

REPORT

FROM

THE SECRETARY OF WAR,

IN COMPLIANCE

With a resolution of the Senate of the 13th October, 1837, in relation to
the Cherokee treaty of 1835.

JANUARY 15, 1838.

Laid on the table.

JANUARY 22, 1838.

Ordered to be printed, and that 500 additional copies be furnished for the use of the Senate.

DEPARTMENT OF WAR,
January 12, 1838.

SIR: In answer to the resolution of the Senate of the 13th of October last, in relation to the Cherokee treaty of 1835, I have the honor to transmit, herewith, reports from the Major General Commanding-in-Chief, the Commissioner of Indian Affairs, and the Second Auditor, containing the information called for.

Very respectfully,
Your most obedient servant,
J. R. POINSETT.

HON. R. M. JOHNSON,
President of the Senate.

HEAD QUARTERS OF THE ARMY,
Washington, January 11, 1838.

SIR: I have the honor, herewith, to transmit copies of the correspondence required by the resolution of the Senate of the 13th October last.

I have the honor to be,
Very respectfully,
Your obedient servant,

A. MACOMB,
Maj. Gen. Commanding-in-Chief.

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

HEAD QUARTERS, ARMY OF THE C. N.,
Fort Cass, Tennessee, January 11, 1836

SIR: Herewith I transmit, for the information of the General-in-Chief, my monthly return of the troops under my command in the Cherokee nation, for the month of December, 1836. It will be perceived, by the return of the volunteers, that the names of the subaltern officers of the two companies from Georgia are not given; these were omitted in the returns of the commanding officer. Rather than delay the return another week, I concluded to send it, and forward another return of the Georgia volunteers with the names of all the officers.

I also send you the proceedings of one garrison, and two general courts martial, with copies of the orders in each case, viz: 65, 84, 85; and copies of general orders from No. 1 to 18, excepting No. 2, already transmitted.

I have recently completed an inspection tour of my command. I report with pleasure, for the information of the General-in-Chief, as well as the War Department in general, that my command is generally in as good order as circumstances will permit. Each command is well supplied with rations, forage, arms, and ammunition; and with the exception of Captain Buffington's company, recently received, are as comfortably quartered for the winter.

This is the 11th January, 1836, and not a Cherokee has yet started for Arkansas, nor is it probable that any, at most very few, will go this winter; the consequence will be, that from 16,000 to 17,000 Cherokees must go next fall and winter, if the late treaty is to be executed at the time prescribed. It is a well known and established fact here, that a large majority of the nation are unwilling to go, and those in the mountains of North Carolina are particularly averse to it. The poorest and most destitute in that section of the country will not receive rations or clothing lest they may compromise themselves, and thereby be compelled to move. I shall not be surprised if we have difficulty with those people before they finally leave the country.

Those in the mountains, whom I compelled to surrender their arms last summer, on my recent visit to that section of the country, applied to have them returned. I consented to return them, on condition they would promise submission to the terms of the treaty. This they refused, and returned home without their arms. There are, at this time, about five thousand in the mountains, and as they are the refuge of all the discontented of the nation, and particularly of those opposed to the treaty, their numbers will be greatly increased in the course of the next summer and fall. Many of those, I have no doubt, we shall be obliged to force from the country, which may lead to the shedding of blood.

Therefore, as a precautionary measure, I shall consider it no doubt necessary in the course of the spring to increase the force in the mountains of North Carolina. The average force which it is probable will be required for the peace, protection, and defence of the Cherokee country, I think will not fall short of eight hundred men, in the course of the present year. Those will be generally mounted men, for we can get no other volunteers in this country.

I am, very respectfully, your obedient, &c.,

JOHN E. WOOL,

Brig. Gen. Comd'g.

To Brig. Gen. R. JONES, *Adjutant General.*

P. S.—Copies of general orders will be sent as soon as practicable.

FORT CASS, CHEROKEE AGENCY,
June 17, 1836.

SIR: I arrived here yesterday, and immediately proceeded to examine in part the rifles, blankets, and camp-kettles mentioned in your order of the 26th of last month, all of which appear to be in good order. To-day I shall proceed to Hiwassee, without the hope, however, (from all I have heard,) of being able to obtain the buildings necessary for storing the public property ordered to that point. The site of the old work is near private property, and the residence of the gentleman to whom it belongs. It is said there is not a vestige of the old work left, and but a very small proportion are of the buildings, and they are occupied by the negroes of the gentleman who owns the property; the re-occupancy, therefore, of that post, must depend entirely upon the gentleman who owns it.

The total number of the troops at this post is twenty-four, aggregate twenty-five; but one officer, whose duties in purchasing provisions, &c., will necessarily take him a large proportion of the time from the post; the necessity of another officer is indispensable.

I shall have to return here in a few days, when I shall be able, (after examination,) to give a more detailed account of what is best to be done.

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

M. M. PAYNE,

Major U. S. A.

General ROGER JONES,

Adjutant General, Washington, D. C.

INSPECTOR GENERAL'S OFFICE,
Washington, June 20, 1836.

SIR: Agreeably to my instructions from the Secretary of War of the 18th instant, I have visited the department, connected with the duties I am to discharge in the Cherokee nation.

I find that all the provisions necessary for the troops, must be purchased in that country; hence the necessity of an assistant quartermaster and assistant commissary. As there is no surgeon of the regular troops there, an assistant surgeon will be indispensable to the public interest. A citizen surgeon, I believe, is now employed to attend on the regular troops.

By my instructions, as you have no doubt seen, I am to purchase provisions for the Indians, regular troops, volunteers, and militia. Hence the necessity of two assistant commissaries. Of this, I have informed the Commissary General and Adjutant General. The Governor of Tennessee informs the Secretary of War that 1,000 or 1,200 militia and volunteers will rendezvous at Athens, in East Tennessee, one-half of which are to be mounted on the 7th of July next. The Quartermaster General's Department has been informed of this fact.

The Colonel of Ordnance has informed me that he has ordered 1,500 stand of arms, and accoutrements for the same, to Hiwassee, and also 200,000 ball and buck shot cartridges. These were ordered on the 26th of May. Whether or not they are on their way, we have not been informed.

The Paymaster General has been notified of the probable number of troops that will assemble on the 7th July next at Athens.

The Surgeon General has been applied to for medicines and medical supplies, and an assistant surgeon. All which he informs will be attended to without delay.

Very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brigadier General.

To Major General A. MACOMB.

FORT CASS, CHEROKEE AGENCY,

June 21, 1836.

SIR: I have the honor to report, that I have been to Old Fort, Hiwassee, Tennessee, and find it in the occupancy of a Mr. McDonnell, who claims it as his property. Of the old work, nothing is left but the foundation of a part of the old stone walls, an old block-house, too much decayed to be applied to any purpose whatever, and an old building formerly occupied as officers' quarters. This is a two story log house, with two rooms below, a passage-way through the entry, and three rooms above, with a kitchen at each end; all of which are much decayed, and would require thorough repair to make them decently habitable as a dwelling, or serviceable as a store-house. Such, indeed, is the dilapidated state of this building that, unless new sleepers and new floors were laid down, I should consider it unsafe to place any thing of weight in it. This building is at present occupied by two families, tenants of the proprietor, who, after living there for several years, found it so unhealthy he was compelled to abandon it, and remove some six or eight miles back from the river.

The old work is situated on the right bank of the Tennessee, and about three hundred and fifty yards from the river, and about two miles above the junction of the Hiwassee and Tennessee. Immediately in rear, and within fifty yards of the quarters above alluded to, is a pond of stagnant water, covering two-thirds of an acre, and from four to five feet deep. The low grounds between the old work and the river are subject to overflow, and at this time, the water is standing from eighteen inches to two feet deep on three or four acres of the low grounds. To these causes, and its proximity to the river, in a great measure, is to be attributed the extreme unhealthiness of the position. On my arrival, I stated to the men who occupied the house, that I had come on for the purpose of renting houses for the Government, re-building and re-occupying the old work. They replied, that they had rented the house and grounds, and could not consent to either of my propositions. I then wrote a note, to Mr. McDonnell, stating the object of my visit, and requesting him to meet me the next day at the Old Fort. From his son I received a verbal message, stating that his father had gone to Virginia, and that he had nothing to do in the business whatever. From the above it will be perceived that there is no possibility of carrying into effect, at Hiwassee, that part of my instructions requiring me to rent houses, rebuild the old works, &c. I have therefore returned to this place, taken possession of one of the agency houses, in which I have had stored two hundred and fifty barrels of flower, (purchas-

ed since my return,) and am now building a store-house, for the bacon and other parts of the fifty thousand rations ordered to be placed in depot. I am not advised of the manner by which the arms and accoutrements ordered to Hiwassee will approach that place, whether by land or water. If the latter, I have made arrangements with a man on the spot to inform me by express of their arrival; if the former, they will, in all probability, pass this place, and I shall hear of them before they reach their destination, and give them such direction and attention as to secure them protection.

I have this day ordered Lieutenant Howe to Knoxville, for funds, and after procuring them, to purchase bacon and other parts of rations, wherever he can find them. At Bladen's Ferry, about forty miles from this, I partially contracted with a man for twelve thousand pounds. The sugar and coffee will be purchased in Knoxville; the beans will be the most difficult article to obtain.

I shall feel some anxiety to learn your views on the course I have been compelled to adopt; and most respectfully request an early answer.

I have the honor to be, very respectfully, sir,

Your obedient servant,

M. M. PAYNE,

Major U. S. A.

General ROGER JONES,

Adjutant General, Washington, D. C.

HEAD QUARTERS,

Knoxville, June 30, 1836.

SIR: I have the honor to inform you of my arrival at this place last evening. I met Lieut. Howe, assistant commissary from Fort Calhoun; he informs me that the arms ordered by the Governor of Tennessee for the brigade to be assembled at Athens, on the 7th July, had arrived; but nothing had been heard of the arms, equipments, and ammunition, &c., ordered from Pittsburgh arsenal. As one-half of the arms sent by the Governor, as well as all those of the United States at the agency, are rifles, and as no ammunition has been ordered for rifles, I have directed a sufficient quantity of powder and lead to make forty or fifty thousand cartridges to be purchased at this place. Lieutenant Hetzel, assistant quartermaster, who is very efficient, has already made the purchase; and will send it tomorrow. He has also made contracts for hay, corn, and other supplies, to be furnished without delay at Fort Calhoun. It will be very difficult to procure all the supplies which will be required, particularly if, as reported by the adjutant general of the State, 1,200 to 2,000 mounted men should be assembled. Necessity, I am very certain, will compel me to reject all over the number mentioned in your instructions; that is, I think I shall not receive more than 1,200 mounted men. To reject them, I am certain will produce great dissatisfaction among the volunteers. The assembling of more, I have and shall discourage all in my power.

Rest assured all will be done that can be done. Impossibilities will be made possibilities.

In haste, very respectfully, yours, &c.,

JOHN E. WOOL,

Brigadier General.

To the Hon. LEWIS CASS.

FAYETTEVILLE, July 1, 1836.

SIR: I must request you to authorize and cause to be issued rations and forage to all the companies of volunteers that may assemble at Athens, under the requisition of the Secretary of War, and my proclamation of the 6th June past.

Very respectfully,

Your obedient servant,

N. CANNON.

To Brigadier General WOOL,
Commanding, &c.

HEAD QUARTERS,

Knoxville, July 1, 1836.

SIR: I had the honor, yesterday, to inform you of my arrival at this place, and, in part, of the state of affairs relating to the volunteers about to be called into the service of the United States.

It appears, by your letter of the 20th ultimo, that a brigade of volunteers, consisting of 1,250 mounted men, was to assemble this day at Fayetteville, in this State, and another, consisting of about the same number, to assemble at Athens, on the 7th instant. This last brigade, instead of the number required, will, in all probability, consist of from 1,500 to 2,000 mounted men, exclusive of two companies of infantry.

Nothing, previous to my arrival, had been done to obtain supplies for these troops, except the purchase, by Lieutenant Howe, of fifty thousand rations for the men, and, I understand, two days' forage, and six days' rations for the men, by the quartermaster general of the State of Tennessee.

This circumstance, if I had been detained until after the 7th instant, would have caused a scene of confusion, dissatisfaction, and disgust, beyond anything of the kind that has hitherto appeared in this country. To guard against such a result, although but one day and two nights since our arrival, the assistant quartermaster, Lieutenant Hetzel, and myself, have been most actively engaged in making purchases at this place, of such supplies as the volunteers will indispensably require on and after their arrival at Athens.

It is not to be disguised that my situation will be an extremely unpleasant one, from the circumstance that all the troops that may appear at the rendezvous will have incurred more or less expense, and some very considerable, under the expectation that they would be received into the service of the United States. If they were all infantry there would be no difficulty in procuring supplies for them; but, as the most of them, if not all, will be mounted, they must, of necessity, be refused; that is, all that may be offered beyond the number required by your letter of the 25th of May last, from the almost impossibility of procuring supplies for their horses at this time. This may appear strange to you, but it will, nevertheless, prove true; because we have no supply on hand, and it will, of necessity, require time to procure it, particularly at this season of the year, just before the harvest is gathered, and when every thing that could be spared has been sold, in anticipation of the new crop.

If the troops could be marched immediately into the Indian country, the demand for supplies would not be so great. This, however, cannot be done, at least, not under eight, ten, or twelve days, for the want of equipments and ammunition. To prevent as little delay as possible, I have requested the adjutant general of the State to notify the volunteers, as far as practicable, of the deficiency of equipments, with the request that they will bring with them rifle pouches and powder horns. The most of them, I apprehend, I will have to get made, which will cause some days' delay. From any thing that I can learn at this time, it is almost impossible to make any estimate of what will be required, until after the troops assemble at Athens. From the circumstance that nearly all will be mounted, the expense will be more than double the amount estimated, with one-half infantry. It is, therefore, that I have to request, that the amount this day asked for by the assistant quartermaster, will be placed, by the Quartermaster General, to his credit, and subject to his draft. His letter to the Quartermaster General will show, in detail, the amount required.

I shall leave this to-morrow for Athens, to make arrangements to supply such Indians with rations as may require them. I have already given instructions to procure suitable persons to go into the Indian country, in order to ascertain their condition and their feelings towards the Government, and the surrounding white people. From all that I can learn, there is no disposition on their part to war with the United States. There is, undoubtedly, a strong feeling against the Georgians throughout the Cherokee nation, and if they could be permitted to contend with them without the interference of the United States, they would raise the tomahawk to-morrow. It is, however, reported, that two-thirds of the nation are decidedly hostile to the treaty recently made with their chiefs, and confirmed by the Senate. Of the extent of this feeling, and the disposition of the Indians to execute the treaty, I will be able to inform you, more correctly, in the course of a few days.

In conclusion, allow me to request your further instructions, as soon as practicable, on the subject of retaining the mounted men, and especially as to the number. If they were necessary for the protection of the white population in and surrounding the Indian country, I would have no hesitation in retaining all that might tender their services to the United States; but, as I do not consider the number which will probably be presented for the service of the United States, nor even the number called for by your requisition, necessary, I am not inclined to receive them.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brigadier General.

The Hon. LEWIS CASS,
Secretary of War.

EAST TENNESSEE, HEAD QUARTERS,
Athens, July 5, 1836.

SIR: I hasten to communicate my arrival at Athens. From all information I have received, we shall have, on the 7th and 8th instant, about from thirty to thirty-five companies of volunteers tender their services to

the United States; all, except some two or three, will be mounted. Rations for the men can be easily obtained, but we shall, for a week or two, find it extremely difficult to obtain forage for so many horses. Corn and hay are scarce. The latter will soon be supplied by the new crop of oats. The corn will become more difficult to obtain, and probably will be brought from a distance and at high prices. We shall, however, procure a supply.

From the best information I can obtain, the Cherokees are very much dissatisfied with the late treaty. Those who appear most opposed to it reside in the mountains of North Carolina. It is said by those best acquainted with them, and particularly Colonel Hunter, who resides among them, that not one will ever consent to remove to the west. He thinks, however, there will be no difficulty in procuring a meeting of the chiefs at or near his house, but not until John Ross returns, who, he says, has unbounded influence over them.

As soon as the volunteers are organized and supplied with arms and ammunition, I shall march into their country with such a force as I think the service may require. To do this, however, at the present time, from the scarcity of corn and oats, where there are none, will cost no small sum of money.

I mentioned to Colonel Hunter, who, it would seem, is in the confidence of the agents of the Government, that I was authorized to issue rations to such Indians as might require them. He replied that they would not receive them, under any circumstances, from the United States, lest, by so doing, they should compromise themselves in regard to the treaty. I have no doubt that these Indians are attached to their native soil; but I have little doubt there are many white men engaged in advising them not to move, or consent in any respect to abide the treaty. I think I shall be able to manage this business to the satisfaction of the Government, and with as little dissatisfaction to the Indians as any one else. I have no fears on the subject, and I hope you and the President will have none.

I have not heard yet from the arms and ammunition ordered by Colonel Bomford to Old Hiwassee. If I do not learn something of them to night, I shall send an agent to Nashville, to look after them, to-morrow. The Governor of Tennessee will be at this place on the 9th instant. After consulting with him, if he advises it, I think I shall furnish the volunteers with the rifles at the agency. These, with the number that the volunteers may bring with them, I think we shall be able to arm the brigade, if it does not consist of more than 1,250, with rifles. This would be particularly gratifying to all, as they are all attached to this arm.

To conclude, I hope there will be no want of funds; by the next mail I will send an estimate of the probable amount which will be required for the next three months. The expense of the campaign will far exceed the calculation at Washington. I shall be compelled to furnish forage for all the mounted men that arrive at the rendezvous, and until it is decided whether they will be received. They will not be wanted; certainly not beyond the number called for by your requisition.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL.

Brig. Gen. Commanding, East Tenn.

To the Hon. LEWIS CASS,

Secretary of War.

HEAD QUARTERS, EAST TENNESSEE,
Athens, July 5, 1836.

SIR: I hasten to communicate to you, for the information of the Commanding General, that I arrived at this place last evening.

Instead of 1,250 volunteers, one-half to be mounted, I have no doubt 2,500 will rendezvous at this place on the 7th and 8th instant, nearly all mounted, to tender their services to the United States. I have only heard of two infantry companies. I shall regret it extremely if no more infantry offers. In case of difficulty with the Indians, and we have just received information that it is probable, infantry will be as necessary as mounted men.

The brigade will be organized between the 7th and 10th. As all the officers, from the general to the lowest subaltern, and every private, votes, as well for the highest as the lowest grade, it may take three days before they will be ready for inspection and muster. The latter will take at least two days, including the examination and appraisal of the horses, which I intend to have done and entered upon the muster rolls of the companies.

As soon as the brigade is mustered, and I can procure ammunition for the men, I shall march into the Cherokee country. We have, however, heard nothing of the arms or ammunition ordered by Colonel Bomford from Pittsburgh, via Nashville, to Old Hiwassee. I shall, therefore, procure what I can in this place and Knoxville, which will, probably, amount to forty or fifty rounds for each man. Hay and corn is scarce: we shall be able, with some difficulty, to procure a supply.

I have appointed Major Payne to perform the duties of assistant adjutant general. He will have much to do, and more than one officer can attend to. He is also directed to perform the duties of inspector general. I have promised him his brevet pay; if any officer is entitled to brevet pay and emoluments, it certainly ought to be given to Major Payne. Recollect we have but three officers, and we have every thing to do: it keeps us busy from morning until night, and from night until morning; to command 5,000 infantry would be nothing compared with the duties which will be required to supply and command 1,200 or 1,500 mounted volunteers, particularly when every thing is to be purchased at the moment. When I arrived at Knoxville not a pound of any thing had been purchased, except 50,000 rations, which were purchased under the direction of Major Payne. I am certain the Secretary of War will not refuse Major Payne his brevet pay and emoluments.

Write me, if you can, by return mail, and let me know whether my application will be granted for the major.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding, E. T.

To Brig. Gen. JONES,
Adjutant General.

HEAD QUARTERS, ARMY EAST TENNESSEE,
Athens, July 8, 1836.

SIR: You will inspect and muster such companies of the Tennessee mounted and infantry volunteers as may be tendered by his excellency

Newton Cannon, to form the brigade authorized by the call of the Secretary of War, dated the 25th May, 1836.

Your inspection of the mounted men will be particularly directed to the efficiency of the men and horses, and to the quality of the saddles and bridles. No man or horse will be received that does not appear capable of performing a campaign in the Indian country. The saddles and bridles must be of a quality to do good service.

In regard to the infantry, your inspection will be directed to the general appearance and dress of the individual. No man will be received who does not appear efficient and capable of performing a campaign as above mentioned, and suitably dressed.

Each company will consist, when the number will admit of it, of one captain, one first lieutenant, one second lieutenant, one ensign, three sergeants, three corporals, two musicians, or one bugler, and sixty-four privates. But in no case will a company be received with less than fifty privates, and the proper complement of officers, non-commissioned officers, and musicians. A company will be received consisting of eighty five in the aggregate, with the understanding that the excess will be transferred to equalize the other companies. No man or horse will be received not present at the inspection.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To Major M. M. PAYNE,
Acting Adjutant General.

NOTE.—The above organization of companies is in conformity to the laws of Tennessee.

JOHN E. WOOL.

CAMP AT ATHENS, TENNESSEE,
July 9, 1836.

SIR: The great promptitude and zeal which have been manifested by the citizens of East Tennessee, in responding to the call of the President of the United States under my proclamation of the 6th June past, has brought together at this place several hundred volunteers over the number that has been required by the call of the President, who are already equipped for service, and which have been organized into a regiment, and compose a part of the brigade, which I must earnestly request of you to receive into the service of the United States, as something is due to such manifestations of patriotism on an occasion of this kind. It may be, from the very unsettled and excited state of the Indians on our southern as well as western frontier, that all these troops, and even more, may be required; on which point, I must beg leave to refer you to the letter of Major General E. P. Gaines, of the 6th June, which I have received since leaving home, by which you will perceive that there is at least a strong probability that a mounted brigade of volunteers will shortly be required for the service on the western frontier, when that portion of this brigade that could be spared from the service in the Cherokee nation could be transferred to the western frontier.

to General Gaines. With this project before us, it seems to me likely the President of the United States would sanction the reception of this whole corps; a course which seems much to be desired by the volunteers, as well as all others whose opinions I have heard expressed on this subject, which I hope you will excuse me for pressing on your attention.

Most respectfully,

I have the honor to be,

Your obedient servant,

N. CANNON.

Brig. Gen. Wool,

Commanding volunteers in the service of U. S.

ATHENS, July 9, 1836.

SIR: I am much gratified by the reception of your favor of this date, informing me that you would receive all the volunteers who have assembled here, under my proclamation of the 6th of June past. The brigade is now organized under the command of Brigadier General Richard G. Dunlap, who is required to report the same to you under the requisition of the Secretary of War.

After the brigade is received into the service of the United States, it is under your command, and subject to your orders; and whatever disposition you may find it necessary to make of them, during their term of service, I feel full and entire confidence that the rights of the officers of the brigade, as well as every citizen soldier composing the same, will be duly appreciated.

With the highest consideration,

I have the honor to be,

Your obedient servant,

N. CANNON.

To Brigadier General JOHN E. WOOL,

Commanding.

CAMP NEAR ATHENS,

July 10, 1836.

SIR: In obedience to the order of Governor Cannon, of 9th July instant, a copy of which is enclosed, I have the honor to report to you myself as brigadier general of the East Tennessee volunteers, with the brigade as organized under the order of July 8, 1836, a copy of which is also enclosed, and am ready to receive your orders.

R. G. DUNLAP,

Brig. Gen. East Tennessee Volunteers.

To Brigadier General Wool,

Commanding, &c.

No. 6.

HEAD QUARTERS, ARMY EAST TENNESSEE,

Athens, July 10, 1836.

GENERAL ORDER, No. 2.

Brigadier General Wool, Inspector General of the United States army, this day receives into the service of the United States the brigade of East Tennessee volunteers under the command of Brigadier General R. G. Dunlap, as organized by his excellency Newton Cannon, Governor of Tennessee, under the call of the Secretary of War, dated 25th May, 1836.

Brigadier General Dunlap will forthwith select from his brigade of volunteers, two regiments, of ten companies each, including two companies of infantry for active service, subject to the approval of the Commanding General, to serve twelve months, unless sooner discharged.

The remaining regiments and companies will be ordered to their homes, to wait the further orders of the President of the United States, and the Commanding General of the army of East Tennessee and the Cherokee nation.

The companies thus ordered to their homes will be entitled to all the pay and allowances allowed by Congress to volunteers going to and returning from the rendezvous, as designated in the proclamation of the Governor of Tennessee dated the 6th day of June, 1836. They will not, however, be entitled to any pay or allowances other than those above referred to, until they shall again be called into active service.

The captains of the above companies will remain at Athens until their muster rolls are completed.

If any of the companies ordered to return home to wait further orders wish to serve as infantry for six or twelve months unless sooner discharged, their services will be accepted.

JOHN E. WOOL,

Brig. Gen. commanding in Cherokee country.

HEAD QUARTERS, ARMY EAST TENNESSEE,

Athens, July 12, 1836.

SIR: I avail myself of the first leisure to inform you that from the 5th to 7th instant about 2,400 mounted volunteers assembled at this place, under the proclamation of the Governor of Tennessee. At the request of the Governor, I furnished these men with rations, and afterwards, at his earnest solicitation as well as of the volunteers, I consented to receive them into the service of the United States, but discharged all but one brigade, of twenty companies, only two of which are infantry. It seems that no more than this number of infantry could be procured, all being anxious to go as mounted men, and would not consent to enrol themselves for any other corps. The situation of the troops, and the heavy expenses which both officers and men have been subjected to in purchasing horses, and equipping themselves, induced me more particularly to receive them. I hope the course I have pursued will meet your approbation, as well as that of the President of the United States. I assure you it could not be avoided, without incurring a greater evil.

