Major Davis says he was not

present, and that he has his information from Lieutenants Bateman and Hooper, and Dr. Hitchcock. I will observe all these gentlemen are inmates and boarders at the house of Lewis Ross. How much influence this may have had upon the course the gentlemen have pursued in the Indian country, in favor of Mr. Ross's views, and his side of the question, in opposition to the Government, I leave every man to form his own opinion. I will only say, that the certificates of several gentlemen present at the council, as capable of forming a correct estimate and opinion of the number present as any other men who attended there, state the number present, from four hundred to six hundred; I have supposed an average of five hundred. This was an inference drawn from the provision returns, and the blankets distributed. If there were no more present than represented by Lieutenant Bateman, I think it very singular that he should never have expressed this to me before, when he staid with me in the same room during the council, and when he uniformly expressed himself gratified that the council was so well attended, and that too by the most intelligent part of the nation. But, more than this, he, by instructions from the Government, made the contract for the supplies of the council; and I requested him to see that every thing was properly conducted, so that no fraud or iniquity was practised on the Government. At my request, Lieutenant Hooper drew up a form, on which the requisition was made; and a person was appointed to see that the contractor delivered the rations required by the requisition; and that no more was issued than was proper, according to the number in attendance. Now, then, is it not singular that Lieutenant Bateman should suffer the commissioner and the Government to be imposed upon, by the payment of an average of about five hundred rations a day, when he *knew*, as he says, there were not over three hundred Indians present. I must therefore come to this conclusion, that *Lieutenants Bateman and Hooper were in error as to the number present, or else, especially Mr. B., was unfaithful to the trust reposed in him by the Government and the commissioner.* I cannot, for my part, account for the course these gentlemen of the army have taken in this matter, on any fair and unbiased principles, and without viewing them as acting under some undue and improper influence or prejudice.

In reference to the marching of the United States troops through the nation with the commissioner, I must say the whole statement is incorrect. I never marched with or accompanied the troops, nor they me, a mile, all the time I was in the Indian country. The agent requested them to go to North Carolina to remove some intruders on the Indian improvements. My visit there was occasioned by some private communications, that if I were to come into that part of the nation, they would send a delegation to Washington in favor of the treaty. Of that meeting I have already given you an account in my report, and, therefore, I need to add nothing further on that subject.

I acknowledge I stated to some gentlemen, (perhaps to Lieutenant Hooper,) who said that there ought to be more troops in the nation, that I had no doubt a sufficient number would be sent there to preserve the peace of the country, and probably four companies, one for each of the States in which the Cherokees resided. And now, what does this prove? That I had no faith or confidence in the validity of the treaty? Certainly not; but that I had no faith in John Ross and his partisans, Indians or whites, in the nation or out of it; and that it would be advisable to be prepared to meet any difficulties or disturbances they might excite; and I am still of

the opinion this ought to be done. In conclusion, I will only add that, conscious of my own integrity in all I have done in the Cherokee negotiations, I fear no scrutiny or investigation in relation to it; and, moreover, I am persuaded I pursued the only course calculated to accomplish the object of my mission and effect a treaty; and had I pursued the policy and course marked out by Major Davis, and which Ross wished me to pursue, I must have failed.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN.

To the Hon. LEWIS CASS,  
*Secretary of War.*

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WASHINGTON, D. C., *March 8, 1836.*

SIR: I have received your communication of the 24th ultimo, and from reading the first page only, I was satisfied you had written it under very excited feelings, arising, probably, from a misapprehension of my feelings towards you, and under a strange delusion to believe a lie. I determined, therefore, *for your sake*, for whom I have entertained a high regard, that I would read no more of it, but return it to you at once, which I now do. I was yesterday confirmed in my opinion, by your letter to Mr. John Ridge. Through your friends here, or by writing to the Secretary of War, if you please, you may ascertain that I have had no agency, directly or indirectly, in *your* dismissal, or any one else, from the public service among the Cherokees; and that it was done without my previous knowledge, as it certainly was without my approbation.

My letter in answer to yours of the 16th January, in reference to your account, was written with the most friendly feelings; and I must say to you that my views, as therein expressed, remained unchanged. I do not believe it right, that while you was in the employ of the Government, and had your regular per diem allowance, that you could, with propriety, charge more than the extra expenses incurred by you in the particular service to which, at my request, you attended unto, and for no longer time than actually and necessarily engaged in it. You appear, however, to view it as a particular service rendered to me. If you choose to put it upon that ground, I have directed Major B. F. Currey to pay you, on my *private account*, as I want no man to attend to business for me for nothing. If Major Currey has left the agency, and Lieut. Bateman will pay the account, I will refund it to him when we meet.

I will not return railing for railing and bitterness for bitterness; but contrawise, I would do good for evil; and if it was in my power to have you reinstated in office, I would do it for the sake of your family. Conscious of my own integrity, I have nothing to apprehend by the disclosures of any man, or set of men, as long as they keep truth on their side. I sincerely regret that the officers in the service of the Government among the Cherokees, have not had a better understanding among themselves, which I have no doubt would have greatly promoted the public service.

Your obedient servant,

J. F. SCHERMERHORN.

Major WM. M. DAVIS.

WASHINGTON, April 11, 1836.

DEAR SIR: In answer to your inquiries, I will state that I accompanied you and Major Currey, with your interpreter, to the North Carolina part of the nation, and that I saw none of the United States troops in going there. I understood that Major Currey had requested Lieutenant Hooper to go there with his men to remove some white men from Indian improvements. The soldiers arrived there two or three days after us. I will also say that I conversed with several of the chiefs and principal men of that part of the nation, in reference to the treaty concluded at New Echota, particularly Littee wa-gee, Wofford, and John Timpson, and they all appeared to be well satisfied with the provisions of the treaty, and were willing to send on a delegation from that part of the nation, in favor of the treaty, and a council was called for that purpose by the chiefs; and they had a private council the night before they were to meet you; and I understood, through the influence of Mr. Evan Jones, a missionary, who is devoted to John Ross, they were prevented from meeting you; and it was through his influence, I have since been informed, the protest was gotten up; and I am acquainted with him, and believe the composition to be his. In consequence of this interference, only about forty or fifty persons met you there, to whom you read and explained the treaty, and all appeared well satisfied with its provisions.

I have the honor to be,

Your friend and obedient servant,

JOHNSON ROGERS.

Rev. J. F. SCHERMERHORN.

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WASHINGTON CITY, (Tuesday,)  
March 29, 1836.

SIR: I take the liberty of addressing you this note, and the object of which is, to state to you that, during the council which you held with the Cherokees in the month of December last, at New Echota, I had the honor of conversing with Lieutenant Bateman, on the subject of the treaty which was then negotiating between the United States and the Cherokee nation of Indians east of the Mississippi, and Lieutenant Bateman stated that he was fully aware that the treaty then pending was the best treaty that the Cherokees would ever be able to obtain from the United States. And from the statements which *he* (Lieutenant Bateman) made to me, he appeared to be well pleased at the course which the Cherokees had taken, for negotiating the then treaty; *he* (Lieutenant Bateman) also stated that if the treaty was ratified by the Senate, which he had no doubt but what it would be ratified, then in that case the Cherokees would obtain immediate relief; and *he* (Lieutenant Bateman) stated that he saw no chance of relief for the Indians, only by way of treaty, &c. Again, sir, permit me to say to you that, immediately after your arrival in the Cherokee nation, I had the honor of being introduced to you, through Miss Sarah Ridge, and from my first acquaintance with you up to the present time, I have always found you to be a man of good and even temper; I have never known you at any time to treat any Indian with contempt; I have always known you to meet and take them by the hand as brothers; I never saw in any instance where you ever made any distinction between the different classes of society

amongst the Cherokees; and all your course of conduct, while in the Cherokee country, appeared to be nothing more than to do justice to the Cherokee people; even when you was negotiating the treaty with the Cherokees at New Echota, in the month of December last, your course of conduct, at that place and time, appeared to meet the entire approbation of all the Cherokees who was then present at the council ground; moreover, I think you to be a man well qualified to negotiate a treaty with any Indian tribe whatever. I have always found your course of conduct towards the Indians to consist of nothing but good, honest, and pure motives. I have never discovered in all the course of your conduct and transactions with the Indians, any improper conduct which you ever attempted to practise towards them in any manner, shape, or form whatever. I fully believe all your conduct towards the Cherokees to be of good and honest principles, and clear of any deception or corrupt motives. I fully believe you are the only man who could have negotiated a treaty with the Cherokee people who are yet remaining east of the Mississippi river; therefore you deserve honor and high credit for the valuable services which you have rendered both to the United States and the Cherokee people on this occasion. And now for your great and valuable services may your name be handed down to the rising generation of the Cherokee people, for the good which you have done their nation on this present occasion. You are the preserver of the Cherokee people; you have saved them from utter ruin and extinction, and may they ever look up to you as a father.