The brigade was organized on the 8th and 9th, and turned over to me on the 10th. The same day I ordered General Dunlap, who was elected briga-

dier, to re-organize it into two regiments, of ten companies each, and to order the other regiment and companies, consisting of fourteen in number, to their homes, and there to wait, without pay, the future orders of the President of the United States, and the Commanding General of the army of East Tennessee and the Cherokee nation. (See letters No. 1, 2, 3, and 4, and general order No. 2, this day transmitted to Adjutant General Jones.)

One battalion of each regiment will be sent into the Cherokee nation during the present week. One of which will take a position at, or near, the mouth of Valley river, Macon county, North Carolina, and the other at Rossville, on the Tennessee river. From these positions, the troops will extend their operations into the Cherokee nation, according to circumstances. I shall follow immediately after, and will, as soon as practicable, call a meeting of the chiefs and headmen of the nation. So soon as I can establish depots at the proper points, I will order, if necessary, the residue of the brigade to follow.

Rations have been ordered into the North Carolina district, where the greatest number of Indians reside, who require to be furnished with subsistence, although I have been informed by Colonel Hunter, who resides among them, that they will not receive them.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To the Hon. LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY EAST TENNESSEE,
Athens, July 12, 1836.

SIR: I have the honor to communicate to you, for the information of the Secretary of War and the Commanding General of the army, that, on the 7th instant, beyond all expectation, about twenty-four hundred volunteers, all mounted except the companies of infantry, assembled at this place. This force arrived between the 5th and 7th instant; and, at the request of the Governor of Tennessee, I furnished all with rations and forage. On the 8th and 9th, the Governor organized this corps into three regiments and one brigade; and at his solicitation, as well as all the officers of the brigade, I consented to receive it into the service of the United States, with the understanding that only two regiments would be retained for active service, and the other would be sent home to wait the further orders of the President of the United States and the Commanding General of the army of East Tennessee and the Cherokee nation, without pay, until they were again called into active service.

The great expenses which were incurred by the volunteers, especially by the officers, in purchasing horses and equipments for the service, induced me to yield to their earnest solicitations, and receive them into the service; especially, since no blame could be justly imputed to them, but rather a praise-worthy zeal for complying with the call of the President. Believing that, under all the circumstances of the case, such a course could not fail to meet with the approbation of the Secretary of War and the Presi-

dent of the United States, I have not hesitated to adopt it. In fact, it was impossible to do otherwise. Had I not supplied them with rations, and allowed them what they all supposed themselves entitled to, the country would have been plundered to obtain supplies; for most of them, coming under the expectation of being received and retained in the service, brought no money to pay their expenses.

The brigade, as organized, was turned over to me on the 10th instant by his excellency Governor Cannon, and on the same day re-organized into two regiments; and the remaining regiment and companies ordered to return home. (See letters No. 1, 2, 3, and 4, and general order No. 2, herewith enclosed.)

To obtain all the supplies requisite to furnish so large a force of mounted men in provisions and forage, when no depots had been previously established, has required no small exertions, especially since I have had the assistance only of two young officers to aid me. They have, however, done their duty.

As soon as I can procure powder-horns and pouches, and prepare ammunition, I shall send this force into the country of the Cherokees. One battalion of each regiment will set out on their march this week; one of which will take a position near the mouth of Valley river, Macon county, North Carolina, and the other at or near Rosville, on the Tennessee river. From these positions, operations, according to circumstances, will be extended. (See general order No. 11.)

I regret that I cannot send you a complete return of the brigade. This must be deferred until the next mail, in consequence of the muster-rolls not being completed.

We have not yet heard of the ammunition ordered by Colonel Bomfoord from Pittsburgh. I have sent to inquire for it at Nashville.

I am, very respectfully,

Your obedient servant,

JOHN F. WOOL,

Brig. Gen. Comm'g, E. Ten. and Cher. nations

To Brig. Gen. JONES,

Adjutant General.

HEAD QUARTERS, EAST TENNESSEE,

Athens, July 12, 1836.

SIR: I have but a moment to say that 2,400 mounted volunteers, except two companies, assembled at this place on the 7th instant. They were organized by Governor Cannon on the 8th and 9th, and turned over to me on the 10th; and the same day re-organized into two regiments, ten companies each, and the residue ordered home, to wait there, without pay, the future orders of the President of the United States and the Commanding General of the army of East Tennessee and the Cherokee nation. Two battalions will march, in the course of the present week, into the Cherokee nation. One battalion will take up a position at or near the mouth of the Valley river, in Macon county, North Carolina, and the other at or near Rosville, on the Tennessee river. From these positions our operations will be extended, according to circumstances, into the nation.

Our duties have become exceedingly arduous. No depots previously established, it required exertions, night and day, to supply the troops with provisions and forage. Allow me to refer you to my communication to ——— and letters No. 1, 2, 3, and 4, and general orders, No. 2 and 11.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. General.

Maj. Gen. A. MACOMB,
Comm'g the Army.

HEAD QUARTERS, ARMY EAST TENNESSEE,

July 15, 1836.

SIR: I am requested, by General Wool, to express his regret at not being able to forward, by to-day's mail, a report of the brigade of Tennessee volunteers, as promised in his letter of the 12th instant.

Brigadier General Dunlap has not yet been able to hand in a correct report, owing to the fact that several of the captains have been promoted to field officers since the muster, and are now absent on a short leave of absence for the purpose of equipping themselves. As soon as they return, and their muster rolls are completed, and a report is made corresponding with the muster rolls, it will be forwarded.

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

M. M. PAYNE,

Major U. S. A., Act. Adj. Genl.

General ROGER JONES,
Adjutant General, Washington, D. C.

HEAD QUARTERS, ARMY EAST TENNESSEE,

Athens, July 16, 1836.

SIR: You will proceed to Fort Cass, and there receive rifles for your company; one will be given to each sergeant, corporal, and private present.

These must be entered on your muster rolls, as required by the enclosed printed regulations.

After you have received your rifles, you will take up your line of march for Rossville. After you have arrived there, and recruited your men, (one day is necessary,) you will take up your line of march for the mouth of Valley river, Macón county, North Carolina, and report yourself to the commanding officer, who may be stationed at that place.

You will call upon Lieutenant Howe, assistant commissary and acting quartermaster, for provisions and forage; and upon Lieutenant Hetzel, assistant quartermaster, for teams. You will take as little baggage with you as will answer your purpose: no useless baggage can be allowed. You

will call upon Lieutenant Hetzel for powder, lead, and flints, for the rifles you are to receive at Fort Cass.

Captain Morrow, on leaving Rossville, will take that route to Valley river which will enable him to see the greatest number of Cherokees. At the same time, he must take such a route as will enable him to reach the designated point within twenty days, at farthest. He will endeavor to ascertain the feelings and dispositions of the Cherokees towards the United States; and, particularly, in relation to the late treaty concluded by the chiefs, and ratified at Washington. He will be very careful to avoid all collision with them, and permit no insults to be offered to them, or any depredations committed upon their property. And, so far as he can, he will endeavor to make the most favorable impression upon them, in relation to the objects of his visit, and the views of the Government in quartering a military force among them. And, should any insults be offered to them, or any depredations be committed upon their property by his soldiers, he will make immediate and ample satisfaction, and charge the same to the offending individuals, and report their names and offences to the Commanding General.

Captain Morrow will take occasion to enforce upon the Cherokees the impolicy and folly of attempting hostilities with the United States, and point to the situation of their neighbors, (the Creeks,) who have now surrendered, and are about to be driven from their homes, as the consequence of their hostilities.

Finally, much must be left to the good sense and discretion of Captain Morrow, in his intercourse with a people peculiarly situated, jealous and sensitive, and suffering under many supposed wrongs.

Captain Morrow will be particular to keep an accurate account of his expenses, and all his operations must be conducted with an eye to the strictest economy.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brigadier General Commanding.

To Captain Morrow,

First Regt. of the brigade of East Tennessee Volunteers.

HEAD QUARTERS, ARMY OF EAST TENNESSEE;

Athens, July 21, 1836.

SIR: Herewith you will receive a general order, No. 23, which you will not fail to have executed. I will not keep any man in service who will not submit to the restraints of discipline, and who will not conduct himself with decency and propriety. I send, herewith, several copies of the rules and articles of war, which you will have read to the troops.

I have this day given instructions to Preston Slarrit, Esq., in relation to repairing the road leading to Valley river. He is well acquainted with the route, as I am informed, and will give you some useful information.

Last evening fourteen teams left this, for Valley river. Colonel Smith will leave this to-morrow morning, with three companies of mounted men; these, that is, the teams and the three companies, must be at or near Valley river on Wednesday next. You will therefore do all you can to repair the

road; and in case the teams arrive before Colonel Smith and his detachment, you will render them all the assistance in your power to get them over the road. Your men can help to push or pull the wagons up some of the most difficult ascents or hills.

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Comd'g.

To Major CUNNINGHAM,

Commanding the volunteers on the road to Valley river.

NOTE.—The extent of the road repaired was about forty miles.

HEAD QUARTERS, ARMY OF EAST TENN. AND C. N.,

Athens, July 23, 1836.

SIR: The President of the United States has directed me to take command of the army of East Tennessee and the Cherokee nation. In consequence of which, all troops stationed or directed to operate in the Cherokee country, are placed under my command, and subject to my authority, whether regular troops, militia, or volunteers.

On receipt of this, you will forthwith report to me at general head quarters the force you may have under your command, by whose authority they were raised, and where stationed.

It has been reported to me that numbers of Cherokees have been taken prisoners, and are now confined under guard. Unless the Cherokees show a determination to take up arms against the United States or the people of Georgia, they will not be molested, nor any violence committed on their persons or property. You will therefore examine into the conduct of all those who may be confined or detained as prisoners, and unless strong suspicions are entertained against them, you will release them. If, however, they have been guilty of conduct of a hostile character, you will, without delay, send them, under guard, to me, at general head quarters.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Comd'g.

To the COMMANDING OFFICER

Of the Georgia militia, or volunteers,

stationed in the Cherokee nation.

HEAD QUARTERS, ARMY OF EAST TENNESSEE,

Athens, July 22, 1836.

SIR: After you have received your rations and arms at Calhoun, agreeably to a special order of this date directed to you, you will take up your line of march for Ross's Landing, and occupy a suitable position for an encampment; and there wait until further orders. The position will be established as near as practicable to the depot of provisions; having re-

ference to health, wood and water, in order to avoid the expense of transporting provisions, which in this country appears to be very high. It is, however, desirable that you should have wood at hand, which the men must procure without expense to the United States.

On your line of march, your quartermaster, who will also act as assistant commissary, if you should require an officer to perform that duty, will furnish forage for your command, when it is not furnished by the assistant quartermaster of the army, or his agents. That is, if no provision has been made to furnish your command with forage, between Fort Cass and Ross's Landing, you will direct your quartermaster to precede you on the march and to provide the necessary forage at the several places where you may halt in the course of your march, and that must not exceed the regular allowance for each horse. On your arrival at Ross's Landing, you will be provided with forage and rations by the agents of the assistant quartermaster and assistant commissary of the army.

It has been the practice of some of the volunteers to disobey orders and supply themselves with forage. Should this be attempted, the company man, or men, who are guilty of such insubordination, must not be permitted to remain in the service of the United States, and will be immediately dismissed without pay or allowances.

On your arrival in the Cherokee country, you will endeavor to learn the feelings and dispositions of the Cherokees towards the people of the United States, and particularly in reference to the late treaty concluded and ratified at Washington. You will also ascertain, as far as practicable, the condition of the Cherokees in regard to subsistence, and whether any is required, and, if so, if they will receive it from the United States. In case they are willing, you are authorized to issue rations to as many men, women, and children, as may, in your judgment, require assistance, not exceeding three hundred and fifty a day, and only to those who present themselves in person. The quantity to be allowed will be in exact accordance with the regulations of the War Department on that subject, a copy of which will be furnished you by Lieutenant Howe, making, in all cases, a proper reduction for children. The issuing of the rations will, however, depend upon their friendly feelings, of which you will take care to inform yourself previous to issuing.

If you should find that any of the Creek Indians have sought shelter among the Cherokees, to avoid punishment for their conduct in their recent hostilities in Georgia and Alabama, you will either apprehend them, or cause them to be delivered up to the Commanding General in the Creek country.

You will take care to impress upon the Cherokees the folly and impolicy of any attempt on their part to resist or set aside the treaty lately concluded with the United States, and represent to them the present unhappy situation of the Creeks, who, after waging war for a while with the whites, have now surrendered, and are about to be driven from their homes to the west, as the consequence of their hostilities. Enforce upon them the necessity of quietly and peaceably submitting to the views of the Government, in relation to their removal; and that any representations to the contrary are entirely delusive, and must not be listened to. The treaty has been made and ratified, and must now be executed.

You will be careful to avoid all collision with the Indians, and permit no insults to be offered to them, or any depredations committed on their

property, by any part of your command ; and, as far as you have it in your power, you will endeavor to make the most favorable impression upon them in relation to the objects of your visit, and the views of the Government in quartering a military force among them. And should any insults be offered to them, or any depredations be committed on their property by any of the soldiers, you will immediately make ample satisfaction, and the offenders will be discharged from the service of the United States, without pay or allowances.

You are particularly charged to exclude, as far as practicable, all ardent spirits from the camp of the volunteers, and, as far as the laws will permit, from among the Indians.

If any thing of importance should occur proper for me to know either in regard to the troops, or the Cherokees, you will transmit it to me immediately by express.

In relation to procuring forage on the road from Fort Cass to Ross's Landing, it is expressly understood that the forage must be obtained at the several places where you may halt, in the course of your march, without any expense of transportation to the United States.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL.

Brig. Gen. Comd'g.

Col. JOSEPH BYRD,

Commanding 2d regiment of East Tennessee volunteers.

No. 2.

HEAD QUARTERS, ARMY E. T. AND C. N.,

Athens, July 23, 1836.

SIR: Herewith I enclose you a copy of general order No. 1, by which you will perceive that I have, by order of the President of the United States, assumed command of the army of East Tennessee and the Cherokee nation. All troops, whether composed of regulars, militia, or volunteers, operating in the Cherokee country, are subject to my command and authority.

It has been reported to me that a detachment of Georgia militia is stationed at Spring Place, in Georgia, and immediately on your route to New Echota. You will inquire, on your arrival at that place, whether the report be true. If true, you will ascertain by whose authority they were stationed there, and direct the officer to report to me forthwith. You will also inquire into all their operations, and ascertain whether they have in possession any Cherokees as prisoners ; and unless there is good cause to believe that they are hostile in their feelings, and about to take up arms against the United States, you will release them. If any doubt exists as to their intentions, you will take charge of them, and keep them under guard until you receive further orders from general head quarters. You are charged to prohibit, unless you are convinced the Cherokees are determined to take up arms against the United States, or the people of Georgia, any violence being committed on their persons or property ; and in case any should be committed by any troops, whether militia or volunteers, you will take charge

of them, and confine them under a proper guard, and report forthwith the result to general head quarters.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in C. C.

To Captain VERNON,

Of the East Tennessee volunteers.

HEAD QUARTERS, ARMY EAST TENNESSEE,
Athens, July 23, 1836.

SIR: I intend to leave this place on Monday or Tuesday next, for the mouth of Valley river, to meet at that place a deputation of the Cherokee residing in North Carolina. During my absence, and until further orders, you are charged with the inspection and supervision of every department connected with the public service at this post, and such other posts as you are authorized to visit.

You will muster and inspect, as soon as practicable, all the volunteers of the East Tennessee brigade, commanded by Brigadier General Dunlap, not included in general order No. 11. You will require every man and horse to be present or properly accounted for. If there be any present who have received arms or equipments of any kind from the United States, you will require them to be surrendered or charged to each man, who may have received them, opposite to his name on the muster roll. You will call on the quartermaster for a return of pouches and powder horns furnished to the companies about to be mustered, in order to ascertain whether they have been charged to the companies that received them, or to the men to whom they were delivered. You will also cause the commissary to furnish a list of the officers who have drawn rations in kind, and the quartermaster those who have drawn forage in kind, which will be furnished to the paymaster when he arrives. As soon as the paymaster arrives with funds to pay, the volunteers thus ordered to be mustered and inspected will be discharged the service of the United States. If the paymaster, however, does not arrive before the 31st instant, they will then be discharged.

As soon as the above services have been executed; and your presence at this post can be dispensed with, you will proceed to Fort Cass, and examine into the condition of the troops and public property at that post, and, particularly, in regard to the quantity of corn, flour, bacon, &c., and report the result to me by express.

After this duty is performed, you will proceed to New Echota, and muster and inspect the troops under Captain Vernon. Your attention will be particularly called to their location, their supplies furnished, and whether the issues have been regular, and not exceeding the regulated allowances. You will also examine into the mode of supplying the Indians with rations, whether properly performed, and whether the accounts are properly kept. Finally, this post will require your particular attention, and, if found necessary, you will give such orders and instructions as the public service requires.

From New Echota you will proceed to Ross's Landing, and muster and

inspect the command of Colonel Byrd, and examine into every thing connected with it, and particularly as to issues, not only in regard to forage and rations to the troops, but to the supplies to the Indians, and also as to the treatment they have received from the volunteers. If you find that any violence has been committed on their persons or property, at any of the posts you may visit, you will immediately order the offenders to be discharged the service of the United States, without pay or allowance.

You will also make inquiries in relation to the militia and their strength, stationed at different points in the Cherokee country by the authorities of Georgia, and report to me the result. All troops, whether militia, volunteers, or regulars, stationed or destined to operate in the Cherokee country, are placed under my command.

In your intercourse with the Indians, you will impress upon them the necessity of complying with the terms of the treaty lately made with them by the United States. Any resistance to its fulfilment will certainly end in their destruction.

If you should come in possession of any information of importance, whether it regards the movements of the Indians, their feelings or disposition towards the United States, or as it may regard the troops stationed in the Cherokee country, you will forward it to me by express.

Major Payne, on visiting the several posts mentioned in the above communication, will ask for instructions to the commander by the Commanding General, and ascertain whether they have been complied with, and in case they have not, to give such orders as may be necessary to enforce a compliance.

You can take with you such an escort in travelling as you may deem necessary, whether for your safety, or to assist you in travelling through the country.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Comd'g.

To Major M. M. PAYNE,
Acting Adjutant General.

No. 3.

HEAD QUARTERS, ARMY OF E. T. AND C. N.,

Athens, July 23, 1836.

SIR: The President of the United States has directed me to take command of the army of East Tennessee and the Cherokee nation. In consequence of which, all troops stationed or directed to operate in the Cherokee country, are placed under my command, and subject to my authority, whether regular troops, militia, or volunteers.

On receipt of this, you will forthwith report to me, at general head quarters, the force you may have under your command, by whose authority they were raised, and where stationed.

It has been reported to me that numbers of Cherokees have been taken prisoners, and are now confined under guard. Unless the Cherokees show a determination to take up arms against the United States, or the people of Georgia, they will not be molested, nor any violence committed on their

persons or property. You will, therefore, examine into the conduct of all those who may be confined as prisoners, and, unless strong suspicions are entertained against them, you will release them. If, however, they have been guilty of conduct of a hostile character, you will, without delay, send them, under guard, to me, at general head quarters.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. commanding in Cherokee country.

To the COMMANDING OFFICER

Of the Georgia militia, or volunteers,

stationed in the Cherokee nation.

HEAD QUARTERS, ARMY EAST TENNESSEE,
Athens, July 23, 1836.

SIR: You will take up your line of march immediately for Fort Cass, with your company, where you will receive from the assistant commissary of subsistence, Lieutenant Howe, the necessary rations to New Echota, for which last place you will immediately thereafter march. If the assistant quartermaster of the army, or his agents, have not made the necessary arrangements to furnish you with forage on your route, you will appoint one of your officers to act as assistant quartermaster, who will precede you on your march, and have the necessary forage prepared at convenient points. But it must be distinctly understood that the forage must be procured at the several places where you may halt in the course of your march, for I will allow no charges against the United States for transportation. The daily amount purchased must not exceed the regular allowance of corn, hay, oats, &c.

Captain Vernon is particularly charged, in his passage through the nation, to avoid all collision with the natives. No insults must be offered to them, and no depredations committed on their property by his soldiers. If there is, he will immediately make ample satisfaction to them, charge the same to the offenders, and report their names and offences to the Commanding General, who will dismiss them from the service of the United States, without pay or allowances.

You will also endeavor to make a favorable impression upon the Cherokees in regard to the objects of your visit, and the views of the Government in sending a military force among them. Inform them that the United States has sent these troops among them not to make war, but to preserve peace.

You will be careful to make inquiries, on your route, in regard to the scarcity of provisions, and inform them that the United States has ordered provisions into their country, to relieve their necessities.

You will also impress upon them the necessity of quietly and peaceably submitting to the terms of the late treaty concluded with the United States; and tell them that any advice contrary to this will only lead to their own destruction. And as a proof, point to the situation of the Creeks, who have now surrendered, and are about to be driven from their homes, and the expenses of their removal deducted from the price of their lands or their annuities.

You will also endeavor to exclude all ardent spirits from the camp of the volunteers, and, as far as the laws will permit, from among the Indians.

On your arrival at New Echota, you will look out and select a suitable encampment, having reference to health, wood, and water. No transportation for fuel will be allowed by the United States. The encampment will be established as near the depot of provisions as convenience will allow.

I am, very respectfully,
Your obedient servant,

JOHN E. WOOL,
Brigadier General Commanding.

To Captain VERNON,
Of the East Tennessee Volunteers.

HEAD QUARTERS, ARMY OF E. T. AND C. N.,
Athens, July 25, 1836.

SIR: I am informed that the Governor of Georgia has stationed a force of two hundred men at Rome, near the Creek country, at the head of Coosa river; a guard of eighteen men at Canton, Cherokee court-house, in Cherokee county, about fifty miles from Coosa; and a guard of forty men at Spring Place, nineteen miles this side of New Echota.

When you visit New Echota, you will make particular inquiries in relation to those troops—how long they have been stationed in the Cherokee country, by whose authority raised, by whom paid, and how supplied; the object of their being stationed in the country, and in what manner they have conducted themselves, and whether they have any Cherokees or Creeks confined or retained as prisoners; and report the result to me by express. If, on inquiry, you should find they have been guilty of excesses, or should, at the time of your visit, exercise any authority not justifiable, or improperly interfere with the rights of the Cherokees, you will adopt such measures as may be in your power to prevent any future exercise of such authority or interference, and report to me your proceedings in the case.

I am, very respectfully,

Yours, &c.,

JOHN E. WOOL,
Brig. Gen. Commanding.

To Major M. M. PAYNE,
Acting Adjutant General.

HEAD QUARTERS,
Valley Town, N. C., August 1, 1836.

SIR: I have, in great haste, written a report of my arrival, &c., at this place, addressed to the Adjutant General.

I arrived at this place on the 29th instant, with five companies. Capt. Morrow, with his company, reported himself ten miles off; he has made a circuit of two hundred and fifty miles. The feelings and disposition of

the Indians are altogether adverse to removal: I have had two meetings of the subject, without any decision. On Wednesday next we are to have another, when I expect a large number will be present; it will then be determined whether they will go peaceably or by force. If they hesitate I will take them. Under any circumstances, I shall take hostages.

I am so constantly engaged that I have little time to write; I am day and night employed.

I have the honor to be,
Very respectfully,
Yours, &c.,

JOHN E. WOOL,
Brig. Gen. Commanding.

To the MAJOR GENERAL
Commanding the Army.

No. 4. HEAD QUARTERS, ARMY OF E. T. AND C. N.,
Valley River, August 4, 1836.

SIR: You will proceed, without delay, to New Echota and such other parts of the Cherokee nation within the limits of Georgia as may be necessary to give protection both to the Cherokees and the white inhabitants residing in that section of the country. You will allow no encroachment upon either side: both will be protected in their persons and property. You will prevent, as far as practicable, all collisions between your troops and the Indians; you will also prevent any interference on the part of the Georgia troops with the Cherokees. You will ascertain by whose authority they have been raised and stationed in that country; and, if not legally authorized to maintain themselves and exercise military control, you will order them to disband or leave the country: if authorized by the authorities of Georgia, they will immediately report to me, and receive my orders; at all events, you will prevent any improper exercise of military control over the Indians or the white inhabitants. The whole subject is left to your sound discretion, taking care to do nothing which will bring you in conflict with the authorities of Georgia. The sovereignty of the State and its laws must be respected. You will recollect, in your proceedings, that the authorities and the citizens are still laboring under a state of excitement, caused by the cruelties of a recent savage warfare; therefore, great prudence and discretion should be exercised in all your intercourse with the nation, and particularly in all measures which might have a bearing upon the rights and interests of the State and people of Georgia. I will visit, in a few days, that portion of the country, with the view of ascertaining the sincerity of the professions of the people residing there.

I have the honor to be,
Very respectfully,

Your obedient servant,
JOHN E. WOOL,
Brig. Gen. Commanding in C. Country.

To Brig. Gen. DUNLAP.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Valley Town, N. C., August 8, 1836.

SIR: Herewith, I have the honor to transmit three returns of the troops I have under my command, including a return of the regular troops at Fort Cass, commanded by Lieutenant Howe. The returns of the volunteers are as correct as they can be made at this time. You have been apprised by Major Payne, as well as myself, of the difficulty of obtaining correct returns of the volunteers; these must answer for the present.

The Cherokees in this section of the country are almost unanimously opposed to the late treaty; they are, however, coming in and delivering up their arms, which is in consequence of my ordering some of the chiefs or headmen into confinement.

I am about to visit the Indians in Cheloce, about thirty miles from this place, and in the mountains of North Carolina. They have all in that region, I believe, been opposed to the treaty; but, since I took their chief prisoner, Roman Nose, they say they will submit to the treaty, and give up their arms. As soon as I have returned from Cheloce, I shall visit the Indians in Georgia, from which I have been prevented for several days in consequence of the extreme wet weather. It has rained every day since I left Athens. The reports, however, from Georgia are more favorable, and the Indians are daily coming in, and receiving rations; but the mountain Indians in this section have generally refused to receive anything coming from the Government of the United States. They will, however, eventually submit and remove to the west.