Sir, I have the honor to be,

With great respect,

Your humble and obedient servant,

JOHN GUNTER,

*Cherokee Delegate.*

Rev. JOHN F. SCHERMERHORN.

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WASHINGTON CITY, *March 25, 1836.*

DEAR SIR: We have heard, with feelings of regret, that Major William M. Davis has assailed your official character and conduct as a commissioner of the United States in our nation, ascribing what he calls a failure of your negotiations with our people to the odiousness of your character in the estimation of both the Ross and Ridge parties. We regret it from the consideration that Major Davis *might have done irreparable mischief* to the great cause of preserving our nation in the west, by his personal and excited feelings against you, and through you to stab the treaty made at New Echota. We do you the justice to say that, in all your acts in our country, we considered you as actuated by the best motives for the interest of the Indians, and that you were, and always have been disposed to act towards all parties as their friend, not as partisans, but as a people whom the President of the United States wished to convince, as their friend, that, in removal only, they could be preserved as a people. In all this you have represented your Government with the strictest fidelity; and let us add our belief, that no other individual in the United States could have done better than you in settling our difficulties with the United States, considering the nature of the obstacles you had to contend with. Major Davis is mistaken, if he thinks that a treaty could have been effected

by any spirit of conciliation and friendship more than you manifested. Have not these been exercised by the President of the United States and the Secretary of War here towards John Ross during the last session of Congress? And in what spirit has that party, calling themselves the constituted authority, received them? Sir, they have treated them with neglect, and have *defamed* these high officers of the Government to the ignorant Indians. How have these same men treated the friendship and kindness of Frelinghuysen, Everett, and Judge McLean, who advised them to relieve their people from State oppression by a treaty to remove them? With *neglect* and *contempt*! John Ross did not read to the Cherokees a letter of advice and opinion from Judge McLean, who wrote to them. How have they treated their own countrymen, who have agonized in spirit, and wept over the misfortunes of their people, and advised this presumed constituted authority to lead their people where they could be free? They have abused that friendship, and scorned entreaties, until our people are in the abject condition upon which, we understand, the major is truly eloquent. Yes, they have denounced us as vile traitors, and all those who have held the same opinions, because, as we solemnly believe upon our sacred honors, that their unalterable determination was not to treat upon the basis of preserving their people upon the location assigned to them west, but to consign them to destruction within the States, the deluded victims of too much confidence. A treaty could not be made upon equitable principles, which should operate beneficially to the Indians, if it had to pass through John Ross and his party, as is evident from all the efforts heretofore made.

The reason why a treaty was not made at Red Clay, is not found in your want of skill, discretion, friendship, or conciliation. Mr. John Ridge even suspected you as too friendly disposed to John Ross for the good of the cause, and was fearful that you might be induced to give up privileges for the national resources for the west, if insisted on by Ross, in order to effect a treaty. The council was called by Ross to *dodge* the commissioners to come on to Washington. The people did not leave their homes to treat there, but came from considerations impelled by their afflicted condition to counsel upon it and seek relief. A memorial was drawn up by the friends of John Ross, and numerously signed, calling upon that council to treat with the least possible delay; but when he heard of this powerful movement, he requested them to suspend it, and to keep it back, as *he* was now for doing that very thing—he was for a treaty. These people then called upon the two parties to compromise. They did so, and Ross drew up the papers granting full powers to twenty persons to treat there or elsewhere. To this instrument he added a protest against the acceptance of the five millions, which, at his request, had been awarded by the Senate, and which he had pledged himself to advise his people to accept. This paper, so contradictory in itself, was read to the people on the last night of the council, in the open air, and passed without taking the yeas and nays, and without explanation or the least deliberation. The question was, Are you willing to take five millions of dollars for your country? No, no, was the cry of the people. Some few of the better informed were placed in different positions to lead the way, and the Indians, without knowing the difference between five thousand and five millions, said No! They did *not* understand. Then the question was put, Are you willing to give full power to these twenty men to do your business? The answer was, Yes. They were then dismissed, and they scattered that very night. There was no



deliberation. The people, in all directions, broke off, and gave divers versions to that night's proceedings, a vast majority of whom were of the opinion that they had rejected the propositions of the Government altogether, and had instructed their delegation to make no treaty, and, consequently, *had saved the land*. This was the result of a manifest equivocal and double-dealing with an ignorant people. None but the committee of negotiators remained with John Ross's council to reject your propositions, which were made by you, as we considered, not in the spirit of ignorance, as we understand Major Davis alleges, but in the spirit of magnanimity, and that John Ross should have no excuse. Why did not Major Davis find fault with the proceedings at Red Clay, in the appointment of twenty persons, as he does against those of New Echota? All the people could not act, and the business must needs be done by a few, to effect the preliminaries of a treaty to be reported to the people. There was this difference in the organization of these committees: The Red Clay committee was nominated by John Ross, whereas the people appointed their committee at New Echota, and after it was made, the committee reported the treaty to the people, who adopted it. You need to have no apprehensions as to consequences which will result to those who signed the treaty, if the same is ratified. These same alarms have been given in the ears of the Senate by John Ross. How inconsistent to say, if they will let us sell the land, we shall live, but those who made the New Echota treaty will be killed! Who will kill? This Ross delegation? No! They know better. If the Cherokees were disposed to kill, why did they not kill Ross and his party for selling land to the Government in 1819, when they made themselves rich by getting reservations of the most valuable places out of the Cherokee property? when all the most valuable ferries and public stands were grasped by them without any benefit to the people at large? The Cherokees have a good share of common sense, and will not, we think, turn Black Hawks, Pontiacs, or Powells, in the midst of the whites. Some may be secretly induced to assassinate, by John Ross and his friends, but it will be done so secretly that only one or two may fall. What will that be to the joy which the treaty will ultimately give to the Indians? the thousands who will emigrate and be happy? the thousands who will be relieved from the lowest state of wretchedness and wo, now reduced almost to nakedness and starvation; buffeted and lacerated by the settlers among them; driven, with their women and little ones, from their cabins and their fields, to the woods and mountains, stripped of the little property they once possessed; wandering outcasts, and dependent on the cold charity of their new oppressors? The treaty was made in the centre of the nation, after timely notice to all; and from letters we receive, we hear of no excitement; no threats of vengeance against those who made it, or formed the general council of the people when it was concluded. Here it is, where these alarms are made to induce the Government to throw away the treaty of the Cherokee people.

We must also do you the justice to say, that your name, and that of Governor Carroll, as commissioners to settle the affairs of our people under the treaty, was inserted in it according to our wishes, and at the request of many of us, because we know you had become fully acquainted with all our affairs, and because of the uniformly correct, judicious, and impartial course pursued by you while in our country; and your devotion to the cause of the Indians, to save them from ruin, and improve their condition,

had inspired us with the utmost confidence in your integrity, to see that justice would be done to all our people, and their best interests promoted.

We have written this in justice to yourself and the Government, which, so far as the only alternative which has been left to our people by the comparative acts of the States to remove by general treaty, has been, and is entirely correct, and it is so considered by all our white friends in the Union.

We are, sir, your friends,

WILLIAM ROGERS,  
ELIAS BOUDINOT,  
JOHN RIDGE,  
S. WATIE.

Rev. J. F. SCHERMERHORN.

WASHINGTON CITY, *April 9, 1836.*

SIR: In answer to your inquiry, I would observe, that I have visited nearly every part of the Cherokee country since the proceedings of the council at New Echota were had. Although I have occasionally met with Mr. John Ross's messengers bearing communications written at Washington, and circulated among the Indians with the view of inflaming their minds against those who negotiated the treaty at New Town, and I had fears for a time for the safety of that party, more on account of the power exercised by Ross in former times than from any recent manifestations, but I have now no hesitation in saying, whenever the Indians are properly informed of the provisions of that treaty, they are well satisfied, and at the same time give it as their opinion that no dissatisfaction would exist with any of the tribe, had the same treaty have been signed by John Ross.