I have just heard of the arrival of Lieutenant Hoskins, and Lieutenant Montgomery, who has been and still is quite unwell. Paymaster Herring has also arrived, and is now with me. He says that it was the understanding with the Secretary of War, that he was not to be absent more than four weeks, and that his station is to be in New York. I cannot consent to his leaving my command until all the troops are paid. I hope, if he is to return to the east, that a paymaster will be ordered here in time to pay the troops as they may be discharged, for it is not probable that I shall require more than a battalion, that is, five companies, after the 1st of September next; by that time, however, I expect four or five hundred regular troops from the command of General Jesup. In that case, I will be able to discharge all the volunteers.

I am, very respectfully, yours, &c.,

JOHN E. WOOL,

Brigadier General Commanding.

To Brig. Gen. R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY E. T. AND C. N.
Valley Town, N. C., August 9, 1836.

SIR: Your communication of the 22d ultimo was received last night, by express from Athens. On the 24th ultimo, I ordered Major Payne to muster and discharge ten companies of East Tennessee volunteers, as soon as the paymaster arrived with funds to pay them: provided, he arrived before the 31st; if he did not, to discharge them on that day.

From information received from the Secretary of War, and the Paymaster General, I had every reason to suppose he would be at Athens on the 31st, or before that time. I left Athens on the 25th for this place, and being nothing from the paymaster, Major Payne discharged them, agreeable to orders. Had I received your communication of the 22d, before the 31st, or if we had known at what time the paymaster would have arrived, I should have detained the companies discharged. I have sent Major Payne to inspect the troops at Calhoun, Ross's Landing, and New Echota.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Comd'g.

To Brig. General R. JONES,
Adjutant General.

No. 5. HEAD QUARTERS, ARMY OF THE C. NATION,
Valley Town, N. C., August 12, 1836.

SIR: Captain Vernon, stationed at New Echota, informs me that John Ridge has complained to him that some white man is about to take forcible possession of his ferry, on Coosa river. You will without delay inquire into the cause, and if you should find the complaint just, you will, until further orders, protect Ridge in his rights and property. This order will apply to all cases of a similar character in the Cherokee country.

You are further directed, that in case you should find any troops within the limits of the Cherokee nation, whether in Georgia, Alabama, Tennessee or North Carolina, not belonging to the East Tennessee brigade, to notify them that they are exclusively subject to my authority, and unless they report to me without delay and become subject to my orders, will either leave the nation or be disbanded. In your proceedings, you will be governed by your instructions of the 4th instant.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL.

Brig. Gen. Comd'g in C. Country.

Brig. Gen. DUNLAP,
East Tennessee Volunteers.

HEAD QUARTERS, ARMY OF EAST TENN. AND C. N.,
New Echota, August 27, 1836.

SIR: I have the honor to communicate, for the information of the War Department, that Major C. H. Nelson reported his command to me, consisting of three companies of mounted men and two companies of infantry, all Georgia troops, and stationed, by order of General Jesup, in the Cherokee country, and consequently subject to my authority. Also, a company under the command of Captain William Donaldson, and a com-

pany of mounted men under the command of Captain Matthew Gout, have been reported; they being stationed in the Cherokee country. These companies I do not consider necessary at this time in the Cherokee country; still, as General Jesup has expressed a desire that Major Nelson's command should be retained in the service for the present, I shall not discharge it until I hear from him again on the subject, and from the War Department. The other two companies, from Alabama, I have ordered to be discharged.

In relation to Major Nelson's command, I would remark, that I do not consider myself authorized to pay his troops, or to pay any debts contracted by his quartermaster for forage or subsistence. This duty properly belongs to the staff of Major General Jesup, who, I presume, has funds for that purpose. I have, however, ordered the quartermaster and commissary under my command to supply them with forage and subsistence from this time forward, but to pay no arrears. If it belonged to the assistant quartermaster and commissary attached to my staff to pay the arrears of this command, they would not have time to do it, for they have more than they can attend to in supplying the several posts which I had previously established in the Cherokee country.

As soon as I have a correct return of Major Nelson's command, it will be forwarded to the Adjutant General's Office at Washington.

Herewith I send a letter from General Jesup, on the subject of retaining Major Nelson and his command.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding Army, &c.

To C. A. HARRIS, Esq.,
Acting Secretary of War.

HEAD QUARTERS, ARMY OF THE SOUTH,
Tuskegee, August 12, 1836.

GENERAL: In my letter of July 24th, I informed you that Major Nelson's command had been ordered to report to you, and requested that, in the event of your not needing their services, you would cause them to be discharged.

Subsequent incidents render their remaining in service desirable, and I will thank you to consider the request for their contingent discharge withdrawn.

I have the honor to be,

Your obedient servant,

TH. S. JESUP,

Major Gen. Commanding Army of the South.

Brig. General WOOL,
Commanding Cherokee Country.

HEAD QUARTERS, ARMY OF EAST TENN. AND C. N.,
New Echota, Georgia, September 2, 1836.

SIR: Herewith I forward you an inspection roll and monthly return of Captain Vernon's company. As soon as practicable, I will forward to you a return of the whole army under my command.

I am, very respectfully,
 Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Comd'g Army of East Tenn. and C. N.

To the ADJUTANT GENERAL.

No. 1. HEAD QUARTERS, ARMY EAST TENN. AND C. N.,
New Echota, Georgia, September 4, 1836.

SIR: I regret that the late regulations of the War Department will not allow me longer to retain you and your staff in the service of the United States. Having but ten companies in the two regiments of your brigade, it is not considered a command equal to your rank. You will please therefore to consider yourself and the staff of your brigade discharged the service of the United States after the 8th instant.

For the vigilance and promptness with which you have obeyed my orders, you will please accept my thanks, and my best wishes for your future prosperity and happiness.

I have the honor to be,

With the considerations of highest respect,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Comd'g.

Brig. Gen. DUNLAP,
Commanding East Tennessee Volunteers.

DAHLONEGA, September 7, 1836.

SIR: Annexed I send you a copy of a letter from the Governor of Georgia, accepting the Lumpkin cavalry into the United States service for twelve months, under the late act of Congress. In behalf of the company I take the liberty of expressing our pleasure, under the hope of being mustered into your command. If it be within the pale of your authority to muster us into service, please advise me, by the earliest opportunity, of the time and place it will meet your convenience to have it done.

Very respectfully,

Your obedient servant,

ROBERT A. HOLT.

General WOOL.

HEAD QUARTERS GEORGIA,
Milledgeville, August 30, 1836.

SIR: I have received your letter by Mr. Gathwright, on the subject of entering the service of the United States for twelve months, under the late

act of Congress. Your tender of service is accepted, and if General Wool will order an officer to muster you into the service, I shall be pleased, as your distance from General Jesup is so great that it may be inconvenient for him to have it done. I will write to him on the subject, and you can, in the mean time, apply to General Wool, who, if he has authority to muster you, will, of course, do so; you will please write to me as soon as you ascertain this fact. You omitted to give me a roll of your company, so that I do not know the number. Supply this defect immediately, if you please.

I am, very respectfully,
Your obedient servant,

WILLIAM SCHLEY.

Lieut. ROBERT A. HOLT,
Dahlonge, Georgia.

HEAD QUARTERS, ARMY OF EAST TENN. AND C. N.,
New Echota, Georgia, September 10, 1836.

SIR: I have the honor to acknowledge the receipt of your communication of the 23d ultimo, on the 8th instant, by express from Athens.

It is unnecessary for me to go into a defence of the course I have pursued towards the Cherokees, since I have had a command in their country; that has already been transmitted to the War Department. I believe, however, notwithstanding all I may have said on this subject, in my several communications, or what others may have said to the War Department, I believe I have not essentially departed from the prudent course suggested in your communication of the 23d ultimo. You may rest assured, although a want of confidence in my judgment and discretion hovers over the War Department, I have hitherto pursued that course which has not only secured to me the confidence of all the parties in the country, but will, I am sure, stand the test of all future time, as well with the Indian as the white man. I have not come to this country to tarnish my reputation by acts of imprudence or indiscretion. Every step and every measure has been well considered before taken or adopted, which, thus far, has met the approbation of all concerned.

The duty I have to perform is far from being pleasant. On the contrary, it is the reverse of every thing that is agreeable or pleasant, and only made tolerable with the hope that I may stay cruelly and injustice, and assist the wretched and deluded beings called Cherokees, who are only the prey of the most profligate and the most vicious of the white men. The whole scene, since I have been in this country, has been nothing but a heart-rending one, and such a one as I would be glad to get rid of as soon as circumstances will permit. Because I am firm and decided, do not believe I would be unjust. If I could, and I could not do them a greater kindness, I would remove every Indian to-morrow, beyond the reach of the white men, who, like vultures, are watching, ready to pounce upon their prey, and strip them of every thing they have or expect from the Government of the United States. Yes, sir, nineteen-twentieths, if not ninety-nine out of every hundred, will go penniless to the west; but, enough of this.

You are anxious to have the volunteers disbanded, and so am I. But prudence seems to require that the force under my command, consisting of

eight companies of mounted men, and two of infantry, of the East Tennessee volunteers, and one company of regulars, should be retained until we can ascertain the course which the Ross party intend to pursue.

This we shall probably be able to do on the 15th instant, when Mr. John Ross is to have his council of the nation. If he should advise the people to submit to the terms of the treaty, we shall have no difficulty; but if he should advise them to the contrary, and encourage them with the hope that the treaty will be either modified or annulled, we may have trouble; at least, we shall make but little progress in the execution of the treaty. Under such circumstances, a military force of 500 or 600 men, I think, would be indispensable to the preservation of the peace of the country. Of the necessity of such a force, however, I shall be able to advise you, more correctly, after the council is held on the 15th instant.

By the return which I shall send to the Adjutant General, by next mail, you will perceive I have a Georgia battalion, under the command of Major Nelson. This battalion, consisting of 306 men, has hitherto been attached to General Jesup's command, but, in consequence of being stationed in the Cherokee country to hunt the refugee Creeks, has become subject to no authority, and retained at the request of General Jesup and Governor Schley, and not because I wished them for the defence, or to keep the peace of the country. Their time of service will expire on the 4th of October, when, if I do not get counter instructions, they will be discharged.

As a precautionary measure, I have ordered a camp of four mounted companies to be formed at Red Clay, near the council, to be held on the 15th instant. It is not done with any intention of interfering with the council, but merely to preserve peace.

I have not heard from General Jesup, whether, or not, he intends to send me any regular troops. He informed me, as I have already apprised you, that he would have none to spare until after the 10th instant. If he could send me four hundred regular troops, all the volunteers under my command could be dispensed with immediately on their arrival. I shall think the Creek war was now at an end, and four hundred regular troops might be spared from his command.

Governor Lumpkin, and Colonel Jackson, the secretary to the commissioners, have been here for the last ten days, but we have not heard from General Carroll. This circumstance leaves every thing in a state of uncertainty, and is productive of evil. It has an unfavorable effect upon the treaty-making party.

The appraisers of improvements in this section of the country have suspended their operations, because the Indians have manifested hostility to the measure. Since writing the above, I have been informed that no serious objections have been made to the appraisers in other sections of the country.

The commissioners, however, ought to be here, discharging the duties assigned to them under the treaty; until they do enter upon their duties, we shall not be able to ascertain the true feelings and disposition of the Indians, in regard to the treaty.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Comd'g Army of G.

The Hon. LEWIS CASS, Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.
New Echota, Georgia, September 12, 1836.

SIR: Herewith I forward to you a return of the troops under my command, in the Cherokee country. It is as correct as we can make it with the regimental returns before us. You will perceive that I have discharged one company of the 1st regiment of East Tennessee volunteers, and Brigadier General Dunlap and staff. You will also perceive that a Georgia battalion has been added. These troops have been retained at the request of Major General Jesup, and not because I wished them for the defence, or to preserve the peace of this country. (See the enclosed order from General Jesup.) Their term of service will expire on the 4th October next, when they will be discharged, if I do not receive counter instructions previous to that time.

The Secretary of War is extremely anxious to have the volunteers discharged as soon as their services can be dispensed with. On the 31st August, agreeably to his instructions, I called on General Jesup for four hundred regular troops, who returned me for answer, that he would have none to spare until after the 10th instant. I have heard nothing from him since on the subject. Four hundred regular troops would enable me to discharge, in all probability, the greater part of the mounted volunteers, which are always exceedingly expensive. Of the number or force which I may require for this country, I shall be able to advise you more correctly after the 15th instant, at which time a council of the nation will be held at the council ground, near Red Clay, and where I have formed a temporary camp of four companies of mounted men; the object of which is to preserve peace, and to ascertain if practicable the wishes and intentions of the Cherokees.

If Mr. John Ross, who controls a large majority of the nation, should recommend to his people to remain quiet and submit to the terms of the late treaty, four hundred regular troops will be all sufficient for the defence and protection of this country. But if he should advise a different course, or if he should himself oppose the execution of the treaty, a much larger force would be required to preserve peace, and execute the treaty. But what I am most anxious to know, is, whether a regular force is to be sent into this country, this fall. It is important that I should know, on account of preparing for winter quarters. In case Mr. John Ross should not oppose the execution of the treaty, we shall only require eight companies of regular troops; perhaps six full companies would answer. Two of these ought to be stationed at this place, where the commissioners, as it is probable, will transact the business of the nation; four at Calhoun, and two in North Carolina, at Valley river, or at Camp Armistead, in Tennessee. The position at or near the mouth of Valley river would be the most suitable and commanding. It is in the centre of the Indians residing in that section of the country, and commands the passes of the Hiwassee, the Valley river, and the roads to Georgia and Tennessee. The only objection to it is the difficulty of transporting provisions to it in the winter.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding Army, &c.

To Brigadier General R. JONES,

Adjutant General.

HEAD QUARTERS, ARMY OF E. T. AND C. NATION,
Near Echota, Georgia, Sept. 12, 1836.

SIR: To-morrow I shall leave this place for the encampment which I have ordered to be formed near the council ground at Red Clay. The council, as I have already informed you, will take place on the 15th instant. Previous to my departure, I would call your attention to so much of your previous communication as relates to the continuance of the volunteers in service. You appear to be anxious to have them discharged. However, if the Cherokee nation may appear, I think it would be highly imprudent, until the treaty is executed, to leave this country entirely without troops. I have again and again informed you of the feelings and disposition of a large majority of the nation. These people are opposed to the treaty, and unwilling to leave this country for the Arkansas. The amount of force necessary to be kept in the country will entirely depend on John Ross and his party. If the policy of John Ross should be pacific, and not in opposition to the execution of the treaty, a comparatively small force only will be required to preserve peace and guard the commissioners while in the execution of their duties. On the other hand, should his course be in opposition to the treaty—for he can control the nation—the force required will be comparatively large. If the policy of Mr. Ross should be pacific, perhaps six or eight companies of United States infantry, commanded by a vigilant and discreet officer, would be sufficient, and give ample protection to the country. But, on the other hand, if his policy should be in opposition to the treaty, I would not guarantee the preservation of peace short of eight hundred men. Six hundred might answer, with a very efficient officer to command them. This force, however, should be composed of at least four hundred regulars, and two hundred mounted volunteers. If, under these circumstances, the War Department should deem it prudent and proper to keep a military force in the Cherokee country, whether it is to consist of volunteers, regular troops, or both, I ought to know it soon, because it will soon be time to make preparations for quartering them through the winter.

Governor Lumpkin, who is here, is under the impression that the commissioners will locate themselves at this place, to transact the business of the nation. In such a case, he says he will consider two companies of regular troops, or volunteers, necessary at this place for their protection, and to facilitate the execution of their duties. Should the commissioners determine to select this place to transact their business, and, consequently, two companies be stationed here, which I think will be necessary, winter quarters must be built and provisions deposited here before the roads become impassable for wagons. Besides this place, I would select Calhoun for another position for four companies, where we have one at this time. Should this be approved of, it will be necessary to build winter quarters for them. I would also station two companies in North Carolina; or at Camp Armistead, in Tennessee. Near the mouth of Valley river would be the most suitable in regard to the Indians. It commands the passage of the Hiwassee, the Valley river, the road to Georgia, and to Tennessee. The only objection to it is, the difficulty of transporting supplies there during the winter. If a post is established at this place, or Camp Armistead, winter quarters must be built for the troops.

After the council of the 15th instant, I shall be able to inform you of the force which I think will be required for the Cherokee country. At the same time, I will order estimates to be furnished for building winter quarters for

the army. They will, of course, be of temporary construction, and put up at the smallest possible cost.

What I am most anxious to know is, whether or not regular troops are to be sent in the course of the fall to this country. As I have already informed the War Department, I made a call on General Jesup, agreeably to instructions from the Secretary of War, for four hundred regulars. He returned me for answer, that he could not spare any until about the 10th instant. I have heard nothing from him since on the subject. He certainly cannot require the force which he has now under his command, to control the Creeks. They are subdued. It is possible that the whole of General Jesup's command is intended for Florida. Independent of the force now in Florida, he has 1,500 Tennesseans destined for that country, and how many Georgians and Alabamians I do not know. I should think that a part of his regular force might be sent to this country, which would enable me to dispense with nearly or quite double that number of volunteers, which, as you know, are exceedingly expensive.

Governor Lumpkin, in one of his communications to the Secretary of War, among other things, as he says, has suggested whether it would not be expedient to allow all the members of the committee who may have furnished subsistence to the poor and destitute Chérokees, previous to my issuing rations to them, to be paid out of the fund appropriated for that object, agreeably to the 18th article of the treaty. In calling your attention to the subject, I would suggest, that if you allow such debts to be paid in this case, you will be compelled to allow them in all similar cases. There are many of this character; and if the door was once opened, they would give me, or the person who may attend to the duties, endless trouble. Debts of this kind against the Indians would consume more than the \$72,000. Again, some of the committee are anxious to have a part of this fund appropriated to feeding all those who may attend on the commissioners to transact business. If this was established, and generally known, no man would come prepared to subsist himself, and the consequence would be, that this fund would be distributed but partially, and to those persons who would not be properly entitled to it. Besides, if the Indians should conclude to come in and submit to the terms of the treaty, the funds would not last two weeks, the number of visitors would be so great. If they once knew they were to be subsisted, they would come whether they had business or not. I am decidedly against such a proposition as this. My object is to distribute the fund impartially, and in such a way as will do the most good. The great body of the poorer class reside in North Carolina, and would not get their due proportion of subsistence if I should accede to the proposition above alluded to. I know not whether it has been submitted to your consideration; I can only say, it will never answer if justice is to be done.

On all these subjects I would wish your opinion and views as soon as circumstances will permit.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding, &c.

To the Hon. LEWIS CASS,
Secretary of War.

P. S.—On the 1st instant I discharged one company of mounted volunteers; and, on the 8th instant, Brigadier General Dunlap and staff. I herewith enclose to you an order, of the 12th ultimo, from General Jesup relating to Major Nelson's command. It was received the 10th instant.

JOHN E. WOOL.

HEAD QUARTERS, ARMY OF THE SOUTH,
Tuskegee, August 12, 1836.

SIR: I have received your letters of August 7th and 8th, to Major General Sanford, which (he being absent) have been forwarded to me.

I approve your suggestion, that the force be retained near Camp S^c and your command will continue in service, even if not needed by General Wool, to whom I will immediately make known this modification of the former contingent order for their discharge.

You are authorized to discharge the two companies of foot, raised under erroneous representations of their military duties, and to replace them by receiving into service two new companies of volunteers, to serve for three months, unless sooner discharged.

In reference to those who have been so far deluded as to mutiny against the proper military authorities, it rests with yourself to decide whether charges shall or shall not be preferred.

Your course in securing the refugee Creeks is approved, and I desire it to be continued with the utmost activity. In reference to such movements as may lead you into the Cherokee country, you will communicate with General Wool, and receive his orders.

In reference to such as may lead you into the Alabama Creek country you will communicate with Major General Patteson, who is in command of the troops in the North Creek country.

I desire you, unless inconsistent with orders from Brigadier General Wool, to give to Major General Patteson such aid and co-operation as he may require. Arms can be obtained by sending to West Point.

I am, sir, very respectfully,

Your obedient servant,

THOMAS S. JESUP,

Maj. Gen., commanding army of the South.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Red Clay, September 25, 1836.

SIR: I have the honor to communicate to you that the council of the Cherokees, held at this place, broke up and dispersed on Friday, the 23d instant, after declaring that they would not receive the late treaty as the act of the nation, and appointing a delegation to visit Washington at the next session of Congress, for the purpose of making a new one. The delegates named are John Ross, John Benger, W. Adair, Calsotohee or Hogg, Richard Taylor, Samuel Gunter, Stephen Foreman, and Joseph Saunders. I have been informed that Calsotohee, or Hogg, has declined serving. The delegation is to proceed to Arkansas, with the view of calling a council of the Cherokees in that country, for the purpose of uniting with them in their efforts to procure a new treaty.

Although it was estimated that from three to four thousand had attended the Council, only about one thousand eight hundred voted on the proposition to reject the treaty. Since the council dispersed, I have conversed with some of the delegation, who did not hesitate to say that they not only knew they would be compelled to move, but they were willing to do so, and would be ready to go within the time limited by the treaty, provided they could have a new treaty, more agreeable to the feelings and situation of the people, or a modification of the present one. It is scarcely necessary to repeat to the War Department that I have again and again informed Mr. Ross, as well as most of the principal men, that there was not the slightest hope of success in such an effort; that the President of the United States would not receive any delegation sent for that purpose, or listen, a moment, to any proposition of the kind; and that he was determined to have the treaty executed, in all its terms and conditions, as I had always officially informed them.

From present appearances, I do not apprehend any serious opposition to the execution of the treaty. Possibly the appraisers may meet with some opposition in the discharge of their duties among the Indians in North Carolina. A small military escort, however, will be sufficient to enable them to discharge their duties.

During the whole period of holding the council, the Cherokees appeared pacific in their language and conduct, and, generally, conducted themselves with as much order and propriety as the same number of men assembled in any part of the United States would have done. Prudence, however, under existing circumstances, would dictate that a military force should be kept in the country, and the smallest number of troops that I could recommend with propriety is six companies of regulars and two of mounted volunteers. Two of these I would station in Georgia, at New Echota, or wherever the commissioners should locate themselves to discharge their duties; two in North Carolina, at or near the mouth of Valley river; and the remaining four companies at Calhoun. Should this force be kept in the field during the coming winter, quarters will have to be provided for the men.

I should be glad to know the views of the War Department on the subject of this communication, as soon as circumstances will permit. The discharge of the volunteers will depend on the probability of a regular force being sent here. The Georgia battalion will be discharged the 4th of next month. If regular troops should not be sent to this country, and volunteers should be stationed in Georgia, the Georgians are extremely anxious that those volunteers should be taken from their own State.

Herewith I enclose you a letter from Captain Holt, accompanied by one from Governor Schley. I have informed the captain that I had no use for his company, and that I had no regular officer to spare for the purpose of mustering them agreeably to the wishes of the Governor. I could not comprehend why the volunteers under my command, who have engaged to serve the United States for twelve months, should be discharged, whilst, in a neighboring State, they were raising and receiving into the service the same description of troops.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in the Cherokee Country.

To the Hon. LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY OF E. T. AND C. N.,
Red Clay, September 28, 1836.

SIR: You will proceed without delay, and report to Major General Jesup, and represent to him the pecuniary situation of your department, and, if practicable, obtain the requisite funds for discharging the debt contracted on account of the United States, for forage, subsistence, and transportation, for Major Nelson's command. You will be retained in service until further orders, or until you have settled your accounts.

You will return as soon as practicable, and report to me the result of your application to General Jesup.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen., Commanding in the Cherokee country

To Lieut. ELIAS HENDERSON,

Quartermaster of Major Nelson's battalion.

HEAD QUARTERS, ARMY OF E. T. AND C. N.,
Red Clay, Tenn., September 30, 1836.

SIR: Herewith, agreeably to the 65th article of the rules and articles of war, I transmit the proceedings of a general court martial, in the case of Lieutenant Gordon, of the Georgia Highland battalion, commanded by Major Nelson. I have only to add, that the battalion, including Lieutenant Gordon, will be discharged on the 4th October next; the term for which they engaged to serve will expire on that day.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen., Commanding in the Cherokee nation

To Brigadier General R. JONES,

Adjutant General.

HEAD QUARTERS, ARMY OF E. T. AND C. N.,
Red Clay, Tennessee, September 30, 1836.

SIR: I have the honor to forward, herewith, an address of Brigadier General R. G. Dunlap, to the East Tennessee volunteers, dated at Athens, the 14th September, 1836.

Lest the address may lead to erroneous impressions in regard to the discharge of General Dunlap from the service of the United States, I have deemed it proper to transmit the following statement, with letters from 1 to 5 inclusive.

The brigade of East Tennessee volunteers having been reduced to ten companies, I did not consider myself authorized, by the regulations of the War Department, to retain General Dunlap and his staff beyond the period designated in the order of discharge, dated the 4th of September, and marked

No. 1. From the tenor of the address, however, the General appears to have labored under some delusion on the subject of his discharge, and that it was brought about by some secret management, or by some improper influence exerted over myself. It is unnecessary to say to the Secretary of War, that there is not the slightest foundation for any suspicions of the kind. It was an act entirely my own, ordered and executed without consulting any person whatever; and because I no longer considered myself, under the circumstances, authorized to continue him in the service of the United States; and it may not be improper to add that, but for the duties assigned him in my letters of instructions to him of the 4th and 12th August, marked 4 and 5, he would, however, have been discharged some weeks earlier than he was.

In reference to the General's correspondence with the President of the United States, although it appears to have had for object the removal of his brigade from my command, I shall make no other comment, than it was without my knowledge or consent.

In relation to his application to be discharged, I can only say, that, although he expressed great desire to enter another service, I did not think at the time he had any serious wish to be discharged the service of the United States. He certainly made no application of the kind in writing; and I am equally certain that I made no agreement to retain him in the service a short time to make an excursion through the Cherokee nation.

Upon the complaint, however, of several Cherokees, that the Georgia guard, at Spring Place, had captured some twenty or more Cherokees, and were about to send them to the west with some Creek Indians, I sent an express, with orders marked No. 2, to Captain Vernon, who was on his way to New Echota, to call at Spring Place and ascertain if the complaint was true, and, if it was, to investigate the transaction, &c. The express I believe had left only a short time when General Dunlap called at my quarters, when the subject of complaint was mentioned, and lest serious difficulties might grow out of the meeting of the Georgia guard and the Tennessee volunteers, I directed General Dunlap to proceed to Spring Place without delay, and superintend the execution of the instructions already sent to Captain Vernon. Having performed this service, he returned to Athens, and reported to me the result, which was the release of about twenty Indians claimed by Mr. J. A. Bell as Cherokees. In the mean time, other complaints had been made of encroachments on the rights and privileges of the Cherokees residing in Georgia by white men. I sent instructions marked 4 and 5, to General Dunlap, with orders to proceed without delay to New Echota, and other parts of the Cherokee nation within the limits of Georgia, and give mutual protection to both white and red men residing in that section of the country. After attending to these duties, and giving such orders as he deemed necessary in the several cases brought before him, he returned to Fort Cass, and transmitted to me a report of his proceedings, when, having no further services for him to perform, I discharged him the service of the United States.

Of so much of the General's address as relates to the pay of the volunteers who were ordered home to wait without pay the further orders of the President of the United States, I would observe that I extremely regret that he should have considered it necessary to his vindication to have treated the subject in the manner he has, for, of all the officers of the volunteers under my command, he certainly most urged and most approved of the measure, as set forth in general order marked 6, and herewith sent.

His remarks in relation to the causes which induced me to receive the volunteers who were ordered home, requires no comment. My reasons for the act have already been transmitted to the Secretary of War. See my communication to the War Department, of the 20th of August last.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen., Commanding in the Cherokee country.

To C. A. HARRIS, Esq.,

Acting Secretary of War.

TO THE EAST TENNESSEE VOLUNTEERS :

Citizen soldiers : On the 12th inst., at Camp Cass, I met with a letter from General Wool, informing me that myself and staff had been discharged from the service of the United States, on the 8th inst., by instructions from the War Department. My only regret at leaving this laurelless region is, that I am compelled, by a strange force of circumstances, to leave in the Cherokee service any portion of the volunteers who had, with such generous fidelity and unanimity, called me to the head of a brigade that would have honored any field, in any age.

But circumstances of a peculiar character have separated us, which have been the result of the President's political papers issued from the Hermitage not having been duly respected by the Secretary of War or the Commanding General of the Cherokee nation.

You were decoyed into this loathsome service by the letter of the Secretary of War, and Governor Cannon's proclamation. But I am well satisfied that Gov. Cannon honestly believed that the whole Tennessee force was designed for the seat of war; and consequently called you to the Creek nation. Soon after the organization of the brigade, I wrote to the President, giving him what information I had relative to the affairs of the western borders, in order that he might draw his deductions upon the necessity of sending forces to that point for the national defence. I tendered him the services of the brigade which I had the honor to command, with a pledge that we would march to any point that duty might direct. I was deeply mortified at the disappointment that the volunteers first ordered home met with, and used every effort in my power to afford them an opportunity to exhibit their chivalry and prowess. I knew that no Tennessean, emulous of character, would willingly waste his time in the Cherokee nation, but all were alike anxious to be where they could render some honorable duty to their country. The President answered my letter from Kingston, on his way from Washington to the Hermitage, and stated, that he had not been sufficiently informed of the state of things on the frontier to know whether it would be proper to order troops to that point; that he intended to preserve our neutrality with Mexico; and that due respect would be paid to the chivalry of the Tennessee volunteers, should any forces be required. I sent a second express to the President, pressing that the services of my brigade should be called to some other quarter, and re-

quested to be informed of the probability of either myself or any portion of my command being ordered to the west. The President referred the gentleman who bore my express to his letter to Gov. Cannon, and requested him to state to me, that as soon as he should be advised of the necessity of more troops being wanted, that he would write me; and to assure me that, if the defence of the country required it, that he would order myself and brigade to the frontier. In the face of all this, Capt. Williams's company, together with myself and staff, have been discharged, before a sufficient time had elapsed to develop the true situation of affairs on the western borders. As soon as I learned that General Gaines had made a requisition on Tennessee for a regiment of volunteers, I sent Capt. V. M. Campbell on express to the Governor, tendering an organized regiment from my command; and, as ten companies had been notified that they would be discharged in a few days, I immediately made a call on them for their services to meet this requisition; seven out of the ten companies, with a spirit which had characterised the whole corps, offered their services. The Governor received five of these, and directed me to make the selection, which I did without delay, and ordered them to march to the point of rendezvous. Still, fortune denied these generous spirits an opportunity to prove whether the sons of Tennessee had degenerated. I was well assured, from my own views of things, that there was no chance to have my brigade ordered to Florida, notwithstanding its services were offered to both the Governor and President, for any point threatened with the perils of an enemy within the United States. I am, however, truly rejoiced that General Armstrong's brigade has been ordered to that service. New glories will follow his march through a country that has baffled the skill of our best generals. But it seems that no honorable achievements in the battle field are reserved for the noble and the brave of our mountains and valleys. When General Wool discharged ten companies from my brigade, I applied to him to be discharged with them; he seemed to be reluctant to do so. I then agreed to remain a short time, and make an excursion through the nation, with the double hope that I could possibly do some good by endeavoring to induce the Cherokees to submit to the late treaty, in the mean time, that facts might occur which would justify and induce the President to order my brigade to the western frontier or to Florida.

I went forthwith to the Cherokee nation, and had released some friendly Indians, claimed to be Creeks; but connected with the Cherokees, some of whose ancestors had fought by the side of General Jackson at the battle of the Horse Shoe, which the Maury guards in Georgia, distinguished alone for its cruelties and oppressions, had in custody and in chains. This gave the Cherokees a pledge that their rights and feelings would be protected and respected. After this, the Tennessee troops were hailed by the Indians, wherever they marched, as their friends. I saw many of the chiefs of the nation, and advised them to submit to the late treaty, as I believed it was their interest as well as that of the United States to do so, although it is well known that it was made by the management of faithless agents, and against the wishes and authority of the nation. The manner in which the Cherokees received the Tennessee troops, and the belief that their conduct inspired, that the faith and promises of the Government would, on this occasion, be redeemed, induced me to believe that a faithful protection would secure a submission to the treaty. I returned, made a report to General Wool, expecting soon to be discharged; otherwise to resign. I soon after re-

ceived an order to visit all the military posts in the Cherokee nation, within the States of Tennessee, Georgia, Alabama, and North Carolina. I forthwith visited all the posts within the first three States, and gave the Cherokees (the whites needed none) all the protection in my power, and attempted to redress their violated rights, which can be seen in my report to General Wool. On my way, I met the President's letter to Governor Cannon, which presented some hope that I would be ordered with my command to the defence of the western borders. This again induced me not then to leave the service.

My course in the nation has excited the hatred of a few of the lawless rabble in Georgia, who have long played the part of unfeeling petty tyrants, and that to the disgrace of the proud character of gallant soldiers and good citizens.

I had determined, and so expressed myself to the officers under my command, that I would never dishonor the Tennessee arms in a servile service by aiding to carry into execution, at the point of the bayonet, a treaty made by a lean minority against the will and authority of the Cherokee people; especially, when I knew that one equally as favorable to the character and interest of the United States, could have been made with the legitimate powers of the nation. The brigade which I commanded was called in service for the ostensible object of protecting the country against the rumored hostilities of the Cherokees. And to this point I was always ready and willing to act, without stopping to inquire into the cause which might threaten the peace of my country. But I soon discovered that the Indians had not the most distant thought of a war with the United States, notwithstanding the common rights of humanity and justice had been denied them. The faithless and cruel conduct of their contemptible oppressors, tending to excite every other than kind feelings towards the Government of the United States and its citizens, all failed to produce any acts of hostility. Is it then remarkable that Tennesseans, who had mounted their war-steeds, emulous for the discharge of a soldier's duty, should feel mortified at being checked in their career for honor and usefulness by being quartered in the Cherokee nation?

We have certainly fallen upon evil times, when a course of conduct is pursued by the favorite agents of the Government, which is to fasten on the Indians deep rooted hostility towards the Government of the United States, when it has long been her policy to send all the Indian tribes west of the Mississippi in clustered neighborhoods. It seems to me that a wise policy, aside from the dictates which should rule a christian people, would forbid any conduct but that which would secure the friendship of the Indians on a defenceless frontier.

Citizen soldiers :

You who have been ordered home to await further orders of the Government, and you, who have been discharged after nearly one month's service, have been wronged, in my honest opinion, by the late order of the President of the United States, in which he has refused you pay for the sacrifice of your time, your money, and your feelings. Those in service have not received as much pay, according to my construction of the law, as they are entitled to, and I conceive it my duty to bring this subject to the consideration of the Secretary of War, which shall be done as early as possible. In doing this, I am well assured that no mercenary passion led

you with so much eagerness to rally at the call of your country, beneath the national flag, determined to bear its unfurled stars and stripes proudly through every peril that a common enemy might present. I am well convinced that every officer under my command, worthy to wear the badges of his rank, who held in sacred charge a large portion of the pride and chivalry of our country, would willingly have made a bonfire of their claims upon the Government, if they could have been ordered to a field where duty and honor would have called into action the high qualities of the patriot and the soldier. But if a benign peace reigns over the land, you should be contented with that consolation which you must justly feel, in having given a ready obedience to the precepts and examples of your fathers, in times that are gone, but the remembrance of which lives in vivid colors both in the history and tradition of your country. I consider the Tennessee volunteers as a part of the ten thousand which the act of Congress of 23d May authorized the President to receive; and that they are to be paid under this act, and not the act of the 19th of March, which has an exclusive application to the forces raised for the defence of Florida, by its own terms.

At the passage of this act no war was prevailing except in Florida. Soon after its passage the Creek war broke out, and a call was made by General Gaines for the defence of the western frontier; and these are the incidents that induced the passage of the act of 23d May last. By the provisions of that act, volunteers are placed upon the same footing, in all respects, except as to clothing, with similar corps of the United States army. The first section of this act fixes the character of the East Tennessee volunteers, and proves beyond controversy that this is a cavalry corps, and that the officers and soldiers are entitled to all the privileges and immunities of a similar corps in the United States army. This section provides, "That the President of the United States be, and he hereby is, authorized to accept volunteers, who may offer their service either as infantry or cavalry, not exceeding ten thousand men, to serve six or twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and the said volunteers shall furnish their own clothes, and, if cavalry, their own horses, and when mustered into service shall be armed and equipped at the expense of the United States." The Tennessee volunteers were mounted, and cavalry to all intents and purposes, and it was at the election of the Government to arm them with swords and pistols, or rifles and muskets; and consequently they must be paid as cavalry, with the exception of the Brigadier General. This officer is unknown to the cavalry corps as organized in the army of the United States, and, of course, he is only entitled to the rights and immunities of an infantry officer.

At the time of the rendezvous of the volunteers, to the honor and astonishment of the country, we had 2,500 instead of the 1,250 called for by the Secretary of War. General Wool had allowed me to read his instructions from the Department, which authorized him to call on the Governors of Tennessee and Georgia for any forces which he might deem necessary for the service over which he had been ordered to assume the command. I was extremely solicitous that the patriotism of no volunteer should be rebuked, by not being received, in the midst of a general apprehension of Indian hostilities in almost every quarter.

Governor Cannon gave General Wool a copy of a letter from General Gaines, stating the probability that a new requisition would be made on

Tennessee, as the peace of the western frontier was again threatened with savage war. I further informed General Wool, that I had, a few days before my arrival at Athens, received a letter from my brother, (W. C. Du-lap, M. C.) from Washington, informing me that he had an interview with the President, at my request, in relation to the destination of the East Tennessee brigade. The President informed him that we were intended for the present, for the Cherokee nation; but if no troops should be needed there, we would be ordered either to the Creek nation or Florida; and that he would receive all the volunteers offered in Tennessee, as he not only wanted them for the Creek nation and Florida, but also for the western frontier. At this time, the whole south and southwest was engaged, and threatened, with a general Indian war. I presented these facts to General Wool, believing that it would meet with the approbation of the President for him to receive all the East Tennessee volunteers, as it would be preparing an organized force, ready, at a moment's warning, to march to any point which the exigencies of the country might require. I moreover stated to General Wool, that, from my knowledge of General Jackson, there was no man in the nation, when the peace of the country required it, who would take more pleasure in paying due respect to the voluntary patriotism which had brought together such a noble array of gallant spirits on the 7th of July; and that, in receiving the volunteers under the circumstances, he would meet with the cheering approbation of every generous and enlightened citizen throughout the Union.

The volunteers that have been ordered home to await the further orders of the President, and that have been discharged, were mustered and received into the service of the United States, by an officer with competent authority from the War Department; and the motive or object for which they were received has nothing to do with legalizing the act. This question could only arise upon the arraignment of the officer for an improper exercise of his authority. If this view of the subject be correct, and it is conclusive to my mind, the only manner in which the President can give his constitutional aid to enable the volunteers to receive compensation for their services, is, to order his paymaster to settle and liquidate their claims, as duty, in my humble judgment, requires him to do.

The only question remaining is, how long shall the volunteers be paid for? Those who have been discharged, can only be paid to that date. Those who have been ordered home to await the further orders of the President of the United States, are entitled to pay until they are legally discharged, in my honest opinion.

If an officer cannot alter the term of service, he certainly has as little right to withhold the pay of the soldier during that service. The volunteers were mustered into service on the 8th July, (most of them for twelve months,) at the expiration of which time they will be entitled to their discharge, otherwise it will be competent for the Government to order them home and into service, with as many repetitions of such order, with or without pay, as whim might direct, long after the expiration of the twelve months. Such manifest violence to the spirit and language of the act of Congress which calls the volunteers into service for a fixed period, (six or twelve months,) unless sooner discharged, will not be sustained by any respectable jurist. Is the time of the volunteers daily expiring and continuing? if so, it is clear to my mind that their right to pay is a legal consequence, and cannot be withheld except by arbitrary rules.

The President, in his letter to Governor Cannon, states, that he had ordered the Secretary of War to apportion the 10,000 volunteers which he was authorized to receive, among several of the States, which was done; and that as the present number in Tennessee exceeded her portion, that, therefore, the levy was thus far illegal. Since the apportionment, which had no other effect than an order, power was given to General Wool to receive volunteers without any restriction as to numbers; which was, in legal effect, a countermand of this order of apportionment; the whole number still received does not exceed the 10,000. The Tennessee volunteers are a portion of this corps. It was competent for the President or any of his authorized officers to have received this whole corps from any one State, by the act of the 23d of May, and this apportionment gave no right to any State further than as an order in its legal execution may have carried with it.

It may be that General Wool, should it become necessary, may place his vindication on a different question, one wholly consistent with the spirit and letter of his instructions, as he very properly may do; my views only presume a motive honorable and patriotic. He was a stranger in the country, and the conflicting rumors of Cherokee hostilities, produced, no doubt, by interested and unworthy men, may have induced him to receive and retain a force sufficient to meet any emergency which might arise within his command. His orders on the muster rolls of those captains ordered home, by which they were mustered and received, does not give arguments, nor designate any service for which they were intended, aside from the Cherokee service, they being a part of the army of East Tennessee volunteers, which fixes the question beyond doubt; as his power was only limited by his discretion as to the number of volunteers he might call for or receive from either the Governor of Tennessee or Georgia.

From every view of the subject, I am firmly convinced that the East Tennessee volunteers are a part of the ten thousand which the President is authorized to receive; that they have been legally mustered and received; and those discharged are unquestionably entitled to pay up to that time, and those now holding themselves in readiness for further orders must be paid until discharged, if the law be executed.

In making this just vindication of the rights of the volunteers, I wish it distinctly understood, that it is done without the knowledge or consent of General Wool; I have not consulted him on this subject, and nothing would be a source of more regret to me, than that an act of justice to those who intrusted their rights and character to my keeping should be the cause of bringing him in collision with the Government, whose wishes and interests, I am sure, he has vigilantly endeavored to gratify and sustain.

General Wool received the East Tennessee volunteers under circumstances that did credit both to his heart and head. But fortune is capricious in bestowing her gifts upon the character of the soldier. When success crowns his efforts, his merit is then settled, and the praises of the poet and the orator are lavished upon him; but if a failure ensues, even under the rarest development of skill and valor, the denunciations of the vulgar or designing are too often made the basis of cabinet censure, and, unfortunately for truth and justice, too frequently give point and character to the pen of the historian.

I trust that his excellency Governor Cannon will take high ground, and ask the Tennessee Legislature for that compensation to the volunteers

which their generous offers and sacrifices so justly merit. Under the present state of things, this is, perhaps, the only successful course to adopt. Every citizen who is proud of his State, and feels for the injuries which the volunteers have sustained, will no doubt rejoice at such an honorable mode of relief.

Citizen soldiers :

The manner in which both the officers and soldiers have discharged their duty merit my cordial and decided approbation, and cannot fail secure to them the thanks and gratitude of their country.

That confidence which you have so kindly manifested for me during my command, impresses me with the deepest and liveliest sense of gratitude.

I sincerely trust, that amidst the many changing scenes of life, an opportunity may yet occur which may enable me to discharge some of the obligations which your fidelity has created, which has only been equalled by my desire to advance your character and protect your rights; may each and all of you receive that reward due from the just and the generous, for those toils and embarrassments, incident to the Cherokee service, which have been much more perplexing than the usual dangers and privations of the camp, is the hope and wish of

Your humble servant,

R. G. DUNLAP

ATHENS, *September 14, 1836.*

HEAD QUARTERS, ARMY E. T. AND C. N.,

Red Clay, October 6, 1836.

SIR: Herewith I have the honor to forward a monthly return of the volunteers under my command in the Cherokee nation, for the month of September last. I also forward general order No. 55, relating to the discharge of the Georgia volunteers, under the command of Major C. H. Nelson, and a letter to Lieutenant Elias Henderson, dated September 28, 1836, relating to the same, and his intention to settle the accounts of the battalion, contracted on account of the United States. These debts have been contracted for subsistence, for forage, and transportation, through that section of the country in which they have been operating, for the purpose of hunting and collecting refugee Creeks.

These accounts I have refused to have any thing to do with. First, because they were principally contracted previous to their becoming subject to my authority or command; secondly, because they are numerous, and contracted under the most favorable circumstances; thirdly, because it would take an officer, which I have not to spare, a month to collect and arrange the accounts in proper form. I am, moreover, unwilling, under any circumstances, to become in any way responsible for the contracts of this battalion, which, I have no doubt, will amount to more than the residue of my command; and yet they may all be proper and just.

I have already informed you of my reasons for establishing this camp. The council broke up and dispersed a few days since; the object and determination of which were set forth in a communication addressed to me by Mr. John Ross and others, dated the 30th of September, and transmitted to the War Department the 2d instant. Although the determination is to

resist the late treaty made between the United States and the Cherokee nation, it does not appear that they intend to resist its execution by force of arms; nor do I apprehend any difficulty until after the delegation, appointed for that purpose, has made an attempt to make a new treaty, or modify the present one. If they should be unsuccessful, which I have no doubt will be the case, difficulties may arise which may require a much larger force than I have at present, to preserve the peace of the country. A large majority of the nation is decidedly opposed to the present treaty, and will probably continue so until checked by a more determined policy than has heretofore been pursued, and which the War Department has been unwilling to adopt. Since the council dispersed, it is reported that threats have been made by some of the Valley River Indians against those who are in favor of the treaty; and it is thought they will kill Thompson, who has heretofore been an influential man in the nation, and I have heard that one man said if the delegation recently appointed to make a new treaty, did not succeed, war would be the consequence. I have ordered an investigation into these rumors, and, if found correct, to apprehend and confine the individuals. With these remarks, I would call your attention to my last communication, on the subject of employing a military force in this country. I have seen nor heard nothing since to change my opinions then expressed, as to the force which ought to be kept in this country. For the present, we ought to have at least six full companies of regular infantry and two of cavalry, or mounted men, stationed in different parts of the Cherokee country. This force, with a prudent, but determined commander, who will deal justly, honorably, and faithfully with these people, might prevent all difficulties, and insure the execution of the treaty.

I am about to establish a camp at New Echota, where another council of the Cherokees is to be held, to commence on the 10th instant. My object is merely to watch their movements, and to prevent disturbances which may arise from the meeting of the parties of Ridge and Ross. The object of the council, on the 10th instant, is to sustain the treaty.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen., Com'ng in the Cherokee country.

To Brig. Gen. R. JONES,

Adjutant General.

HEAD QUARTERS, ARMY EAST TENN. AND C. N.,
Fort Cass, Tennessee, October 11, 1836.

SIR: Herewith I forward a return of the regular troops under my command for the month of September last.

Of the four companies at Red Clay, two have been ordered to New Echota, and the other two to Ross's Landing, excepting thirty men, under the command of Captain M'Clellan, ordered to Camp Scott, to take charge of the public property at that place until the quartermaster, ordered to General Jesup for funds, returns and can dispose of it.

As soon as the council at New Echota adjourns, unless the commissioners should desire them to remain for their protection, I shall order the

two companies at that place to Ross's Landing. In relation to the commissioners, however, I have not yet heard of their arrival. Both were expected at New Echota as early as the 10th instant.

From this; Ross's Landing is 45 miles, to Spring Place 40 miles, to New Echota 62 miles, to Valley river 77 miles, to Red Clay 25 miles, to Athens 15 miles, and from Athens to Valley river 62 miles. In the spring and fall, and during the rainy season, the roads are almost impassable, and no bridges. The roads through the mountains of North Carolina are, at this time, tolerably good, having been recently repaired by the volunteers.

We have no blank returns or muster-rolls. We shall require muster-rolls for eleven companies at the end of this month, including the company at this post. Major Payne informs me that he has already written on the subject, but has received no answer.

I am, very respectfully,

Yours, &c.,

JOHN E. WOOL.

Brigadier General Commanding, &c.

To Brigadier General JONES,
Adjutant General.

HEAD QUARTERS, ARMY EAST TENN. AND C. N.,
Fort Cass, October 12, 1836.

SIR: I have the honor to present, herewith, a connected but short report of my operations since I have had charge of the important trust confided to me in this section of the country. Constant and laborious duties, from the time of my arrival until the present moment, have prevented me from performing this service sooner.

By instructions from honorable Lewis Cass, Secretary of War, dated the 20th June, 1836, I was directed to repair to this country without delay, and take command of the troops destined to operate in the Cherokee nation. These instructions required me to use all proper means to allay any excitement that might exist among the Cherokees; to seek interviews with the principal men of the nation, and to urge upon them the necessity of their interfering and prevailing upon their people to remain quiet, and to comply with the late treaty stipulations; and, in case the necessities of the people should require it, to issue a reasonable quantity of provisions to all such as evince a friendly disposition towards the United States, conformably to the eighteenth article of the late treaty; and, in case of hostilities on their part, to employ such force as I might deem necessary to suppress them, and reduce them to unconditional submission; and, in case I should deem the force to be raised by the Governor of Tennessee insufficient for this purpose, I was authorized to call, for such additional force as I might deem necessary, upon the Executives of Tennessee, Georgia, and North Carolina.

Agreeably to the foregoing instructions, I set out, accompanied by Assistant Quartermaster Hetzel, United States army, on the 20th June, for my destined command, and travelled night and day, over the worst possible roads, until I arrived at Knoxville. Here, I learned it was necessary to purchase various supplies for the troops I was about to take command of. This occupied me and my assistant quartermaster three days, when I left for Athens, the place of rendezvous for the East Tennessee brigade of volun-

teers, where I arrived on the 4th July. Although 2,500 men, instead of 1,200, as called for by the Secretary of War, were marching on this place, no preparation had been made to receive them. Every thing, therefore, was to be done immediately, with only Major M. M. Payne, Lieutenant Howe, assistant commissary, and Lieutenant Hetzel, assistant quartermaster, to assist me. Subsistence, forage, store-houses, tents, and camp equipage were to be provided before the 7th July, the day the troops were to be assembled. They commenced arriving on the 5th, and on the evening of the 7th, all were present, and all mounted except two companies. At the request of Governor Cannon, I ordered them to be supplied with provisions and forage.

On the 8th and 9th July, Governor Cannon organized this force of 2,500 men, according to the laws of Tennessee, into a brigade of three regiments, and turned it over to me, with Brigadier General Dunlap at its head. The urgent solicitation of the Governor, with a solemn pledge that the State of Tennessee would pay the expenses, if the President of the United States would write a letter from General Gaines to the Governor, requesting him to have, in readiness, (I believe,) a brigade of mounted men for the southwestern frontier, and the rumors of the day of a general war with the Indians on our western borders, all conspired to induce me to receive the whole number, on condition that the supernumeraries over and above the call of the Secretary of War, should return to their homes, and there wait, without pay, the future call of the President of the United States, or the Commanding General of the Cherokee forces. It was an organized force, and, as I considered, authorized by the law of Congress of the 25th May, 1836, and ready to be called into active service at any moment, with no other expense than what is allowed for going to and returning from the place of rendezvous to their homes. It was at least a precautionary measure, warranted by circumstances, independent of the pledge of the Chief Magistrate of a sovereign State, which no officer could well refuse without giving offence to the State. Besides, it prevented an excitement, the extent of which no man could foresee. Immediately after receiving them, I ordered Brigadier General Dunlap to re-organize the brigade into two regiments, of ten companies each, and ordered the remaining companies, fourteen in number, besides one rejected, to their homes, and there wait, without pay, the future call of the President of the United States, &c. This occupied General Dunlap two days. During this period, I ordered Lieutenant Howe, assistant commissary, to establish depots of provisions for the troops which I intended for active service; at Ross's Landing, Tennessee, at New Echota, Georgia, and at the mouth of Valley river, in the mountains of North Carolina. At the same time, I ordered ten thousand rations to be deposited at each of the above depots, for the poorer class of Cherokees.