The protest of which you speak must have been written and signed by persons acting under the will and suggestions of John Ross, without having originated with the people; and as an evidence of the latitude taken by some of Mr. Ross's coadjutors, that protest will be found to have more names affixed to it than there are persons belonging to the tribe east, according to the late census, which I am assured by most of the census-takers, over rather than under-rate their numbers.

There are now nearly three thousand Cherokees enrolled for a western removal, but few of whom would be willing to go off without first having an established rule to determine beyond a doubt their respective interests in the country; and should the treaty now before the Senate be ratified, I have no doubt all the Cherokees properly informed of their true situation, will be not only satisfied, but highly pleased with its salutary provisions; while, on the other hand, should it be rejected, violent civil commotions will ensue; such as caused the death of Walker after the rejection of A. Ross's treaty, and threatened death to the whole party, until, by the prompt measures taken by the civil and military power of the country, it was arrested. Despair of obtaining relief where the Cherokees now are, and the utter hopelessness of a final treaty depending upon the mere will of one stubborn chief, with his trained bands, who only follow after power under the expectation of sharing more largely in the spoils attending his success, must carry them on to deeds of desperation and bloodshed.

Indeed the Cherokees can have no well-grounded complaint at the ratification of the New Town treaty, as they were duly notified that the acts

of the majority attending would become binding on the nation. I passed through the most hostile towns of the nation but a few days before I set out for this place, and know the Cherokees are anxiously looking for protection and restitution under the provisions of this treaty, which they even yet expected Ross to sign. Also, that many who are now destitute of the means of subsistence, look for supplies under one of the articles of that treaty. Should the local laws even guaranty protection to the Indians, the great advantage a white man has in law suits over Indians, will make the success of the whites generally certain in controversies about property, until the Indian is stripped of every vestige of what little yet remains.

You are aware of the scarcity of corn in the Indian country, owing to the indolent habits of the Cherokees, as well as to the early frosts of last fall. I was in the North Carolina part of the nation only a few weeks ago, and I believe not one family in one hundred had corn to last them until the present time. Even *they* look for relief from their distressed situation under a treaty.

I remember well the great want of harmony and concert between the officers of the Government boarding at Ross's, and those who boarded elsewhere. On one occasion, during the sitting of the council, I found some difficulty in preventing an open attack by Major Davis upon you. It was at the Red Clay council in October last.

On the subject of employing pimps, I would remark that, just after the arrival of Lieutenant Bateman in the Cherokee country, Major Davis informed me that Colonel Standifer had made a request of Lieutenant Bateman, while on his way to the agency, to act as a spy upon me, and report all to him he could find out. Major Davis informed me B. was insulted at the application; but I have since learned the lieutenant has held a correspondence with the colonel, of what character I know not, and have no wish to learn.

Colonel Joel Yancy, who was in the Cherokee country with me before your arrival, can give you information of the unfortunate influence exercised by the Rosses over nearly all who boarded with Lewis Ross. For further particulars I would respectfully refer you to him. With regard to the troops, I can only say they never marched with you a single mile. Their movements were, when shaped by any one, directed by myself; and their visit to North Carolina was intended more to protect the Cherokees in their possessions than for any other purpose. Why your call on the Cherokees was not attended to during the month of January last in North Carolina, I have every reason to believe was owing to the opposition of Mr. Jones, a missionary, who pretended to be doing all in his power to get a full meeting, while he advised them not to attend. I arrive at this opinion from the result of the invitation, and the falsehoods fixed upon him by the contradictory statements made by himself in the presence of Colonel Hunter, Mr. Mountcastle, and myself, with regard to his having received a communication from John Ross, by a runner from Washington city, during the month of March last.

I have the honor to be, sir,

Your most obedient servant,

BEN. F. CURREY.

Re v. J. F. SCHERMERHORN.

WASHINGTON CITY, April 11, 1836.