The brigade being re-organized, but having no ammunition for muskets, and not being able to learn that any were on the way between any of the United States arsenals and Athens, I armed such of the companies as I intended for immediate service with rifles, and ordered the necessary ammunition and equipments to be purchased and prepared at Athens. On the 16th of July, I ordered Captain Morrow, a discreet, intelligent, and vigilant officer, with his company, to make a tour of the greater part of the Cherokee nation, in order to ascertain the temper and disposition of the people, and to disseminate the views of the Government, and to urge the ne-

cessity of remaining quiet, and of submitting to the terms of the late treaty. On the same day, I ordered the two infantry companies to proceed and repair the road through the mountains of North Carolina, to the mouth of Valley river.

On the 20th of July, Lieutenant Howe, assistant commissary, and Lieutenant Hetzel, assistant quartermaster, having made arrangements for transporting the supplies previously required, I ordered five companies, under the command of Colonel Byrd, to Ross's Landing; one company, under the command of Captain Vernon, to New Echota; and five companies, under the command of Colonel Smith, to the mouth of Valley river. Each command arrived at its destined position about the same time, on the 27th of July.

On the 27th of July, a few days more than a month after I left Washington, having travelled eight hundred miles, received, armed, and equipped a brigade of volunteers, established depots of provisions at three several positions in the Indian country, for both the troops and Cherokees, and repaired thirty miles of road, I established my head quarters at the mouth of Valley river, in the mountains of North Carolina, in the midst of the most savage and warlike part of the Cherokee nation, where they are nearly or quite unanimously opposed to the late treaty. Conformably to my instructions of the 20th June, I assembled the chiefs and headmen residing in that section of the country, and endeavored to prevail on them, as well as the people in general, to submit to the terms of the treaty, and to send their poor, to receive from the United States rations and clothing. After three several meetings, without coming to any conclusion, although they promised me they would, on the subject, at the last of these they abruptly separated, without waiting for my arrival, or furnishing me any excuse for their conduct. Such a course I could view in no other light than as exhibiting strong feelings of opposition to the treaty, if not a determination to resist its execution, and such as called for prompt and decided measures. I immediately ordered a force to pursue them and bring the principal men back to my head quarters; which was done, and they were confined for the night under guard. The next morning, they apologized for their conduct, and promised submission to the terms of the treaty. As I could not rely on promises made under the circumstances, I permitted them to return to their homes, with directions that their young men should bring in and deliver up their arms, which, to a considerable extent, was complied with. This measure had the desired effect, and did more to convince them that a treaty had been made with them, which they disavowed, than anything else. It is in vain to reason on the subject with a people who are decided in their conviction that they have made no treaty, and that, if they submit to its terms, they submit to that which will wrongfully deprive them of their rights. To carry out the measure, it can only be done by the presence of a military force, with a prudent, firm, and decided commander, who, whilst he would have the treaty executed, will deal fairly, frankly, and honestly with the Indians, and see that they are protected in the enjoyment of all the rights and privileges secured to them by the treaty, at the same time checking all discussions calling in question its validity, and prohibiting all meetings having for their object any other result than a submission to its terms. Of the propriety of this course, the Government will be convinced before the treaty is executed.

On the 17th August, I left Valley river to visit my command in Ten-

nessee and Georgia. On the 2d August, I arrived at Fort Cass, where I found the troops, as well as every thing else subject to the control of Lieut. Howe, in excellent order. He is an efficient officer, and attends to the faithful performance of all his duties.

On the 21st August, I set out for Ross's Landing, to inspect the volunteers under the command of Colonel Byrd, second regiment East Tennessee volunteers. These troops I found in as good order as could be expected, when officers and men were alike inexperienced in the duties of a soldier.

On the 26th, I set out for New Echota, where I arrived on the 27th of August. The company at this place, under the command of Capt. Vernon, of the first regiment of East Tennessee volunteers, like Colonel Byrd's command, I found undisciplined, but willing, obedient, and subordinate in their disposition. In relation to the East Tennessee volunteers generally, I can say with truth, and I take pleasure in doing so, that, though unacquainted with the duties of a soldier, as was naturally to be expected, I have ever found them subordinate and obedient; and it requires nothing but discipline and experience to make them all that I could desire.

From New Echota, I proceeded to Red Clay, where I had ordered a camp to be formed of four companies, to watch the movements of the Cherokees, and to prevent disturbances at the council, which was in session at that place from the 15th to the 25th ultimo. During this period, the volunteers conducted themselves with order and propriety.

I had several interviews with Mr. John Ross and other principal men of the nation, on the subject of the council, the object of which was to explain the conduct of the late delegation at Washington, and to denounce the treaty made with the Cherokees, and ratified by the Senate of the United States, the 25th May last. I endeavored to convince him of the extreme folly of any attempt to set aside or modify it. That if he persisted in the course suggested, he would not only bring down ruin on himself, but also upon his friends. I informed him of the determination of the President to adhere to the treaty, and "to have it executed in all its parts, terms, and conditions." I called his attention to the situation of the Creeks, not only those who had been engaged in the recent hostilities, but those who had been friendly, and who had resided for many years in the Cherokee country, who were now hunted and carried to the Creek emigrating camp, and forced to the west. I asked him if he was prepared to witness such scenes among his own people, which would inevitably be the result if he persisted in his present policy. He replied that his will was that of his people. He should submit the question to them, and abide the result. The result of the council has been transmitted to the War Department.

From Red Clay I proceeded to this place, where I have been busily engaged since the 7th inst. in examining and signing abstracts of issues, and making out my account with the Government of the United States.

I have only to add to the above, that I have done every thing in my power, not only to conciliate the Cherokees, but to protect them in all the rights and privileges secured to them by the treaty. This they have no hesitation to acknowledge. Scarcely a day passes that some complaint is not made that a Cherokee has either lost a horse, a cow, a hog, or his house and lands, which requires my interference. I think I have restored four stolen horses within the last two weeks, and protected numbers in the possession of their houses and lands and ferries. These, with the supplies which I have furnished

them in rations and clothing, has given me a claim to their confidence; while my decided course has commanded their respect and obedience.

In relation to the force which ought to be employed in this country under existing circumstances, I beg leave to call your attention to my letters of the 12th September and the 6th October, addressed to the Adjutant General, to neither of which have I received any reply.

I leave this in the morning for New Echota, where I have a camp of two companies of volunteers, to watch the movements of a council of Cherokees now sitting at that place, and to prevent disturbances which might arise between the parties of Ross and Ridge.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Com. in Cherokee Country.

Major General A. MACOMB,

Commanding the United States Army.

P. S.—It is due to Major Payne to inform the General-in-Chief, that I fell under obligations to him for his attention to the duties required of him. He has been almost constantly engaged in mustering and inspecting the troops under my command; extending from Valley river to Calhoun, from Calhoun to Ross's Landing, from thence to New Echota, and from the latter place to Camp Scott, on the Coosa river.

It is also proper to remark to the General-in-Chief, that Lieutenant Hétzel, assistant quartermaster, and Assistant Surgeon Hitchcock, who has the general superintendence of the medical department in my command, have been prompt and vigilant in the discharge of their respective duties.

The distance from this place to Valley river is 75 miles, from Valley river to Ross's Landing 120 miles, from thence to New Echota 60 miles, from thence to Camp Scott 40 miles, from Camp Scott to Calhoun 100 miles, and from this last place to Athens 15 miles.

Of the brigade of East Tennessee volunteers, I discharged nine companies on the 31st of July, one on the 30th of August, and on the 8th of September Brigadier General Dunlap and his staff. I have now under my command, of East Tennessee volunteers, one battalion of each regiment in all ten companies. Of these, it is probable, I shall discharge six companies at the end of this month; leaving only four companies, two mounted and two infantry, for the winter.

JOHN E. WOOL,

Brig. Gen. Commanding in C. C.

HEAD QUARTERS, ARMY EAST TENN. AND C. N.,

Fort Cass, November 2, 1838.

SIR: I have the honor to acknowledge the receipt of your communication of the 12th, and your several communications of the 17th ultimo. In answer to which, I would respectfully request that you will do me the favor to inform the President of the United States that it has not only been my pleasure (as it ever will be so long as I hold a commission in the service of the United States) to obey all orders emanating from the President, but to

spare no exertions to discharge every trust confided to me in such a manner as to merit his high approbation, as well as that of my countrymen in general. It was with such feelings that I entered upon the discharge of the important duties assigned to me in the Cherokee country; and I can assure the President that, since I have been in command in this country, I have earnestly, perseveringly, firmly, and faithfully, endeavored to discharge my duties, and to carry out the objects of the Government; at the same time, pursuing a just and honorable course towards both the red and the white man; and which, I doubt not, would have accomplished, in due time, the fulfilment of the treaty lately entered into between the United States and the Cherokees. Of this, I am sure the President will be convinced, when he is made acquainted with all the facts in relation to my course; and so soon as I have completed the arrangements required by the last instructions from the War Department, I will transmit a report to the department, which I shall request to be laid before him. As it is evident, however, from the communications I have received and the restrictions imposed upon me, that I do not possess that confidence which should belong to a military commander in this country, peculiarly situated as it is, I would most earnestly, but respectfully, request, in order that another may be sent possessing more of the President's confidence, that I may be recalled from this command.

In the mean time, the department may be assured that all the orders of the President, in relation to John Ross and his associates, together with those relating to the commissioners, will be promptly and faithfully executed. It may not, however, be practicable to comply with so much as relates to John Ross and his colleagues, as they have, some time since, departed for Arkansas.

So much of the instructions of the 12th ultimo as relate to the withdrawal of the Tennessee volunteers from Georgia, I have complied with, as to consult Governor Lumpkin, (the other commissioner not having yet arrived,) who agrees with me, that two companies only are necessary at this time to give protection to that portion of the Cherokee country within the limits of Georgia. Lest, however, circumstances might arise which would make it necessary to call for a greater number, it was agreed that I should request the Governor of Georgia to have in readiness a battalion of volunteers, to be composed of three companies of mounted men, and two of infantry, to serve twelve months, unless sooner discharged. This I have done. Two of these companies will be called into service, as soon as they can be raised, and the remainder of the battalion to be subject to the call of the Commanding General of the Cherokee forces, when, in his opinion, the public service might require it. The battalion is to be placed under the command of a field officer, with the rank of major, who will be called into service with the two companies to be immediately raised, and stationed at New Echota. From the circumstance that but one commissioner is present, and as I was instructed to consult both, I have not yet called upon the Governors of North Carolina and Alabama—Governor Lumpkin, however, not deeming it necessary.

In consequence of the pacific appearance of the Cherokees, and after consulting Governor Lumpkin on the subject, I had ordered five companies of Tennessee volunteers to this place, with the view of discharging them; but on receiving the instructions of the 12th ultimo, the order was changed to comport with the views of the department, and the five com-

panies ordered home, to wait the future orders of the President of the United States, or the Commanding General of the Cherokee forces. We have now five companies of East Tennessee volunteers in the field; two at Valley river in the mountains of North Carolina; two at or near Ross's Landing, Tennessee; and one at New Echota, Georgia. This last company, as soon as the Georgia volunteers are organized, will be sent to Gunter's Landing, Alabama, unless the commissioners should deem it advisable to call for troops from that State, in which case it will be stationed at some point in Tennessee, or ordered home.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,

Acting Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.,

Fort Cass, Tenn., November 6, 1836.

SIR: Agreeably to my communication of the 2d instant, I have the honor to transmit a report of my conduct as an officer, and the course I have pursued since I took charge of the important trust confided to me in this section of the country, connecting therewith a part of the correspondence relating thereto, between the Secretary of War and myself, with the confident expectation that, so far from finding cause to censure my course since I have commanded in the Cherokee country, my conduct throughout will command your high approbation as well as that of my countrymen in general.

By my instructions from the Hon. Lewis Cass, Secretary of War, dated the 20th of June last, I was directed to repair to this country without delay, and take command of the troops destined to operate in the Cherokee country; to allay all excitement which might exist among the Cherokees; to seek interviews with the principal men of the nation, and to urge upon them the necessity of their interfering and prevailing upon their people to remain quiet, and to comply with the late treaty stipulations; and, in case the necessities of the people should require them, to furnish, conformable to the 18th article of the treaty, a reasonable quantity of provisions to all such as evince a friendly disposition to the United States; and, in case of hostilities on their part, to employ such force as I might deem necessary to suppress them, and subdue them to unconditional submission; and in case I should deem the force to be raised by the Governor of Tennessee insufficient, I was authorized to call for such additional force as I might deem necessary, upon the Executives of Tennessee, Georgia, and North Carolina.

Agreeably to my instructions, I set out, accompanied by Assistant Quartermaster Hetzel, on the 20th of June, the day on which I received them, and travelled night and day until I arrived at Knoxville. Here I met with Lieutenant Howe, assistant commissary, from Fort Cass, from whom I learnt that it would be necessary to purchase, at this place, various supplies for the troops I was about to take command of. This occupied me

and my assistant quartermaster three days, when I left for Athens, the place of rendezvous for the brigade of East Tennessee volunteers, where I arrived on the 4th of July. Although twenty-five hundred men were marching on this place, instead of twelve hundred, as called for by the Secretary of War, no preparation had been made to receive them. Every thing, therefore, was to be done immediately, with only Major M. M. Payne, Lieutenant Howe, and Lieutenant Hetzel, to assist me. Subsistence, forage, store-houses, camp equipage, and tents, were to be provided before the 7th of July, the day the troops were to assemble. They commenced arriving on the 5th, and on the 7th all were present, and all mounted, except two companies, and without the means of providing themselves with provisions or forage. At the request of Governor Cannon, I furnished them with both.

On the 8th and 9th of July, Governor Cannon organized this force, according to the laws of Tennessee, into a brigade of three regiments, and turned it over to me, with Brigadier General R. G. Dunlap at its head. I objected to receiving it. But, on the urgent solicitations of the Governor, with a solemn pledge that the State of Tennessee would pay the expense if the President would not authorize it; a letter from General Gaines to the Governor, requesting him to have (I believe) a brigade of mounted men in readiness for the southwestern frontier; and the rumors of the day, of a general war with the Indians on our western borders, all conspired to induce me to receive the whole number, on condition that the supernumeraries, over and above the call of the Secretary of War, should return to their homes, and there wait, without pay, the future call of the President of the United States, or the Commanding General of the Cherokee forces. It was an organized force, and ready, at any moment, with no other expense than is allowed for going to, and returning from, the place of rendezvous to their homes. It was at least a precautionary measure, and, as I conceived, warranted by circumstances, independent of the pledge of the chief of a sovereign State, which no officer could refuse without giving offence to the State. Besides, it prevented an excitement, the extent of which no man could foresee, and which, I have no doubt, would have been turned against myself and the administration if I had not received them, and more especially if I had disregarded the pledge of the Governor. For, I would ask, what justification could I have offered to the volunteers for not receiving them, after the State of Tennessee was pledged, through its chief, to pay the expense? Besides, I had little doubt, whether or not I received them, that Congress would, under the circumstances, pay the expense of going to and returning home from the place of rendezvous. And in this opinion, it would seem, I am sustained by the high authority of the President himself; for, although he censured me for receiving them, he says, in a communication to the acting Secretary of War, dated the 7th of August, "those men obeyed the summons of their country, and ought not to suffer for the indiscretion of those who caused more of them to turn out than would be received into the service. They ought to be paid for their travel and expense to, at, and from the place of rendezvous, and Congress will doubtless pass the necessary law. Their promptness in tendering their services, and equipping themselves for the field, is a high evidence of patriotism, and deserves the thanks of the country." I may have done wrong, but, under the circumstances, I do not perceive how I could have avoided receiving the volunteers.

It was under such circumstances that I received the brigade, and immediately ordered Brigadier General Dunlap to re-organize it into two regiments of ten companies each, and ordered the remaining companies, fourteen in number, besides one rejected, to their homes, and there wait, without pay, the future call of the President, &c. This occupied General Dunlap two days. During this period, I made arrangements with Lieutenant Howe, assistant commissary, to establish depots of provisions for the troops, which I intended for active service at the mouth of Valley river, in the mountains of North Carolina, at Ross's Landing, in Tennessee, and at New Echota, Georgia; at the same time, I ordered ten thousand rations to be deposited at each of the depots, for the poorer class of Cherokees.

The brigade being re-organized, but having no ammunition for muskets and not being able to learn that any was on the way between any of the United States arsenals and Athens, I armed such of the companies, except three, as I intended for immediate service, with rifles, and ordered the necessary ammunition and equipments to be purchased and prepared at Athens. On the 16th July, Captain Morrow, an intelligent, discreet, and vigilant officer, being ready, I directed him, with his company, to make a tour of the greater part of the Cherokee nation, in order to ascertain the temper and disposition of the people, and disseminate the views of the Government, and to urge them to remain quiet, and to submit to the terms of the treaty. On the same day, I ordered two infantry companies to proceed and repair the road through the mountains of North Carolina, to the mouth of the Valley river, which was necessary, before provisions could be transported to that section of the country.

On the 20th July, Lieutenant Howe, assistant commissary, and Lieutenant Hetzel, assistant quartermaster, having previously made the requisite arrangements for supplying and transporting of provisions to the several points designated, I ordered five companies, under the command of Colonel Byrd, to Ross's Landing, one company to New Echota, and five companies to Valley river, under the command of Colonel Smith. Each command arrived at its destined position about the same time, the 27th July. The remaining companies, nine in number, I ordered to be discharged the 31st July, leaving myself with only eleven companies of volunteers, and one of United States infantry. This force I considered necessary to make a proper impression upon the Cherokees, and, as I informed the Secretary of War on the 19th July, "to induce them to emigrate, for I had little doubt they would resist removal as long as they could with safety." (See my letter, with documents, of the 15th of August, to the Secretary of War.)

On the 22d July, in consequence of the information received from officers and agents employed in the Cherokee country, I was induced to make the following remarks to the Secretary of War: "From information recently received, growing out of the force assembled at this place, (Athens,) a very favorable change, it would appear, has been produced in the minds of many of the friends of John Ross, notwithstanding he has recently encouraged them with the hope that he would obtain a re-hearing, and eventually set aside the late treaty. *I have cautioned the Cherokees in regard to the advice of John Ross, and informed them that they had no hope but that of removal according to the terms of the treaty. Any other hope would end in their destruction, and all those concerned with them. The treaty must be executed, and that as soon as circumstances will permit. Such*

communications have had their effect, and the Cherokees are now willing to be advised. *If I am not interfered with*, one-half of the Cherokees, if necessary, will go this fall, notwithstanding a powerful influence is exerted against it." (See my letter of the 25th July, and that of the 15th of July.)

On the 27th July, a little more than a month after I received my instructions from the Secretary of War, having travelled eight hundred miles, received, armed, and equipped a brigade of mounted volunteers, except two companies, established several depots of provisions, for both troops and Indians, made regulations for their government, appointed agents to issue rations to the Indians, and repaired thirty miles of road, I established my head quarters in the mountains of North Carolina, near the mouth of Valley river, in the midst of the most savage and troublesome part of the Cherokees, who were nearly, or quite, all opposed to the treaty. Conformably to my instructions of the 20th June, I assembled the chiefs and head-men residing in that section of the country, and endeavored to prevail on them, as well as their people, to submit to the terms of the treaty, and to send their poor to receive rations and clothing. After three several meetings, without coming to any conclusion on the subject, although they promised me they would; at the last of which they abruptly separated without waiting for my arrival at the time appointed, or furnishing me with any excuse for their sudden departure. Such conduct, after giving them every assurance of protection, and promising to guard them against any and every violence either in person or property, as guaranteed by the treaty, I could view in no other light than exhibiting strong feelings of opposition to the treaty, if not a determination to resist its execution, and which, as I perceived, called for prompt and decided measures. I immediately ordered a force to pursue them, which brought the principal men to my head quarters, who I placed under guard for the night. The next morning they apologized for their conduct, and promised submission to the terms of the treaty. As I could not rely on promises made under such circumstances, I permitted them to return to their homes, but with directions that their young men should bring in and deliver up their arms, which was complied with, to nearly one hundred stand. This measure had a decided effect, and did more to convince them, than any thing else, that a treaty had been made with them, and that it was to be executed; and if I had been permitted to pursue the same determined course throughout the nation, we should never have heard of the council at Red Clay, and I should have been spared the censures of the President of the United States. The course pursued on that occasion commanded not only their respect, but their obedience. Nay more, it commanded the respect and confidence of all parties, the red, as well as the white men. Not a murmur was heard against the measure in this section of the country. All, as well as Governor Lumpkin, Boudinot, Ridge, Bell, and Curry, approbated it, and declared it was the true course, and the only one which would insure a peaceable and quiet execution of the treaty. It convinced a large portion of the Cherokees that a treaty had been made with them, and that they had to go to the west; and consequently they began seriously to think of moving, as soon as the commissioners would settle their claims, and the emigrating and disbursing agents could furnish the means. Every thing, in fact, was going on as well as the Government could possibly desire, when I received the following communication from the War Department:

" JULY 30.

"SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant.

"In reference to your remark, that, 'with a less force, we shall have difficulty to induce the Indians to emigrate, for I have little doubt they will resist removal as long as they can with safety,' I beg leave to observe, that your instructions of the 20th June, contemplated the *application of a military force only in the event of hostilities being commenced by the Cherokees*. The treaty provides that they shall remove within two years; and that, during that time, they shall be protected in the peaceable possession of their country. *Unwillingness to remove, or even resistance to a removal, will not authorize the employment of force. No intimidation nor coercion must be used.*

"I may have misapprehended your remark, but it seemed proper to call your attention to one obvious construction of it, and its incompatibility, so construed, with the stipulations of the treaty."

The Secretary of War can, under the circumstances, easily imagine what my feelings must have been when I received this communication, which deprived me of all power, except "*in the event of hostilities. Unwillingness to remove, or resistance to a removal, will not authorize the employment of force. No intimidation nor coercion must be used.*" Nothing was left for me to do, but to stand still and look on until the Indians had *raised the tomahawk and scalping knife*. This was not all: another letter of the 1st, and still another of the 13th of August, with private letters from the War Department, were received, filled with the most alarming forebodings of the course I was pursuing. These communications not only surprised me, but excited in me the most painful anxiety. I foresaw that what followed would be the result; and that the people, as soon as they knew I was divested of discretionary power, would relax into the arms of John Ross. Hence, I wrote to the Secretary of War, dated the 20th of August, at Fort Cass, calling his attention to my peculiar situation, and asked for instructions; and, particularly, in relation to the council proposed by Mr. John Ross. In that letter, I remarked as follows on the acting Secretary's letter, of the 30th July. Speaking of John Ross, "I advised him to be careful how he advised such a proceeding, (alluding to a council,) unless it was for the purpose of explaining to the people the late treaty, with reference to their entire submission to its terms. That any discussion, having for its object a different result, I was confident, would meet with no favor on the part of the Government of the United States. I said thus much to Mr. Ross: more I could not say, with propriety, after the letter of the acting Secretary of War, dated the 30th July, upon which I shall make no other comment than, if I understand my instructions of the 20th June, and understood the Secretary of War, I was not only sent to suppress hostilities, but to prevent them, and to preserve the peace of the country. If I am to do nothing until hostilities have actually commenced, I can only say that I cannot be recalled too soon from this command. I will never consent to risk my reputation as an officer, with the restrictions embraced in the acting Secretary's letter. By timely and decided measures, the Florida and Creek war might have been prevented. One Cherokee, (alluding to John Ross,) whenever he pleases, can unite the whole nation, at least a large majority, in a war against the United States."

Again, on the 27th of August, after I had seen and *consulted with Governor Lumpkin, showing him the instructions* I had received from the War Department, expressing to him my great anxiety on account of the restrictions which had been imposed on me, which appeared as unaccountable to him as myself; for he declared there had been but one voice in relation to my conduct, and that was, universal approbation: saying, for himself, that he did not believe any other officer could have done better, if as well as myself. I wrote to the War Department in answer to the acting Secretary's letter, of the 13th of August, when I endeavored to convince the Secretary that there was but one course that ought to be pursued towards these people, and that was, a firm and decided, but just course; protecting them in all the rights and privileges secured to them by the treaty. I concluded the letter by observing: "If the officer in command has no discretionary power over the white or red men, he ought not to remain in the country, for it would be utterly impossible for him to do his duty, either as it regards the Government, himself, or the Indian or white man."

Again, on the 1st September, I wrote to the acting Secretary, when I remarked: "Since my last to you, Mr. John Ross has issued his circular calling a council of the nation, for the purpose of laying before it the proceedings of the delegation at Washington; at the same time, to give an account of their conduct in relation to the late treaty. This council is to meet on the 15th instant: I have sent one of the circulars by express, to the President of the United States, with a request that he would give me his views on the subject, and advise the course I ought to pursue in relation to it. One thing is certain, that no good will result from it, and much evil may be anticipated. Major Curry and John Ridge have been here; they both predict much evil from the meeting. We shall be disappointed if a formal protest of the council is not made and published against the treaty. This is the time for decision and action. Those who are opposed to the treaty should be told that the time had passed for discussing the question, and that they had nothing to do but to comply with its terms. This, you may rely upon it, is the true course. I shall, however, wait, and do nothing until I have further instructions from the War Department, or the President." And why did I say I would wait and do nothing? because of the letter of the 30th July, which would not allow of even *intimidation nor coercion*.

On the 30th of August, however, I wrote to the President of the United States by express, when I transmitted to him one of John Ross's circulars, calling a council, and, in order that he might know the extent of the restrictions imposed on me, I enclosed a copy of the letter of the acting Secretary, dated the 30th July, with a request that he would give me his wishes in regard to the course I ought to pursue. I asked it, because, as I remarked in my letter, I was very much restricted, and had very little or no discretionary power left me in any case, except actual "hostilities." At the same time, I informed him that it was thought that the meeting and the proceedings would do much mischief, and would interrupt very much the business of the commissioners, and retard emigration. At the time I sent this letter, no one doubted but the President would give me all the authority necessary in the case. Such was the opinion of Governor Lumpkin, Ridge, Boudinot, Bell, Rogers and Major Curry. The President, however, did not think proper to do so.

In his reply, dated September 7th, he says: "As you have the treaty be-

fore you, and the instructions of the acting Secretary of War, I do not see that I can add any thing more on this subject at present. The treaty, to be rigorously fulfilled. You may assure all concerned that no modification or alteration in it will be made by me. Of this, Mr. John Ross is fully advised. His friend, Mr. Standifer, who waited on me at Washington, made the inquiry whether I would agree to a supplemental article, adding the Rosses and their delegation in as chiefs, was informed I would not. You will, therefore, make known to the Cherokee people that no alteration in the treaty will be made, but that all its terms and conditions will be faithfully and fully executed.

"You will caution John Ross from calling a council of the Cherokee people, with the view of opposing or altering the treaty. He knows that there will be no further negotiation on the subject; that the Cherokees are to emigrate in two years from the ratification of the treaty, and will be obliged to go within that period; that the collisions between them and the whites have been too long continued for the gratification of himself, at the expense of the poor of the nation." I could view this letter, in no other light than as full confirmation of the acting Secretary's letter of the 30th July. But it appears, by the communication of the acting Secretary, dated the 12th of October, that the President expressed his surprise that I should have permitted the council to remain in session a moment after it became apparent that it was determined to declare the treaty void. "This was the contingency contemplated in the letter of the department of the 31 September, in which you were instructed to interfere, and disperse such assemblage." Surely, from the course I had previously pursued at Valley river, when I told the Cherokees that they could not council with John Ross, for I would not permit it, at the same time informed them that I was the only one with whom they could advise, (the commissioners had not then arrived,) and I advised with no one but the President, and he was determined to have the treaty executed—surely, I would repeat, after so firm and decided a course, and after my earnest solicitations to the President, as well as the Secretary of War, on the subject, no one will believe that I would have permitted the council to have remained in session a moment, if I could have imagined that either of the letters referred to gave me, under the circumstances, the least authority for the measure. It would have been contrary to my whole course, since I have been in the country, in words, feelings, and actions, and which had caused so much alarm at the War Department, lest I might commit some rash and indiscreet act, which would not only compromise myself, but the Government. It was a peaceable assemblage, conducting its proceedings with order and decorum, and without noise, commotion, or disturbance. It is true, it decided that the treaty was no treaty, but not until the last day of the session, when the council dispersed, and before I was made acquainted with its decision, and yet I had a confidential interpreter to report its proceedings hourly. Although I well understood the object of the meeting, no one could tell, until the vote was taken, what the final result would be. The subjects were not discussed in general council, but, as it was understood, in private and around the family fires. Not one circumstance, however, occurred during the whole sitting, that, according to my construction of the Secretary's letter, would have justified me in breaking it up. He says, in the second paragraph, "you command in an important section of the country, and at a moment of much anxiety. While every thing is quiet, and no appear-

ance of hostile designs meditated, your measures will be adapted to a state of peace. *Or, in other words, nothing more will be necessary than to keep your force upon the alert, and to watch the movements of the Indians. But, if you have just ground to believe that they are preparing for disturbances,* you will then adopt measures adequate to the emergency." I had no ground to believe they were preparing for disturbances, although their measures might eventually lead to such a result. The letter expresses great confidence in my judgment, as well as my energy, and yet, as to the course I ought to pursue, it has many qualifications. In one sentence it gives power, and in another it takes it away. I thought it appeared more like a diplomatic letter than a military one. Whether, or not, it contained authority to break up the council, I did not think it was the letter by which I was to be governed. The only letter to which I could look for authority, under the circumstances, was that of the President's. He had been sent to by express, in order to obtain his views on the subject. He had before him the circular of John Ross, as also the acting Secretary's letter of the 30th July, which took from me all power, except "in the event of hostilities." Mr. Rogers, the bearer of my letter, was with the President. He was anxious to have the council broken up, and was particularly requested to call the attention of the President to the subject, and more especially as I had no power to act in the case. Mr. Rogers returned. No one doubted but he had brought me the requisite authority. Governor Lumpkin saw Mr. Rogers before he arrived at my camp with the President's reply, and, under the impression that it contained the necessary power, wrote to me on the subject, anticipating that I would give the death blow to the influence of John Ross. He, however, was mistaken, as well as the rest of us. The President's letter contained no such authority. On the contrary, it only referred to the acting Secretary's instructions, with a caution to John Ross, and orders to inform the Cherokee people that the treaty was to be rigorously fulfilled, without alteration or modification. It being the last letter on the subject, and coming from the President of the United States, according to military rule it would neither be disregarded nor disobeyed. It was obeyed to the letter, and to the exclusion of all others, not doubting that I was doing right and proper under the circumstances. (See my communication of the 18th September.)

As to the transmission of the communication of John Ross and his associates, I can truly say that I intended no disrespect to any one, much less to the President of the United States or the Senate. Of such an act I am wholly incapable. My object in sending it to the War Department was merely to let them see what had transpired at the council; in order that such measures might be adopted as, in the opinion of the Secretary, the circumstances required.

In relation to the instructions from the War Department of the 17th October, by which I am required to consult the commissioners, and "acquiesce in their judgment, and carry into effect *any measure or operations, civil or military,* they may determine *to be proper,*" I would observe, that they are too humiliating to an officer, who has served his country honorably and faithfully, in peace and war, for more than twenty-four years, and without the slightest censure from a superior, to be submitted to, without, at least, remonstrance, lest the blood which flowed from his veins at Queens-town should rise in judgment against him.

For a military commander to be held responsible for the peace, protec-

tion, and defence of a country, at the same time to be placed under the control of civil officers, has no parallel in the military annals of our country. I will not believe the President intended to impose on me, as military commander of this country, such degrading conditions. I have done nothing to deserve it. If I am culpable, let me be arraigned and tried, but do not degrade me until I am proved guilty.

I have yet to be convinced that I have been wanting in judgment, firmness, or decision; or that I have neglected, in a single instance, my duty or the interest of my country. Nor have I been wanting in courtly attention to the commissioner, who has been waiting many weeks for his colleague's arrival, to enter upon the duties of his office. His high and responsible station is a sufficient guarantee to command my respect, and to induce me to consult him on all proper occasions. I am sure Governor Lumpkin will not say that I have not consulted him on all proper occasions, or that there has been any want of union or action between him and myself. On the contrary, we have communicated freely and frankly, on all subjects connected with our stations and our duties, without disagreement or difference of opinion. I have, however, no objections to the military command of this country being given to one or both of the commissioners; and I have no doubt, if they should be invested with it, they would do honor to themselves and their country; but I hope and trust that the President will not require me to act the subordinate.

In closing this communication to the Secretary of War, I would respectfully observe, that I hope nothing therein will be construed as intended to be disrespectful to any one, and certainly not to the President of the United States, who is the last person I would think of treating in the slightest degree with disrespect. The object of the communication is a vindication of my honor, and, if possible, to remove the suspicions which appear to hang over me, and to convince the President, as well as the Secretary of War, that I am not deserving of censure in any respect whatever, and that my whole course, since I have been in this country, has been directed with a single eye to the accomplishment of all the objects of the Government, and to promote the interest of my country. That I have honestly, faithfully, and fearlessly, discharged all the duties required, doing justice to the red as well as the white man, and protecting all, as far as it was in my power, in their rights and privileges as secured by the treaty, I am confident will be awarded to me by the people of this country.

With considerations of the highest respect,

I have the honor to be

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. in the Cherokee country.

To the Hon. B. F. BUTLER,

Attor. Gen. of the U. S., and Act. Sec'y of War.

HEAD QUARTERS, ARMY C. NATION,

New Echota, Georgia, November 14, 1836.

SIR: I am authorized by Governor Schley, of Georgia, to call into the service the company commanded by yourself. You will please, therefore, to take up your line of march for this place without delay, where your com-

pany, on its arrival, will be mustered and received into the service of the United States, for twelve months, unless sooner discharged. The company must have at least fifty privates, besides officers and musicians, and each commissioned officer, musician, and private must have a good horse, saddle, bridle, martingale, and blanket for each horse, and each individual must be well clothed, besides a blanket and overcoat, and, at least, one spur. Each officer must be well clothed, and must come armed with a sword, and if practicable with pistols.

It is important, in consequence of the advanced season of the year, that the company should arrive at this place as early as circumstances will permit, in order that they may be placed in winter quarters before winter or cold weather sets in.

Captain Derrick will please answer by the return of the express.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Captain DERRICK,
Dahlonegga, Ga.

HEAD QUARTERS, ARMY C. NATION,
New Echota, November 15, 1836.

SIR: I can compare myself to nothing but a ship at sea, in a storm, without rudder or compass. The commissioners have been invested with discretionary power over the civil and military affairs of this country. Neither is present. The one has never yet been here, and the other has been absent since the 6th instant. The situation in which I am placed is embarrassing in the extreme. I cannot but hope that my request of the 2d instant will be granted, and I will be recalled from the command as soon as circumstances will permit. The troops are in a situation to be commanded by almost any officer of field rank, and no apprehensions are entertained of any difficulties with the Cherokees. They will remove whenever the commissioners will settle their claims, and the emigrating agents can furnish the means of transporting them to the west.

In my present situation, under existing circumstances, I can neither do justice to myself, the Government, or my country.

I have the honor to be,

With considerations of the highest regard,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To the Hon. B. F. BUTTLER,
Secretary of War.

NEW ECHOTA, CHEROKEE NATION,
November 15, 1836.

To the Hon. SECRETARY OF WAR.

SIR: The deep interest the committee feel for the happiness and peace of their people impels them to address you this letter. We are now on the

eve of leaving the land of our forefathers for the west, and in doing so we will need the kindest treatment and protection from the military officer in command in this nation. And, sir, we have understood, with deep regret, that Brigadier General Wool has requested a recall, under circumstances as he conceives, strong enough to ask it. With his reasons and his difficulties we have nothing to do. But as Cherokees we know very well who is honest, and who is faithful to the duties of his station; that man is General Wool.

It is true, we thought that he ought to have prevented John Ross's decisive council, which has resulted in producing the impression, in the minds of the poor and ignorant portion, that their country will be restored to them, and that Mr. Ross is striving to effect that object. The council was held because, as the committee now believe, General Wool had not instructed to prevent it.

In carrying this treaty into execution, you need the most respectable officers that you can appoint; such is Governor Lumpkin, and such is General Wool. And you will find, by reperusing the letter of the former to you, that he expresses the best of feelings towards General Wool.

If a regular general officer is removed, and a subordinate officer is placed in command, the consequence to our people will be deplorable. It will be well enough, to keep down prejudices from any State troops being placed out of their State into another, that you should keep Georgia troops in Georgia, and Tennessee troops in Tennessee; but we, as Cherokees, request an able and magnanimous general to command them. If not, our case will be deplorable; and, we know, the commissioners, if they were here, would coincide in this view of the case; but it is useless to give a long talk on this subject.

We have a deep interest at stake, and we now, as a committee, in behalf of the nation, express our best respects for, and confidence in, General Wool. Of this the President was advised, by the course taken by some of our leading men when they sent an express to him, at the Hermitage, in September last, advising that General Wool should have full discretionary powers.

In conclusion we will add, that all the Cherokees have the greatest respect for General Wool, and he, in our opinion, will be the best military officer to carry the treaty into execution, in conjunction with the commissioners.

We are your friends,

JOHN RIDGE, *President Committee*

JOHN GUNTER.

TURTLE FIELD, his \times mark.

TE-LOH-TA-SKE, his \times mark.

L. W. BELL.

G. W. ADAIR.

J. A. FOURNON.

BRICE MARTIN.

ELIAS BOUDINOTT,
Clerk, pro tem.

HEAD QUARTERS, ARMY OF CHEROKEE NATION,
New Echota, Ga., November 29, 1836.

SIR: On the arrival of Captain Derrick's company, of Georgia volunteers, which has been ordered to this place to enter the service of the United States, for twelve months, unless sooner discharged, you will proceed to muster and inspect it. No man will be received who is not able-bodied, nor over the age of forty-five, well clothed, including a blanket and over coat, and at least one spur; and a good horse, saddle, bridle, martingale, halter, and blanket to be placed under the saddle. Arms will be furnished all the men of the company received by the United States, upon proper requisitions of the captain. The officers must be well clothed, and armed at least with a good sword, and in possession of a good horse, saddle, bridle, martingale, and halter. See a copy of a letter to Captain Derrick, herewith enclosed.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in C. C.

To Major M. M. PAYNE,
Acting Inspector General.

HEAD QUARTERS, ARMY OF CHEROKEE NATION,
New Echota, Georgia, December 1, 1836.

SIR: I have the honor to acknowledge the receipt of your communication of the 16th ultimo. I am most happy to find that the President still has confidence in my capacity, fidelity, and zeal, to discharge the important trust confided to me in this country. I am not without hopes, however, that when he has been made acquainted with all the circumstances attending the course I had pursued in this country, he will find no cause to censure me; on the contrary, that he will consider me justly entitled to his high approbation for my conduct throughout, from the time I arrived in Tennessee until the present moment; and that he will do me the justice to release me from the control of the commissioners. I alone must be the judge of all military movements and operations connected therewith in the Cherokee country; otherwise, I ought not to remain in this country.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To the Hon. B. F. BUTLER,
Secretary of War.

P. S.—Please direct to Athens, Tennessee.

HEAD QUARTERS, ARMY OF CHEROKEE NATION,
New Echota, Georgia, December 9, 1836.

SIR: Herewith I transmit a return of the East Tennessee volunteers under my command, for the month of November, 1836.

I am, very respectfully,

Yours, &c.,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brigadier General R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY OF CHEROKEE NATION,
New Echota, Georgia, November 20, 1836.

SIR: Herewith I transmit, for your office, a return of the troops under my command, for the month of October, 1836.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brigadier General R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY OF CHEROKEE NATION,
Fort Cass, December 14, 1836.

SIR: You will proceed to New Echota, and, on the arrival of Captain Buffington's company of mounted Georgia volunteers at that place, you will muster, inspect, and receive it into the service of the United States for twelve months, unless sooner discharged.

The company will consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians, and at least fifty privates.

In relation to the age, capability, clothing, &c. of the men, and their horses and equipments, the instructions given to you in regard to Captain Derrick's company will govern you in this case.

Requisitions for arms, &c. will be made by the captain and approved by yourself, and they will be delivered to him as soon as they have completed their winter quarters.

You will direct Captain Buffington to erect his winter quarters on the left of Captain Derrick, corresponding with the plan adopted by Captain Derrick. Officers' quarters on the wings, with the whole front open for parades and manoeuvres.

If Captain Derrick's company has not received its arms and equipments, you will have them delivered.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Major M. M. PAYNE,
Acting Inspector General.

HEAD QUARTERS, ARMY OF THE CHEROKEE NATION.
Fort Cass, December 22, 1836.

SIR: I herewith enclose a monthly return of the regular troops under my command for the month of November. It has been delayed in consequence of my absence visiting my command, which requires all the attention I can give it.

Copies of general orders will be transmitted as soon as practicable. I cannot obtain the requisite assistance to transmit them regularly. It is as much as we can do, and do my other writing, to furnish copies to the various commanders stationed in the Cherokee country. The only assistance which I have hitherto had, has been confined to my aid-de-camp, Lieutenant Lyon, who has been constantly employed.

I am, very respectfully,
 Your obedient servant,
 JOHN E. WOOL,
Brigadier General.

To Brig. General R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY OF THE C. N.,
Fort Cass, Tennessee, January 14, 1837.

SIR: In order to have a few men light mounted for active service, I have to request that you will send me, as soon as practicable, seventy-five dragoon sabres and belts, and seventy-five dragoon pistols and holsters, with ten thousand pistol cartridges, twelve kegs of rifle powder, and five hundred pounds of lead in small bars. The powder and lead are for the rifles now in use.

These articles are all much wanted. In sending them to this place, I have to request that you will send them under the care of an officer, or some careful person, otherwise they may not arrive until after the period may have past when they will be most required for the public service. Most of the equipments and ammunition sent to this place last June, did not arrive at this place until some time in October last. They were detained on the way, and finally left at a place one hundred miles below their place of destination, from which they had to be transported at a very heavy expense.

I am, very respectfully,
 Your obedient servant,
 JOHN E. WOOL,
Brig. Gen. Commanding.

To Colonel G. BOMFORD,
Chief of Ordnance.

P. S.—Please send them to the care of Lieutenant C. L. Howe, Fort Cass, Tennessee.

JOHN E. WOOL.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Fort Cass, Tennessee, January 14, 1837.

SIR: I herewith forward a copy of a letter to Colonel Bomford. The articles therein required are much wanted, and I could wish they might be sent as soon as practicable, under the care of an officer, to this post.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL.

To Brig. Gen. R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, January 27, 1837.

SIR: Herewith I enclose you general orders from 19th to 31st inclusive, to my command. The remainder shall be forwarded as soon as they can be prepared.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brig. General R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, February 1, 1837.

SIR: After the adjournment of the general court martial of which you are president, you will please to repair to Valley river, and take a general superintending charge of the troops under the command of Major Cunningham. You will, as far as practicable, enforce upon the troops a vigilant discharge of all their duties, and more especially the duties which appertain to guards. Those stationed for the protection of the stores and hospital at Camp Huntington should be particularly attended to by the officer of the day. The surrendered arms of the Indians in that neighborhood are deposited at Camp Huntington. The owners are exceedingly anxious to have them returned. It would be unfortunate, indeed, if the Indians should get possession of them by any negligence of the officer immediately in command of the troops. I would direct your particular attention to their protection, as well as the stores in general. If possible, enforce upon the command order, discipline, and regularity. As often as you may deem it necessary, require reports and returns; the more frequent, the better it will be for the officers. Finally, have every thing done which in your judgment would contribute to improve, in a military point of view, the command.

In your intercourse with the Indians, let them understand that the treaty will be executed, and they will be required to go to the west, when a proper time arrives for their removal. Advise them, therefore, to prepare for such an event in due season. Tell them every day they delay in their departure

ation not to give in their adhesion to the treaty is an injury to them. We are now issuing rations and blankets to all those who have given their assent to go to the west. By refusing to give in their assent, they will not only lose the benefit of rations and clothing, which are now offered them, but they will be obliged to go, when the time arrives, without either, unless they soon determine to submit to the terms of the treaty.

These instructions are not to interfere with your duties as acting Inspector General. Those will be discharged as heretofore, and as often as the interest of the service requires. Of course, you will make a tour of all the cantonments before the next muster, or as soon thereafter as may be practicable.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in C. C.

To Major M. M. PAYNE.

HEAD QUARTERS, ARMY C. N.,

New Echota, Georgia, February 11, 1837.

SIR: Herewith I transmit monthly returns, for the month of January, 1837, of the troops under my command in the Cherokee nation.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brig. Gen. R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY C. N.,

New Echota, February 11, 1837.

SIR: Herewith I transmit the proceedings of a general court martial at Fort Cass, of which Major Payne was president, and order No. 6, relating thereto.

I am, sir, very respectfully,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brig. Gen. R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY C. N.,

New Echota, Georgia, February 11, 1837.

SIR: Herewith I transmit the remaining general orders issued to my command, not heretofore sent to your office, including Nos. 32 to 83, and terminating with 1836.

I also send you those issued in 1837, from 1 to 5 inclusive.

I perceive, by the new regulations for the army just received, that I have

styled my orders improperly "general orders." My apology for any errors which may have been committed must be found in the want of a book of regulations, which, in my hurry to leave Washington, I unfortunately neglected to bring with me.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brig. Gen. R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, February 18, 1837.

SIR: I informed you, on the 11th ultimo, of my tour through the Cherokee nation, and the feelings and disposition of the people in regard to the late treaty, and more especially those in the mountains of North Carolina. I have now to add, for the information of the General-in-Chief, that a council was recently held at this place to make disposition of some money due the nation for annuities under former treaties, when 1,269 votes were taken in favor of paying the money into the hands of George Lowry, the 2d principal chief of the nation, who is decidedly hostile to the treaty, and only 96 votes in favor of placing it in the hands of the committee designated under the treaty to manage the affairs of the nation. The 96 votes constitute about two-thirds of all the votes in the nation favorably disposed to the execution of the treaty, and the 1,269 votes constitute about one-third of those who are decidedly hostile to the treaty, and wholly opposed to removing to the west. Those who voted were principally from Georgia, Alabama, and Tennessee, and a very few from North Carolina.

After they had voted, I had them called together, when I made a short speech to them. It is, however, in vain to talk to a people almost unanimously opposed to the treaty, and who uniformly declare that they have never made the treaty in question, and if one has been made with the United States it was done without the consent of the nation, and by a few unauthorized individuals, aided and assisted by corrupt agents of the Government. So determined are they in their opposition, that not one of all those who were present and voted at the council held but a day or two since, at this place, however poor or destitute, would receive either rations or clothing from the United States, lest they might compromise themselves in regard to the treaty. These same people, as well as those in the mountains of North Carolina, during the summer past, preferred living upon the roots and sap of trees, rather than receive provisions from the United States; and thousands, as I have been informed, had no other food for weeks. Many have said they will die before they will leave the country.

I have deemed it my duty to present these facts to the General-in-Chief in order that he may be on his guard against misrepresentations, and to apprise him that a people so determined in their opposition, and so unwilling to leave their native country, require to be urged but one step further to raise the tomahawk and scalping knife. That we shall have difficulty with them which may lead to the shedding of blood, I have little doubt. Again, the course pursued by the white people, (and which it is impossible

to prevent,) in plundering them of their property, is well calculated to exasperate them still more. It requires, I assure you, only the torch to be applied, and we have a bloody war on our hands. I shall, however, endeavor to avoid such a result, and shall call into service a part of the volunteer force ordered home last fall. But to prevent war, and better to secure the peace of the country, I would earnestly request a regiment of United States infantry. Is not the war in Florida terminated? It would appear, from the rumors in this country, that it must be at an end. Cannot a regiment of regulars be spared from that country. With a regiment of regular troops, and the volunteers which I could, at all times, command in East Tennessee and Georgia, I will be able to prevent war, and, perhaps, induce these people to leave the country without resorting to unnecessarily harsh measures.

I am, sir, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in C. Nation.

To Brig. Gen. R. JONES,

Adjutant General.

Please to direct your communications to Athens, Tennessee; the mail to this place is altogether uncertain; we are some four or five weeks without a mail direct to this place. It has been longer.

JOHN E. WOOL.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, February 18, 1837.

SIR: Owing to some important business which Lieutenant Hetzel, assistant quartermaster, left unsettled at the time he left, with myself, for this country, I have granted him permission to be absent from my command for a few weeks, and to visit Washington in the mean time. Lieutenant Hetzel has been no less active and efficient during the summer and fall past in the Cherokee country, than he has rendered important services to the United States. Permit me to recommend him as an officer no less meritorious than deserving of your notice and high consideration.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen., Commanding in C. N.

To the Hon. B. F. BUTLER,

Secretary of War ad interim.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, March 10, 1837.

SIR: Herewith I transmit, for the information of the General-in-~~C~~ orders from No. 7 to 10, inclusive.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commandin~~g~~

To Brig. Gen. R. JONES,
Adjutant General.

P. S.—Please direct, in future, to Athens, Tennessee.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, March 10, 1837.

SIR: Herewith I transmit returns of the troops under my command in the Cherokee country, for the month of February, 1837.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commandin~~g~~

To Brig. Gen. R. JONES,
Adjutant General.

P. S.—Please to direct, in future, to Athens, Tennessee.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, March 10, 1837.

SIR: Herewith I transmit, for the information of the General-in-Ch~~ief~~, orders and instructions, from 1 to 8, to officers employed, under my command, in the Cherokee nation. These, with the general orders which I have heretofore transmitted, will show, in some degree, how I have discharged the trust confided to me in this country.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commandin~~g~~

To Brig. Gen. R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY OF THE C. NATION,
New Echota, Geo., March 12, 1837.

SIR: Your communication of the 10th instant was received last evening by express.

The course which you have pursued towards private Gardenhin is ap-

proved, at least so far as delivering him over to the civil authority for trial, &c.

It appears, however, he was released by the civil authority, on giving security for his appearance at court to answer for the crime for which he stands accused, and the day after rejoined his company. This is substantiated by the fact that he was mustered and inspected by Major Payne; and yet, you state that he did not report himself for duty. What better evidence would you have of a soldier having reported himself for duty, than his appearing on parade for muster and inspection, and answering to his name when called?

Having been released by the civil authority, he became again subject to military control and to your authority. Having, therefore, left your command in the manner as stated, without permission, he cannot be viewed in any other light than a deserter; and, accordingly, he will be so entered on the muster rolls of his company.

The prisoner, Bridgemaker, can be released on his promising not to oppose any longer the execution of the treaty, and that he will prepare and get ready to remove with his family next fall to the west. At the same time, inform him that if it should be ascertained that he has advised any one against getting ready to remove to the country designated for their new homes, he will not only be confined, but severely punished for his conduct. Inform him, also, that many complaints have been made against him, and of such a character as to induce me to believe that he is not only inclined to be troublesome, but hostile, to every person disposed to comply with the terms of the treaty. It is stated that he has threatened to kill some of his neighbors who were anxious to remove, and who ceased to make exertions to get off in consequence of his threats. Inform him that such conduct can no longer be tolerated in any, much less in himself.