SIR: In answer to your inquiries of this date, relative to any influence supposed to result from certain officers boarding at Lewis Ross's, who lives on the tract of land set apart for the use of the Cherokee agent, I state, that about the time Colonel Hugh Montgomery's agency expired as agent of the Cherokee Indians, Major B. F. Currey, the superintendent, and said Montgomery, selected a board of survey to take an inventory of the public property in said Montgomery's possession, and report as to the quantity and condition; which board consisted of Major Wm. M. Davis, Lieutenant Bateman, and Lieutenant Phillips, and after completing this part of their report, they added to it a statement relative to Lewis Ross's occupancy of a part of the land first alluded to, and recommended, in strong and earnest terms, that he should not be ejected; which they submitted to me, and asked my opinion of it. I told them that I did not wish to give an opinion, but on being urged, I observed that the part relative to Lewis Ross was perfectly irrelevant to the matters referred, and could not see why it should be lugged in. This latter part was in the original report exhibited to me, and I did not know, and do not, how to account for its being incorporated in it, only that these gentlemen boarded with Ross and put it in through the influence of friendship for him. I was informed by Major Currey that these gentlemen required that he and Colonel Montgomery should agree to their report, and bound them in writing to do so, but when it was presented and contained the part relative to Lewis Ross, he, Currey, refused his assent, because it was not a subject referred to them at all. This Lewis Ross is the brother of John Ross, and had, when I was there in 1834, a large store on said land, and dealt largely with the Cherokees, spoke their language, and was generally supposed, and so believed by me, to exercise a very potent influence with them against emigration, and to have a controlling influence on his brother John: he is quite wealthy.

I am, sir, very respectfully,

Your most obedient servant,

JOEL YANCY.

The Rev. J. F. SCHERMERHORN,  
*United States Commissioner.*

There was an order issued from the War Department to remove Lewis Ross from said land, which Major Currey showed to me prior to the aforesaid survey and report, and it was known to said gentlemen who made the survey and report, previous to their making the same.

Most respectfully,

Your obedient servant,

J. Y.

NEW ECHOTA, GEORGIA,

December 30, 1835.

DEAR MAJOR: I returned to this place on the 24th instant, and am sorry to say that I did not find as many Cherokees in attendance as I had reason to hope there would be. I took some trouble during the council to ascertain their numbers, but found it difficult, owing to their scattered situation. I frequently inquired of intelligent persons, and found their estimates vary from 200 to 400.

At two stated meetings for transacting business in the old town-house, I ascertained from actual count there were from 70 to 80 voters present. At the last meeting, which took place in the open air, there were present 203; all counted. The number of souls present may have been from 300 to 500, including Cherokees, whites, and blacks; but I am of opinion that there were not at any one time more than 300 Cherokees, including men, women, and children.

Yours, in haste,

M. W. BATEMAN.

Major DAVIS.

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CAMP HUNTINGTON, N. C.

February 5, 1836.

MY DEAR BATEMAN: Yours of the 2d is received, and in reply, I have to state that, from my observation, I was at the time, and still am, fully and firmly convinced that not three hundred Cherokees at any one time attended the council lately called by the United States commissioner at New Echota, Georgia. Having been present during its whole continuance, I had as good an opportunity as any other person of estimating the number.

Truly yours,

JNO. L. HOOPER,  
*Lieut. 4th Infantry.*

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DEAR BATEMAN: In compliance with your request, I examined your letter to Lieutenant Hooper; also, the above certificate, and fully concur with him in the opinion that not 300 Cherokee Indians attended the council referred to at any one time. I was present during the whole time, and give this as my candid opinion.

I am, sir, respectfully,

Your obedient servant,

C. M. HITCHCOCK,  
*Assistant Surgeon United States Army.*

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I certify that I attended the Cherokee council at New Echota, in December last, for several days, and that the number of persons present, including Cherokees, whites, and blacks, were from 300 to 500; but the greatest number of Cherokees present at any one time did not exceed 300, including men, women, and children.

JAMES C. PRICE.

February 4, 1836.

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WASHINGTON, April 11, 1836.

SIR: It has been intimated to me, from a source on which I can depend, that since the arrival of Lieutenant Bateman at this place, a com-

munication from Major William M. Davis has been privately shown to some of the members of the Senate of the United States, which is calculated and designed to injure my reputation, and to defeat the ratification of the Cherokee treaty made at New Echota. From what I can learn, it is a copy of his private communication to you, of the 8th ultimo, and which you handed to me shortly after you received it. I deem it important, both as it respects myself and the ultimate disposition of the treaty by the Senate, that the letter of Major Davis and my private communication to you of the 27th ultimo, should both be brought before the Senate, that I may thus have an opportunity afforded me to answer it, and to correct its mischievous tendencies.

In corroboration of my statements, and in refutation of those made by Major Davis and company, I herewith transmit to you several communications which I have received, marked Nos. 1, 2, 3, 4, 5, 6. From the letter of Mr. Andrew Ross, the interpreter of Major Davis, you will perceive there is strong ground for suspicion that there was a combination entered into to defeat my efforts for a treaty with the Cherokees, and to assail my character, as one means of accomplishing their object. How far this suspicion has become a fact, by the subsequent conduct of Major Davis, Lieutenant Bateman, and others, I leave every man to form his own opinions.

If, sir, you feel that you cannot, with propriety, place all these papers before the Senate; will you have the goodness to furnish me with a copy of Major Davis's letter, (to which indeed I consider myself entitled, as things now stand,) to make such use of as I may deem necessary to defend my own character, and to prevent the defeat of the treaty.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN.

To the Hon. LEWIS CASS,  
*Secretary of War.*

WASHINGTON CITY, April 2, 1836.

DEAR SIR: After the Red Clay council last fall, Major William M. Davis, enrolling and appraising agent of the United States in the Cherokee nation, employed me as his interpreter, and when we went from the agency on our route of duty, he showed me your private instructions, which urged upon him to use his influence to induce the principal men of the treaty party, and all others, to meet the commissioners to treat at New Echota, particularly requesting him to see Major Ridge and George Chambers. This private letter of yours he showed to me and others. In his conversations with the Cherokees, he did not encourage them to meet you, but did all he could to depreciate you in their estimation, and to discourage the cause. He told me that he would like to see John Ross, and if he could get his pledge that he was sincere in his intentions to treat, he would write to Colonel R. M. Johnson, and Amos Kendall, the Postmaster General, to induce the President to recognise John Ross and his delegation, and receive them at Washington. I can write such a letter, he said, as will ensure John Ross's reception, though it may cost me my office, if John Ross did not fulfil his pledge, and the

President should sustain Schermerhorn and Major Currey. After our arrival at New Echota, he swore that he would not talk to the influential men, as you requested; that you could talk to them yourself, and that he did not like you, and did not care who knew it.

Captain Foster, one of John Ross's council, came to New Echota while we were at that place, and talked very favorably about the contemplated council at New Echota, and was opposed to John Ross's coming on to Washington. Major Davis knew this, but did not avail himself of the opportunity to encourage his views in favor of meeting you. Two of your instructions he complied with, that was, he got the commissioners' notices for the council translated into the Cherokee language, and had them printed. Notwithstanding the course which Major Davis had seen proper to adopt, I did what I could to explain to the Cherokees the intention of the Government commissioners to meet the Cherokee people in general council. Major Davis, from his situation as valuing agent of Cherokee improvements, had great influence to aid you, but I am sorry to say he used it against the mission, in consequence of his personal predilections I urged him to consider well before he wrote any letters, and that my opinion was that John Ross would use him to subserve his own purposes, if he gave him the opportunity, and would sacrifice him to gain his own point.

I give you this statement as an evidence of the difficulties you had to surmount in effecting the treaty, which alone can save my nation from destruction.

Your friend,

ANDREW ROSS.

Rev. J. F. SCHERMERHORN.

APRIL 11, 1836.

I will further state that Major Davis said he wished to be appointed agent of the Cherokees west, if it could be raised from a sub-agency to a full agency of \$1,500, and that this could be fixed in the treaty by saying that no agent should be appointed but such as was agreeable to the Cherokees, and that he believed all the Cherokees liked him. Major Davis further said that Lieutenant Bateman had informed him that Major Smith had written a long report against you. The Major further stated that he, Lieutenants Bateman and Hooper had had a consultation, and it had been agreed by them that Hooper should make a report against you to the Secretary of War.

Your friend,

ANDREW ROSS.

Rev. J. F. SCHERMERHORN.