In relation to gamblers, or black-legs, you have all the authority necessary to prevent them from establishing themselves in your neighborhood, and to drive them out of the Cherokee country. There is no State, or United States law to protect them, within the limits of the nation. Gambling and selling ardent spirits must be prevented. You will therefore consider yourself as having authority to prevent gambling and selling ardent spirits within the Cherokee limits of Tennessee, and within reach of your authority or command. Herewith I send you copies of orders relating to escorts or expresses. It is not intended that expresses should take with them either rations or forage. Nor is it intended that escorts should take with them forage. (See order No. 8, dated February 26, 1837.)

When officers are ordered on detached service with two, three, or more men, they will purchase their forage, and take receipts for the same. The accounts will state the amount, which must not exceed the quantity allowed by regulations, which the assistant quartermaster will refund, after the account has been examined and approved by the Commanding General.

Herewith I transmit a petition of Bushyhead, in which he asks protection for some improvements which, he says, have been improperly taken from him. On the receipt of this, you will investigate the case, and have justice done to the petitioner.

In relation to the amount to be paid Gardenhin, for depredations committed on his property by your command, I have only to say it must be paid. If you cannot ascertain the individuals who are liable to pay the damages,

you will divide the amount between the two companies, and deduct from the pay of each man his proportion of the amount at the next pay day. (See extract of order 78, herewith sent.)

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To Major JOHN R. DELANY,
Commanding at Ross's Landing.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Geo., March 15, 1837.

SIR: Having reported yourself for duty, agreeable to order transmitted to you of the 18th ultimo, you will proceed, without delay, and take command of the troops under Major Cunningham, at or near the mouth of Valley river.

Your attention is called to all orders hitherto issued in relation to the command assigned you, and especially to orders 77, 78, 80, 81, and of the new series for 1837, orders 1, 5, 8, 9, and 10, and such instructions as may have been furnished from time to time to the commanding officers of your station, all which you will fail not to have rigidly executed. Sobriety, obedience, and subordination are too essential to good order and discipline to be dispensed with. Therefore, intemperance or insubordination must be suppressed by promptness, decision, and punishment.

In your intercourse with the Cherokees in that section, you will treat them kindly, and give them all the protection guaranteed by the late treaty made between the nation and the United States. At the same time, you will adopt such measures as may be best calculated disseminate among them the information that they have but one summer more to plant corn in this country, after which they must prepare to remove to their new homes west of the Mississippi. The whole nation will be removed next fall and winter, and those that do not voluntarily get ready and go before next spring, about one year from this time, will then be forced off by the troops of the United States. You will likewise inform them that rations, blankets, shoes, and other articles, will be furnished the poor of the nation on application. As soon as there may be a sufficient number of poor in that section of the country to justify the expense of an agent, one will be appointed to issue rations to them.

Should any thing occur of importance in relation to the troops or the Indians, and proper for me to know, you will not fail to transmit it to me by express.

On your way to Valley river, if you should deem it necessary, you will visit Captain Peak, and inform him that his men must be properly clothed for a summer campaign. Every officer, non-commissioned officer, musician, and private, must have a good horse, well shod, saddle, bridle and martingale, halter and blanket; and each man must have at least one pair of good strong shoes, two pairs of stockings, two pairs of pantaloons, two shirts, vest,

stock, dress coat, a decent hat or cap, blanket, a substantial over-coat, wallet, or saddle-bags, and one spur.

I am, very respectfully,
Your obedient servant,
JOHN E. WOOL,
Brigadier General.

To Colonel JOSEPH BYRD,
Second regiment East Tennessee Volunteers.

HEAD QUARTERS, ARMY C. NATION,
New Echota, Georgia, March 20, 1837.

SIR: You will take charge of the prisoners, John G. Smith, John Oxford, Burrell Smith, and Jesse Griffin, and after you have made yourself acquainted with all the facts and circumstances relating to the charge of their having killed a Cherokee Indian, by the name of Oo-ta-loo-kee, or Darhee, you will deliver them over to the civil authority of Walker county, for examination, commitment, and trial.

On your way to the county-seat of Walker county, you will have the body of Oo ta loo-kee taken up and examined, in order to ascertain, if practicable, whether he was the Indian said to be killed by Smith and others.

The whole business to be done in relation to the prisoners who are charged with the crime of murder, is left to your good sense and judgment, with the expectation that nothing will be left undone to have justice done to all concerned.

Sally, a Cherokee woman, sister of the Indian killed, and Sick-ee-ah, another Cherokee woman and wife of Con-see-nah, a prisoner in the possession of those who were concerned in the murder complained of, both say they saw Smith fire on the Indian killed; they both live near where the Indian was buried.

The detachment consisting of Lieutenant Clayton, and a sergeant and ten men, are placed under your direction. They will take with them four days' rations of provisions. You will have the detachment furnished with forage during their absence, taking care to keep a correct account of the expense. You will not be absent more than four days, including this day.

I am, very respectfully, yours, &c.,
JOHN E. WOOL,
Brig. Gen. Commanding.

Lieutenant HENRY B. SHAW,
Georgia Volunteers.

HEAD QUARTERS, ARMY C. NATION,
New Echota, Georgia, March 20, 1837.

SIR: The bearer, Sally, is the sister of the Indian killed, and also the sister of Con-me-sena. It is supposed by his family that he is killed. You will endeavor to ascertain what has become of him. You will also procure a rifle and pot taken from Dick, the son of old Sarah, and deliver it to old

Sarah. This, however, you can attend to when it will be most convenient, either going or returning. Sally, the bearer, saw Smith fire on Oo-ta-loo-kee, or Rain-crow, who was killed.

I am, very respectfully, yours, &c.,

JOHN E. WOOL,

Commander

To Lieutenant SHAW.

HEAD QUARTERS, ARMY C. NATION,
New Echota, Georgia, March 25, 1831

SIR: Allow me to call your attention to the case of John G. Smith, who is charged with the crime of murder. This case has produced a very considerable excitement amongst the Cherokees, at which I am not surprised, for the murder of Oo-ta-loo-kee, or Darkey, as called by Smith, was without cause or justification, in the slightest degree. It would be unfortunate if Smith should escape the punishment which so cold-blooded a murder calls for. You will, no doubt, recollect that most of our Indian wars, and more particularly the last war with the Creeks and Seminoles, was brought on by similar conduct on the part of the white people residing among them. The Government is very anxious to have the Cherokees removed without bloodshed, and in that respect, I need not tell you that I am doing every thing in my power to carry out the wishes of the Government.

Lieutenant Pascal, the bearer of this, has been directed to attend to the case for the time being; he is acquainted with all the facts and circumstances in the case.

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brigadier General

To Col. H. SIMMS,
Sol. General.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, March 23, 1831

SIR: On the receipt of the general order, herewith transmitted to you, you will lose no time in proceeding to Coosawatee, where it is expected you will arrive with your detachment in the course of the day, and collect such Creek refugees as may be found lurking in that neighborhood.

On your arrival at Coosawatee, you will find a black woman, the slave of John A. Bell, who will answer as interpreter: she can talk both Creek and Cherokee, and, I presume, English. You will employ her, if necessary.

It is desirable that the most favorable impression should be made upon the Creeks; and assure them that we have no other object than to send them, under the most kind treatment, to Arkansas, where the great body of their nation have already gone. Should they willingly come in and surrender themselves, you will see that they are kindly treated, and properly provisioned.

Colonel George S. Massy will accompany you as agent for the Creeks, who has authority to purchase their necessary provisions for them, and pay all other incidental expenses attending their collection, &c.: that is, such as having interpreters, wagons, teams, &c., if necessary, to collect them.

On your arrival, and after you have made yourself acquainted with the number of Creeks in the neighborhood of Coosawatee, their feelings, dispositions, &c., and particularly in regard to their removal, you will transmit me a report of the same by express. This will not be delayed more than one day. You will also send all other information in regard to them which it may be proper for me to know. If the Indians should surrender themselves, and appear willing to submit to the authorities of the United States, and make no resistance to removal, you will treat them in the most kind manner, and allow no insult to be offered to them, or depredations committed upon their property by your soldiers. If any improper treatment should be extended to them by your soldiers, the offenders will be immediately punished, and satisfaction made to the Indians.

I am, very respectfully, yours, &c.,

JOHN E. WOOL,
Brig. Gen. Commanding.

To Captain DERRICK,
Commanding Georgia Volunteers.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, March 30, 1837.

SIR: Herewith you will receive orders 12 and 13: the last excepts Quartermaster Vaughn from order 12, until further orders. You will have the detachment required in 13, to be in readiness to march on the morning of the 1st of April.

The horses must be well shod, and the men prepared for an absence of ten or more days. The service will be active. You will send a wagon and team with the provisions. If it can carry more than ten days' rations, you will put more in.

I am, very respectfully, yours, &c.,

JOHN E. WOOL,
Brig. Gen. Commanding.

To Major JOHN R. DELANY,
Commanding near Ross's Landing.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, March 30, 1837.

SIR: You will take the directing charge, or superintendence, of collecting the refugee Creeks scattered through the Cherokee nation. You will employ such agents, and give such directions, in regard to their collection and concentration at Ross's Landing, as may be best calculated to effect the object. On your application, from time to time, as you may deem necessary, troops will be furnished from the military stations in Georgia, Alabama,

Tennessee, and North Carolina, to aid and assist you in collecting the Creeks. An agent, to supply the Creeks with provisions, must be sent with each principal detachment.

Should the necessities of the Creeks require clothing to cover their nakedness, you are authorized to purchase clothing in such cases, and to charge it to the account of contingencies, if you have no funds in your hands for the purchase of clothing.

After you have visited Coosawatee, and made such arrangements with your agents at that place as may be necessary, you will return to general head quarters for further instructions.

I am, very respectfully, yours, &c.,

JOHN E. WOOL,
Brig. Gen. Commanding

To Lieut. EDWARD DEAS,
United States Army.

HEAD QUARTERS,
New Echota, Geo., March 30, 1837

SIR: By the enclosed order you are excepted from general order No. 13. You will accompany the detachment of Captain Humbree, to perform the duties of quartermaster and commissary. I would advise you, however, to be prepared to discharge the duties correctly and with promptness. It has been reported to me that you have not hitherto discharged the duties of quartermaster correctly. I trust that we shall not, in future, have similar complaints against you.

I am, very respectfully,

Yours, &c.,
JOHN E. WOOL,
Brig. Gen. Commanding

To Quartermaster VAUGHN,
Ross's Landing.

HEAD QUARTERS, ARMY OF CHEROKEE NATION,
New Echota, Geo., March 30, 1837.

SIR: On the receipt of this letter, the detachment ordered to be prepared to march, by order No. 13, already transmitted to you, will proceed to Red Clay, for the purpose of collecting the Creek refugees in that neighborhood, and deliver them to Mr. A. R. Barclay, esquire, who will receive them, and furnish them with provisions. As soon as a sufficient number can be collected, they will be conducted to Ross's Landing, and delivered to Lieutenant Deas, of the United States army, at that place. The agent will furnish the teams and pay the expense. All expenses attending their collection will be paid by him, that is for provisions, teams, wagons, and interpreters.

Neighborhood, means twenty or more miles. If, on the arrival of the detachment at Red Clay, the Creeks should attempt to escape, they will be pursued, and brought back and secured. Captain Humbree will require the Cherokees to aid and assist him in collecting them. If they refuse, they

will be confined, and the circumstances reported to me, when I will send a detachment and have them forthwith sent to the agency for emigration. Harsh or severe measures will not be adopted unless absolutely necessary. The Cherokees, no doubt, will be able to render great assistance in bringing in the Creeks. After they are taken, they must be treated with kindness, and on no account must the soldiers be permitted to offer any insults to them, or allowed to commit any depredations on their property.

I am, very respectfully,

Yours, &c.,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Major JOHN R. DELANY,

Commanding near Ross's Landing.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Geo., March 31, 1837.

SIR: I have the honor to inform the Secretary of War that I have this day discharged, except one company, the East Tennessee volunteers, ordered home agreeably to order No. 66, issued the 1st of November last. This order has not been issued in consequence of any apparent change of feeling on the part of the Cherokees in favor of removing to the west, but because I do not apprehend any danger or disturbance from them until about the time they will be called on to take their departure for their new homes. So long as they may have a ray of hope remaining that they will be permitted to remain in this country, and will not be obliged to remove to the west, there will be no danger of war or disturbance with the Cherokees. But when the period arrives when all hopes of remaining in the land of their forefathers shall be dissipated, and they find that they must go, whoever may be in command in this country at that time, may consider himself more than fortunate if he should succeed in removing them without the shedding of human blood.

I will not trouble you with a detail of circumstances which are to produce such a scene. It is sufficient to say that the rights of these people have been too often disregarded, too often trampled upon, and too often violated without cause or justification, with impunity, not to have sunk deep into their hearts, and which, I have little doubt, will be made manifest, in a most signal manner, before they finally take their departure, unless prevented by the most efficient and judicious measures. By these remarks I only intend to refer to the acts of individuals who reside among them, and who seem bent on drenching this country with blood. Recent occurrences, which are but repetitions of those which have heretofore taken place, show plainly that it is in vain to appeal to the civil authorities of the country to repress the disposition of the whites to oppress this people and trample on their rights. In illustration, I would refer to a case of an aggravated cast, which occurred a few days since, within a few miles of this place. An Indian, at his own house, was shot down and basely murdered by a party of white men, who had not the least semblance of provocation, unless an attempt to escape from their barbarity be so considered. These men were arrested by my order, and immediately turned over to the civil authority, to be dealt with according to their deserts. But so strongly

have the prejudices of the people, stimulated by avarice, been excited against the Indians, that it is exceedingly doubtful if justice can be done in the case. With these people it really seems to be no crime to kill an Indian; they do not look to the probable consequences. This circumstance, together with the daily efforts of the whites to dispossess the Indians of their houses and lands, has created a state of feverish excitement, which it will be exceedingly difficult to repress when the hour of their departure arrives. To check these aggressions on the part of the whites, and to allay the consequent excitement of the Cherokees, and, if possible, to induce them to prepare to remove, at the proper time, peaceably to the west, have induced me to propose making the tour through the nation, to which I alluded in my last communication. In the mean time, I would earnestly renew my application, made through the Adjutant General's office to Major General Macomb, in my letter of the 18th of February last, for a regiment of United States infantry, to be sent to this country. Such a force, together with the volunteers I can always have at my command from Georgia and Tennessee, will, perhaps, enable me to preserve the peace of the country, and to remove the Cherokees without the horrors of another Indian war.

In addition to the above, I would observe that Lieutenant Deas, of the United States army, has arrived, with agents to receive, for emigration, the refugee Creeks scattered through this country. From the information I have recently received, I think there cannot be less than one thousand. These, it would appear, like many of the Cherokees, are determined not to leave the country until they are forced out of it. On the first intimation of a design to collect them for removal, they fled to the mountains of Georgia and North Carolina. But few have yet been apprehended. I have little doubt, however, that the greater part will be taken in the course of a month. I have several parties of volunteers in pursuit of them.

With considerations of the highest respect,

I have the honor to be your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in C. N.

To the Hon. JOEL R. POINSETT,
Secretary of War.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, April 3, 1837.

SIR: Herewith you will receive general order No. 15. On application of Lieutenant Deas, you will furnish such military aid as may be necessary, not exceeding thirty men, including non-commissioned officers, for the apprehension of Creek refugees in the Cherokee country. You will either pursue them, independently, in the mountains of Tennessee and North Carolina, or co-operate with Captain Humbræ in the pursuit at or near Red Clay, as may be judged most advisable.

You will call on Lieutenant Howe for rations, who will furnish them. He will also make provision to furnish your detachment with forage during its absence. Rations for the detachment will, if practicable, be carried in

wagons. The head quarters of your company will be established at or near Fort Cass, until farther orders.

I am, respectfully,

Yours, &c.,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Capt. JACOB PEAK,

Commanding Tennessee Volunteers, &c.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, April 3, 1837.

SIR: Herewith you will receive order No. 15. On application of Lieutenant Deas, you will furnish such military aid as may be necessary to apprehend the Creek refugees in the mountains of North Carolina. He may send an agent to superintend the collection and supplying them with provisions. If, however, provisions cannot be purchased in the valley towns, you will cause them to be furnished from the depot established at Camp Huntington, in the charge of Lieutenant Montgomery, for the poor and destitute Cherokees. If they can be supplied without interfering with the depot for the poor Cherokees, I would much prefer it. No doubt fresh beef can be procured, and corn of Hunter, of Starrett.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Colonel BYRD,

Commanding near Valley River.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, April 3, 1837.

SIR: Herewith you will receive order No. 15. In case Lieutenant Deas should ask for a part of Captain Peak's company, for the apprehension of the Creek refugees in the mountains of Tennessee and North Carolina, or to co-operate in the pursuit with Captain Humbree, in the neighborhood of Red Clay, you will adopt the necessary measures to furnish the detachment with rations and forage during its absence. If the route will admit of it, you will furnish a team and wagon to carry the rations and tents of the detachment.

Captain Humbree, with forty men, has been ordered to Red Clay, and to take with him ten days' rations. Quartermaster Vaughn has been ordered to attend the detachment as quartermaster and issuing commissary. If you deem it necessary, you will send an agent with Captain Peak's detachment, and as many days' rations as it is thought the detachment will be absent.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Lieut. C. S. HOWE,

Assis. Com. Sub. and Acting Quartermaster.

HEAD QUARTERS, ARMY OF THE CHEROKEE NATION,
New Echota, Georgia, April 4, 1837.

SIR: I received your favor of the 2d instant, last evening. In answer to so much of it as relates to forwarding to the "Paymaster General an estimate for the next two months, including the last five months for Captain Peak's company," I would call your attention to the enclosed extract of a letter from the Secretary of War to the honorable James Standifer. You will perceive, by the extract, that the volunteers ordered home under order 66, will not be entitled to all the allowances granted to those constantly in the field. It appears that they will only be entitled to their *pay and rations*. Your estimates in regard to those ordered home will be made, therefore, conformably to the extract. I presume, however, it is not intended to preclude their getting the full allowance of clothing. You will, however, recollect they were not quite four months in service when they were ordered home. You will please confer with Major Payne, who will furnish you with a return of the companies included in order 66. You will, however, not pay any of the volunteers who were ordered home, until you have conferred with me on the subject.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Paymaster BENNETT.

HEAD QUARTERS, ARMY OF THE CHEROKEE NATION,
New Echota, Georgia, April 8, 1837.

SIR: I had the honor to receive, the 6th instant, your communication of the 23d, with enclosures, in relation to the conduct of a part of the volunteers under my command, towards the citizens of North Carolina. In answer to which, I would inform the Secretary of War that measures have already been adopted which, I trust, will prevent a repetition of conduct similar to that with which the volunteers stationed in that part of the Cherokee country have been charged. It is, however, due to the volunteers to say, that no complaint of the kind has ever been made to me by any of the citizens in that part of the Cherokee country; on the contrary, they have uniformly reported favorably of their conduct and deportment.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in C. N.

To the Hon. J. R. POINSETT,
Secretary of War.

HEAD QUARTERS, ARMY OF THE CHEROKEE NATION,
New Echota, Georgia, April 8, 1837.

SIR: Herewith are transmitted copies of orders from 11 to 15, inclusive, issued to the troops under my command since my last return. I also transmit

copies of letters of instruction to officers. By these orders and instructions, you will perceive my troops are in pursuit of the refugee Creeks scattered through the Cherokee country. The number is estimated to be 1,000. The greater part have fled to the mountains of Georgia and North Carolina. About 150 have been apprehended. I am in hopes those that have fled will return and surrender themselves. They have little else than roots and the sap of trees to subsist on.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brigadier General R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, April 8, 1837.

SIR: Herewith is transmitted a monthly return of the volunteers under my command, for the month of March.

Captain Peak's company, 2d regiment of East Tennessee volunteers, has been recalled into service. It is eighty-six strong. It will be reported in the next monthly return.

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in C. C.

To Brig. Gen. R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, April 20, 1837.

SIR: I have the honor to inform the Secretary of War that I have just returned from a tour through a part of the Cherokee country, extending from this to Coosawatee, Red Clay, and the region of the Frog mountain. My object was to converse with the Cherokees in regard to their removal west, and to visit the several detachments sent out in pursuit of the Creek Indians scattered through this country. I found that about three hundred had been apprehended. These, with one hundred and fifty at Gunter's Landing, will, it is probable, in the course of two or three weeks, be sent to Arkansas. Those found in the Cherokee country are generally in a wretched condition, and most of them nearly naked. I ordered sufficient clothing to be furnished to cover their nakedness.

In my communication to the Secretary of War, dated the 31st ultimo, I earnestly requested that a regiment of United States infantry might be sent to this country. For the following reasons, I would again call your attention to the subject:

The period is approaching, when the term will expire, for which the volunteers under my command engaged to serve the United States, except

two companies from Georgia. Under the most favorable circumstances the volunteer service is extremely troublesome, and often perplexing, especially so when both officers and men are alike unacquainted with the duty; such have been under my command from the highest to the lowest grade. By the time those now in service will have become capable and useful troops, they will be entitled to their discharge—the 8th July next. Many of these, however, if not all, would be willing to engage for another year. But, unfortunately for myself, as well as the service, my instructions of the 12th October last do not favor such a result. They appear to anticipate that each State will furnish the number of men requisite for its own defence. I am wholly unacquainted with the circumstances which should have dictated such instructions. Whatever may have been the cause or motive which led to their adoption, I am sure no good can possibly result from enforcing them. By examination, it would appear that the volunteers are not to act conjointly, but that each State is to be protected by its own troops. Should such be the intention, it is obvious that four times the number of troops necessary, either for the preservation of peace, or the protection and defence of the country, will be required.

Under the impression that each State is to be protected by its own troops, volunteers from each of the States interested in the removal of the Cherokees, have tendered to me their services. Under the hope that a regiment of United States infantry might be sent to this country, I have given no encouragement that they would be received. I am, however, one of those officers who would at any time prefer 500 disciplined troops to 2,000 undisciplined and uninstructed volunteers. The latter are little else than an unruly mob, until restrained and brought down by the force of discipline. To accomplish this without experienced officers to assist in the instruction, imposes upon the Commanding General a duty by no means to be envied. His cares and duties are endless. The idea that I shall be compelled to commence the labors of the last year, of again training and preparing volunteers for the services of the coming fall and winter, fills me with anxiety and solicitation. I assure you, from the time I took command of the volunteers now in service, until this moment, I have not had one moment's leisure. Day and night I have been employed. It is true I have had the good fortune to overcome their prejudice against regular officers, and to bring them to a proper state of subordination and discipline. These duties, together with those connected with the Cherokees, which are daily, and hourly increasing, have caused me many sleepless nights. The Secretary of War has no idea, from any action which may have been made, of the difficulties which a military commander has to contend with in this country. If I had the time to communicate them, I have not the inclination to lay before him a description of the corrupting and disgusting scenes which daily, and I might almost say hourly, take place in this country, and which is not in the power of any military commander to prevent, without producing a great evil. I am only surprised that the Cherokees have not risen in their might, and destroyed every white resident in the Cherokee country. To all these difficulties and embarrassments, I trust that the drudgery of again receiving, arming, and disciplining raw and inexperienced volunteers will not be superadded; and that, too, at the time when the services of experienced and efficient troops will be most required.

In conclusion, I beg leave to observe that I have but one object in view, and that is to accomplish the wishes of the Government, and to remove the

Cherokees, without bloodshed, to their new homes; at the same time to protect them in all the rights secured to them by the treaty. Hence I ask for a regiment of United States infantry, or as many companies of regular troops as can be spared from other sections of the country, with the privilege of receiving as many volunteers as the service may require, from those who have previously served under my command. I ask this, because the public service demands it, on account of efficiency and economy; and that I may also be relieved from labor of a vexatious and harrassing nature, at a time when my services may be required in the field.

With considerations of the highest respect,

I have the honor to be,

Your most obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding the C. C.

To the Hon. J. R. POINSETT,
Secretary of War.

ORDER 21.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 7, 1837.

William M. Shaw is appointed assistant quartermaster to the battalion of Georgia volunteers. He will be respected and obeyed accordingly.

JOHN E. WOOL,
Brig. Gen. Commanding.

ORDER 22.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 8, 1837.

The Commanding General would again call the attention of officers in command of corps, battalions, or companies in the Cherokee country, to the orders heretofore issued for their government in relation to monthly returns to general head quarters.

The monthly returns will, if practicable, be always transmitted on the 1st day of the month, and will specify the numbers, dates, and description of all orders and instructions received during the month.

The Commanding General trusts that this is the last time he will have to admonish his officers on this subject.

JOHN E. WOOL,
Brig. Gen. Commanding.

ORDER 23.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 10, 1837.

No leave of absence to officers, or furloughs to soldiers, will be granted, until further orders.

JOHN E. WOOL,
Brig. Gen. Commanding.

ORDER 24.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 14, 1837.

Hereafter no officer performing the duties of quartermaster or commissary at the different stations in the Cherokee country, will leave his post, without permission from general head quarters.

Applications for such leave of absence will be transmitted through Lieutenant Hetzel, assistant quartermaster, and Lieutenant Howe, assistant commissary, by the officers of their respective departments.

JOHN E. WOOL,
Brig. Gen. Commanding

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 9, 1837.

SIR: Herewith I transmit you the returns of volunteers and regulars in the Cherokee nation, for the month of April, 1837.

I am, sir,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding

To General R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY C. N.,
New Echota, April 26, 1837.

SIR: I herewith enclose the monthly return of regulars under my command in the Cherokee nation, for the month of March. It has been delayed in consequence of the commanding officer at Fort Cass neglecting to forward his return in time, and also because of my absence on a tour through the nation, visiting the detachments sent out in pursuit of the refugee Creeks.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding

To General JONES,
Adjutant General.

HEAD QUARTERS,
New Echota, May 11, 1837.

SIR: Herewith I transmit orders issued during the month of April, from 16 to 18 inclusive. Those issued previous to No. 16, within the month, were transmitted with my returns for March.

I am, sir,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brig. General R. JONES,
Adjutant General.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 15, 1837.

SIR: I had the pleasure to receive yours of the 8th instant, by express.

I approve of your course, in relation to the visit you made to the ball play. The conduct of the Indians ought to be closely watched, and if you discover any indication of hostility to the execution of the treaty, you will not fail to give information of the fact, with a detailed account of the circumstances connected with it.

You made no mention or reference to my instructions of the 1st May last. You cannot too soon comply with so much of them as relates to sending out detachments to explore the country, and make the examinations therein required. The most vigilant and active conduct is requisite, in order to ascertain the views and intentions of the Indians, in regard to submitting to the terms of the treaty.

I am, very respectfully,

Yours, &c.,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Colonel BYRD,
Commanding at Fort Butler.

ORDER 25.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 15, 1837.

Jacob Pettyjohn, a musician of Captain Buffington's company of Georgia volunteers, having committed the crime of stealing thirty dollars from one of his fellow-soldiers, is unworthy to remain longer in the service of the United States, and will, therefore, be disgracefully and dishonorably discharged; to take effect from the 5th of May, inst.

JOHN E. WOOL,

Brig. Gen. Commanding.

ORDER 26.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 17, 1837.

Sergeant Henry Wigley, of Captain Buffington's company of Georgia volunteers, in consequence of disorderly conduct, disobedience of orders and neglect of duty on guard, is reduced to the ranks, and will be discharged from the service of the United States forthwith. He will not be permitted to remain one moment in the neighborhood of the cantonment, after his discharge.

Of the same company, private John B. Champoix, and James M. Bibb for mutinous conduct on the morning of the 17th instant, in exciting and encouraging the men of said company to take their arms to rescue from prison a number of prisoners confined for gross neglect of duty, whilst on guard the nights of the 16th and 17th instant, at Cantonment Wool, will be forthwith dishonorably and disgracefully discharged from the service of the United States. These men will not be permitted to remain for a moment after their discharge, in the neighborhood of the cantonment.

Of the same company, Sergeant Green W. Cain, Corporals S. B. Mayfield and William D. Gilmer, for mutinous conduct on the morning of the 17th instant, in exciting and encouraging the men of said company to take arms to rescue from prison the prisoners above alluded to, will be forthwith reduced to the ranks. They will be confined under guard until further orders.

Lieut. McCormick, of the same company, who was an officer of the day, on the 16th and 17th instant, for neglect of duty, and disobedience of orders, will be arrested and confined to his quarters until further orders, or until a general court martial can be ordered for his trial.

JOHN E. WOOL,
Brig. Gen. Commanding

ORDER 27.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 30, 1837.

Major M. M. Payne will continue to exercise a general superintending control of the command at New Echota, Georgia, until further orders. He will see that all orders relating to the discipline, police, &c. of the Georgia volunteers be vigilantly enforced.

JOHN E. WOOL,
*Brig. Gen. Commanding*HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, May 17, 1837.

SIR: I received, by express, your letters of the 10th and 11th instant, with a copy of a certificate from Lawler to you. Hereafter, you will not fail to transmit all returns as required of your command, with your monthly return of the troops. You will give notice to the assistant quartermaster and commissary of the station, of the day you intend to send, in order that he may send, with the same express, his monthly abstracts.

I should have considered the letter of General Smith, in regard to Lawler and Peter Seaford, in the light of a complaint, and of the highest order. It would appear, however, from the certificate of Lawler, that he does not desire the land. This certificate may have been obtained through force. You will ascertain whether such is the fact, and have justice done. If Lawler does not wish to dispossess Seaford, let the case stand as at present, until I visit you.

In relation to the conduct of part of Captain Powell's company, in burning the bacon, I have only to observe, that I had expected a different course of conduct from a company having at its head an officer for whom I had always entertained great respect, and from whom, on account of his intelligence and capacity, I had expected one of the first volunteer companies in the service. Indeed, I had looked with certain confidence to that officer for examples and efficiency that would have had a most salutary influence upon the rest of the corps. I hope, notwithstanding all that has happened with his company, that I shall not be disappointed, and that, when I arrive at Fort Butler, I shall find it all I could desire.

In conclusion, I would repeat, that, commanding in an important station of the country, you must keep on the alert. You cannot be too vigilant.

I am, very respectfully, yours, &c.,

JOHN. E. WOOL,
Brig Gen. Commanding.

To Col. BYRD,
Commanding at Fort Butler.

HEAD QUARTERS, ARMY C. N.,
New Echota, Geo., May 21, 1837.

SIR: You will proceed, with your detachment, to Hightown, via Cassville. On your arrival at Cassville, you will call on C. D. Terhum, Esq., and inform him of your intended expedition. Mr. Terhum will accompany you, for the purpose of investigating the complaints of Indians on account of being dispossessed of their improvements. In all cases where it may be necessary, you will furnish the requisite force to dispossess the white men, and give the Indians possession. As Mr. Terhum is the State's agent for executing the laws of Georgia, as regards the dispossessing the white people, and restoring the Indians their rightful possessions, I have to request that you will be governed by his opinion in all such cases.

In your tour you will endeavor to impress upon the Indians the necessity of preparation for removal next fall and winter. At the same time, inform them that this is the last summer they will be allowed to plant corn in this country, and if they do not get ready to go before the 25th of May, 1838, they will be forced from this country by the soldiers of the United States. You will not prolong your tour beyond eight days.

I am, sir, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To Captain DERRICK.

HEAD QUARTERS, ARMY OF THE C. N.,
Athens, Tennessee, June 3, 1837.

SIR: I have the honor to acknowledge the receipt of your communication of the 24th ultimo, on my return to this place from the mountains of North Carolina, where I had been to inspect the troops under my command, stationed near the mouth of Valley river.

In answer to which I would observe, although I do not agree with the honorable Secretary of War in his opinion of the propriety of the publication to which he has alluded, yet I do not deem it necessary to my character, or to my usefulness as an officer, to publish the letters from the War Department of the 12th of October, the 16th, or the 23d of November. My character as an officer, as well as my honor, are sufficiently vindicated in the report of the Secretary of War to the President of the United States, dated the 3d ultimo. It may not be improper, however, to remark, in relation to the publication alluded to, that it was the result of the most base and villanous slanders of a man with whom I never had the slightest difficulty, who boasted of his influence and almost daily correspondence with the President.

I have just completed a tour of inspection of my command in the Cherokee nation, with the exception of one company, Captain Buffington recently received into the service from Georgia. All are comfortably quartered for the winter, and, comparatively, at a very small expense.

The Indians residing in North Carolina are still unanimously, or nearly so, opposed to the late treaty, and have no idea of removing to the west. The number now in the mountains is estimated at about five thousand. This number will be greatly increased as soon as the Indians in Georgia and Alabama begin to emigrate to the west. It is the refuge for the discontented of the nation, and particularly those opposed to the treaty. The poorest and most destitute among them will not receive rations or clothing from the United States, lest they should compromit themselves, and thereby be compelled to remove. Those whom I compelled to surrender their arms, last summer, appealed to me, on my recent visit to that section of the country, to have them restored. I offered to comply with their request on condition that they would promise to submit to the terms of the treaty. This they refused to do, and left without their arms. I do not, however, apprehend any difficulty with these people until about the time for their removal to the west, when I have little doubt we shall be compelled to force them from the country, which may lead to the shedding of some blood. It certainly will be if the Government is not more fortunate than heretofore in the appointment of the civil agents, who are greatly hated and detested by the Indians. Had Curry lived, he would assuredly have been killed by the Indians in the valley towns. It is a truth that you have not a single agent, high or low, that has the slightest moral control over the Indians. It would be wise, if persons appointed to civil stations in the nation, could be taken from among those who have had nothing to do with making the late treaty.

I have transmitted, by this mail, to Brigadier General Gibson, an estimate for funds to purchase subsistence for the troops, that probably will be required in the course of the year, in the Cherokee nation. The average number that will be required will not be much short of eight hundred. To subsist this number it will cost, perhaps, \$50,000. I have proposed to the Commissary General to expend, at this time, or in the course of the

winter, \$30,000 in the purchase of bacon and flour. Bacon can now be purchased for about ten cents the pound, and flour from eight to ten dollars per barrel. Flour will be scarce, as there is but little in the country; and if we wait till spring we shall not be able to supply our troops in North Carolina and Georgia with flour at a less expense than from fourteen to fifteen dollars per barrel. I hope you will sanction the measure.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen., Commanding in Cherokee nation.

To the Hon. B. F. BUTLER,
Secretary of War.

HEAD QUARTERS, ARMY C. N.,
Fort Cass, Tennessee, June 7, 1837.

SIR: Herewith I transmit a return of the volunteers under my command for the month of May, 1837.

I also transmit orders from 19th to 27th, inclusive; and letters of instruction to Colonel Byrd and to Captain Derrick.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Brig. Gen. R. JONES.
Adjutant General.

ORDER 19. HEAD QUARTERS, ARMY C. N.,
New Echota, Geo., May 2, 1837.

Lieutenant Shaw, of Captain Derrick's company of Georgia volunteers, is appointed acting aid-de-camp to the Commanding General. He will be obeyed and respected accordingly.

JOHN E. WOOL,
Brig. Gen. Commanding.

ORDER 20. HEAD QUARTERS, ARMY C. N.,
New Echota, May 7, 1837.

Major Delaney, commanding at Ross's Landing, will immediately direct Captain McClelland to repair with his company of mounted East Tennessee volunteers to Valley river, and report himself to Colonel Byrd, for duty.

The assistant quartermaster will have the requisite means of transportation for the company furnished.

The assistant commissary of subsistence will see that the requisite supplies for the subsistence of the company be furnished on the march,

JOHN E. WOOL,
Brig. Gen. Commanding.

HEAD QUARTERS, ARMY C. N.,
Fort Cass, Tennessee, June 8, 1837.

SIR: Herewith is enclosed a return of the regular troops under my command in the Cherokee nation, for the month of May, 1837.

I am, sir, very respectfully,
Your obedient servant,
JOHN E. WOOL,
Brig. Gen. Commanding.

To Brig. Gen. R. JONES,
Adjutant General.

ATHENS, EAST TENNESSEE,
June 12, 1837.

SIR: I have the honor to report my arrival at this place on this day.

I am, respectfully,
Your obedient servant,
WM. LINDSAY,
Col. 2d Artillery.

Brev. Brig. Gen. R. JONES
Adjutant General.

HEAD QUARTERS OF THE ARMY,
Washington, July 17, 1837.

SIR: The Governor of Alabama has addressed a letter to the Secretary of War, covering resolutions of the Senate and House of Representatives of that State, in relation to certain transactions of the military force of the United States employed in the Cherokee country, within the limits of the State of Alabama, under your command; copies of which letter and resolutions are, herewith, transmitted to you for your information.

The President has received from the Secretary of War the letter and resolutions above referred to, and has directed that an immediate investigation be made into the conduct of all concerned in the transactions set forth in the resolutions of the Legislature of Alabama; and, in consequence, a court of inquiry will be immediately appointed, to New Echota, or other place convenient to hold its session, and make the examination. You will, therefore, remain at New Echota until the arrival of the court of inquiry, and appear before it with such witnesses as you may judge proper to bring in your justification.

I have the honor to be, sir, very respectfully,
Your obedient servant,
ALEX. MACOMB,
Maj. Gen. Commander-in-Chief.

Insp. Gen. JOHN E. WOOL,
New Echota, Georgia.

HEAD QUARTERS,
Washington, D. C., July 19, 1837.

SIR: I have, since my arrival in this city, seen a letter, dated July 3d, 1837, from his excellency C. C. Clay, Governor of Alabama, in which it is represented that, in consequence of certain orders of mine issued whilst in command in the Cherokee nation, "a contest has taken place in the county of Marshall, which resulted in the death of two individuals, certainly, besides the most serious injury to others; some of whom, it is feared, may yet die of their wounds;" and requests that the affair "should be promptly investigated," in order that those concerned in it may "receive merited condemnation."

With a view that justice may be done to myself, and that my conduct, whilst in command in the Cherokee nation, may be duly appreciated, and, at the same time, to prevent false impressions from growing out of the affair complained of, I earnestly request that the President of the United States will institute a court of inquiry, not only to investigate my conduct in relation to the case in question, but in relation to all my conduct as Commanding General in the Cherokee country, from the time I entered it, until I relinquished the command to Colonel Lindsay, on the 1st July instant.

I have the honor to be,

With considerations of the highest respect,

Sir, your obedient servant,

JOHN E. WOOL,

Brigadier General U. S. Army.

To the Hon. J. R. POINSETT,
Secretary of War.

HEAD QUARTERS, ARMY EAST TENNESSEE,
Athens, July 22, 1837.

SIR: You will forthwith proceed on your march with three companies of your regiment to the mouth of Valley river. On your arrival on that part of the road ordered to be repaired by a detachment of volunteers under the command of Major Cunningham, you will examine it; and, in case it has not been done, you will make it passable for wagons. Should you overtake the teams carrying provisions to Valley river, and they should find it difficult to get along, you will render them such assistance as they may require, to enable them to reach the mouth of Valley river by Wednesday next.

You will be careful to avoid all collision with the Indians, and prevent your men from insulting them, or committing depredations on their property. Should any of these occur, you will immediately make ample satisfaction; and the offenders will be discharged from the service of the United States without pay or allowances.

All ardent spirits, as far as practicable, will be excluded from the camp of the volunteers; and, as far as the laws will permit, from among the Indians.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To Colonel SMITH,
First Regiment of Volunteers.

NEW YORK, August 6, 1837.

SIR: I have the honor to acknowledge the receipt of your communication of the 27th ultimo, from which it appears that the President of the United States refuses to grant my request for a court to inquire into my conduct as Commanding General in the Cherokee country, from the time I entered it, until I relinquished the command to Colonel Lindsay, because "no accusation had been made against me, with regard to any part of my conduct while in command in the Cherokee country," excepting one from the Governor of Alabama, on which an investigation has been ordered.

It appears, from a communication addressed to the officers of the Georgia volunteers, by the Secretary of War, dated May 20th, 1837, that I was recalled at my own request.

It is true, that, in consequence of the censures and degrading orders of the President of the United States, as contained in the communication from the War Department, dated the 12th and 17th October, 1836, and circulated by the order of the acting Secretary of War through the Cherokee nation, and partially published in the Athens Republican, of the 23d of November, 1836, I did request to be recalled.

The President did not deem it expedient to comply with my request, "as he saw no adequate reason for recalling me from the command," and I remained in the country.

After the lapse of several months, the recall is ordered; and one of the reasons assigned, is the application made in November, which was then refused.

As something new must have occurred, subsequently to November, which has been deemed by the President of sufficient importance to induce a recall even on an application which had been refused, and which had not been renewed; and as Colonel Lindsay, my successor and junior in rank, has been directed, upon the complaint of Mr. John Ross and others, to investigate certain transactions of mine, and report the facts to the War Department; and as all partial inquiries may lead to injustice, the justice of making the inquiry general is very apparent to me; therefore, I respectfully request that the court, which is to assemble at Athens, on the 25th instant, may be authorized to make such general inquiry, and to report their opinions with the facts.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brigadier General U. S. Army.

To the Hon. J. R. POINSETT,
Secretary of War.

TROY, N. Y., August 10, 1837.

SIR: I have no copy of the complaints upon which my conduct is to be investigated by a court of inquiry of which Major General Scott is president. Allow me to request that you will do me the favor to obtain a copy, and

transmit it, with a copy of the late treaty with the Cherokees, to Knoxville, Tennessee.

I am, very respectfully,
Your obedient servant;
JOHN E. WOOL,
Brigadier General U. S. Army.

To Brigadier General R. JONES,
Adjutant General.

SPRING PLACE, MURRAY CO., GEORGIA,
October 11, 1837.

DEAR SIR: The undersigned, members of the bar of the Cherokee circuit, with respect, represent to you the following information: Previous to an adjourned term of the Superior Court of Murray county, an affray happened with some of the citizens. This was on the 2d instant; our court was to be held on the 9th instant. What was our surprise, when assembled at court, to behold ourselves surrounded by a strong military force, under command of Captain E. Buffington, of the volunteers. In investigating the cause, we have ascertained that Colonel Lindsay had ordered him and his company to Spring Place, to aid the civil authorities, if required, in the administration of justice. A strong feeling of opposition manifested itself relative to this course. Captain Buffington tendered the services of himself and command to the presiding judge, the honorable Henam Warner. His honor refused their services, relying upon the constitution, the laws, and the intelligence of the community; and, aided by a strong solicitation from the bar, dismissed the troops, and they returned to New Echota. This is the history of the case in a few words. Now, sir, feeling, as we do, that such conduct is an innovation upon the established usage of our country in the administration of our laws; that it is directly opposite to our constitution, and highly intrusive to the feelings of an intelligent community, and has a direct tendency to coerce, by military interference, and obstruct the legal course of justice, and to extend the military power over that of the civil, when each should be kept separate and distinct, we respectfully submit this question: Had Colonel Lindsay any authority, in his general orders, for this movement? Has he not, by it, exceeded his orders? Has he any authority to parade a military force, and to tender their service, through officers, to assist the civil authorities? We think he has not; we hope he has not. We also assure you, that the movement was made at a time of profound peace, and no indication of any resistance from any men, or body of men, to the civil authority of the county. We believe Colonel Lindsay has exceeded his orders, and do sincerely hope that you will do us the justice to have his conduct, in this regard, inquired into.

We are, with great respect, &c.,

M. J. WALKER,
C. D. TERHUW,
G. B. HARGRAVE,
JAMES A. WRIGHT,
JOHN H. LUMPKIN.

Hon. JOEL R. POINSETT,
Secretary of War.

REPORT FROM THE COMMISSIONER OF INDIAN AFFAIRS

WAR DEPARTMENT,
Office Indian Affairs, December 14, 1837.

SIR: In compliance with your direction, of October 16th, I have the honor to submit a report in answer to so much of the resolution of the Senate, of the 13th of that month, as relates to the business of this office. This report embraces "copies of all correspondence," between this office and any commissioner, agent, or other person, not heretofore communicated, leading to, and connected with, the treaty of December, 1835, or supplemental articles thereof, between the United States and the Cherokee Indians; and also such correspondence as grew out of said treaty, and communications received from the Cherokees, or any portion of them, in relation to the same," with copies of the instructions to disbursing agents under said treaty, and of the correspondence with them. The particulars in relation to the investments that have been made in stocks, are stated in the accompanying abstract.

Very respectfully,

Your most obedient servant,

C. A. HARRIS, *Commissioner*

Hon. J. R. POINSETT,
Secretary of War.

WAR DEPARTMENT,
January 6, 1835.

SIR: I have just received your letter of this date.

Instructions have not yet been given to remove you from the reservation you occupy. Understanding you were upon the road, I thought it proper to delay any further action until your arrival. It is, however, represented that you are living upon the agency reservation, to which you have no right. I shall be ready to receive any explanation you may wish to give before the matter is decided.

Very respectfully,
LEWIS CASS.

Mr. LEWIS ROSS,
Washington city.

DEPARTMENT OF WAR,
February 11, 1835.

SIR: A delegation of Cherokees, representing that portion of the tribe east of the Mississippi, favorable to emigration, have communicated to this department their willingness to enter into arrangements for the removal of themselves and their brethren. The President is disposed to meet their

wishes, as expressed in their letter of the 8th instant, a copy of which is enclosed.

I am instructed to request you to seek an interview with them, and to discuss freely with them the principles and details of the contemplated arrangement, and to communicate the result to this department, for the consideration of the President.

While performing this duty, you will be allowed the usual compensation of an Indian commissioner.

Very respectfully,
LEWIS CASS.

To the Rev. J. F. SCHERMERHORN,
Washington.

DEPARTMENT OF WAR,
February 11, 1835.

SIR: I have to request that you will suspend proceedings, under the authority given you to-day, to meet the Cherokee delegation, until you receive further instructions from this department.

Very respectfully,
LEWIS CASS.

To the Rev. J. F. SCHERMERHORN.

DEPARTMENT OF WAR,
February 11, 1835.

GENTLEMEN: I have received your letter of the 8th instant. The President is willing to give you an opportunity of communicating your views in regard to the removal of yourselves and your brethren, and has appointed the Rev. John F. Schermerhorn to discuss with you the principles and details of an arrangement for the accomplishment of that object.

Very respectfully,
LEWIS CASS.

To Messrs. JOHN RIDGE,
A. SMITH,
E. BOUDINOT,
S. W. BELL,
JOHN WEST,
W. A. DAVIS,
E. WEST,

Cherokee Delegation.

DEPARTMENT OF WAR,
February 12, 1835.

SIR: I have had the honor to receive your letter of the 13th ult., and have submitted it to the President.

I am directed by the President to assure you that, in any arrangement

which may be made with the Cherokees, no stipulations shall be inserted inconsistent with the constitutional rights of the respective States within whose territories those Indians reside.

Very respectfully,
LEWIS CASS.

To his excellency WILSON LUMPKIN,
Governor of Georgia.

DEPARTMENT OF WAR,
Office Indian Affairs, February 20, 1835.

SIR: In reply to the letter of John Ross and others, of the 18th instant referred by you to this office, I have the honor to report: That of the sum of \$3,718 51, claimed by the delegation on account of annuity due to the eastern Cherokees, only \$485 remains in the hands of the agent, Colonel Montgomery, he having paid, as appears by his accounts rendered, \$2,192 to certain emigrants from the east to the west of the Mississippi, under the order of the department of June, 1830, a copy of which is enclosed.

The proportion of the annuity for 1834 was reduced from \$6,666 67 to \$5,625, in consequence of the increase of the number of emigrants to the west. The reduction of \$1,041 67 in the apportionment for 1834, added to the payments to individual emigrants of \$2,192, and the balance in the agent's hands, \$485, make up the sum claimed.

The letter of Mr Ross and others is herewith returned.

Very respectfully,
ELBERT HERRING.

To the Hon. LEWIS CASS,
Secretary of War.

DEPARTMENT OF WAR,
February 21, 1835.

GENTLEMEN: The enclosed report of the Commissioner of Indian Affairs together with the accompanying copy of a circular mentioned therein, contains the information in relation to the difference of the Cherokee annuity paid to them during the last four years, and that which you claim for them during the same period, asked for in your letter of the 18th instant.

Very respectfully,
LEWIS CASS.

Messrs. JOHN ROSS AND OTHERS,
Washington city.

DEPARTMENT OF WAR,
February 27, 1835.

GENTLEMEN: I have received your letter of the 25th instant, and submitted it to the President. I am instructed by the President to say to you, that the proposition you have made, viz: \$20,000,000, for your title to

land, and an indefinite sum for the payment of the various claims referred to by you, is so far beyond any thing which he deems to be just, that he thinks it unnecessary to hold any further communication with you on the subject. Anxious as he is to terminate the embarrassments arising out of your situation, he yet sees no hope of effecting it by continuing this negotiation. And he is fortified in this conclusion, by the reflection that, in the personal interview which I had with you, I stated distinctly the views of the President, and received from you assurances that those views would be met by corresponding offers on your side, and by a sincere desire to put an end to this affair.

Very respectfully,
LEWIS CASS.

Messrs. JOHN ROSS and others,
Washington city.

Memorandum B, for Mr. Ross and his party.

WAR DEPARTMENT,
February 28, 1835.

Before submitting to the Committee on Indian Affairs the letter of Mr. Ross, on the subject of the opinion of the Senate, concerning the amount to be given for their lands, it is proper to remark, that the President is extremely desirous of so arranging the matter connected with the Cherokees, as to effect a union among all their people, and no effort on the part of the Government will be spared to accomplish this desirable object. If, therefore, a single arrangement can be made, which will secure the just rights of all parties, and which should, in the opinion of the President, be satisfactory to all, then that arrangement alone will be submitted to the Cherokee people for their consideration. But if it should not be found practicable so to arrange their affairs, then the President would submit to the Cherokee people, for their decision, the two propositions which may be agreed on.

WAR DEPARTMENT,
February 28, 1835.

The following memorandum, with papers marked A, and B, was delivered to Judge King, Senator from Georgia, on Saturday, February 28th, to be laid before the Committee on Indian Affairs of the Senate, and was by him submitted to them on Monday, the 2d of March. The same had been previously submitted to the President, and this course was approved by him.

There are two deputations from the Cherokees now in this city; one, at the head of which is John Ross, and the other, at the head of which is John Ridge. Ross and his party, as is well known, have heretofore been opposed to removal, while Ridge and his party have recently favored that measure. Without entering into too much detail concerning previous communications, it is sufficient to observe that Ross and his party submitted, three days since, a proposition for the cession of their claims in Georgia, Alabama,

Tennessee, and North Carolina. This proposition was founded upon the basis of allowing them \$20,000,000 for their rights, and also the payment of claims stated by them, which are uncertain in their number and value; and, consequently, in the ultimate amount which might be required to pay them. This proposition was so unreasonable as to lead to the belief that they could not be seriously inclined to an accommodation of the matter upon the only terms to which the President could assent, being an entire removal without the white settlement. An answer was prepared by them repealing the proposition, and declining any further prosecution in the negotiation. Before, however, it could be sent, it was intimated by Judge Underwood that they would be willing to submit the question of value to the decision of the Senate, and to accept such a sum as the Senate might deem just. In accordance with this suggestion, Ross and his party have addressed to the department a letter, of which a copy accompanies this memorandum.

Before, however, any distinct proposition was made by Ross and his party, Ridge and the other party had presented themselves, and requested that an arrangement might be made with them for submission to their people; and which, if approved, might be laid before the Senate for their consideration. Instructions were prepared for Mr. Schermerhorn, authorizing him to meet Ridge and his party, and to ascertain on what terms an amicable and satisfactory arrangement could be made. After the instructions had been delivered to Mr. Schermerhorn, but before he had commenced the negotiation, Ross and his party requested to be allowed to make a proposal to be submitted to the President for his approval. He was assured that his proposal would be considered; and, in the mean time, Mr. Schermerhorn was requested to suspend his operations. So much time, however, elapsed before any thing more was heard from Ross and his party, that Mr. Schermerhorn was requested to open the discussions with Ridge and his party. These have terminated in a general understanding respecting the basis of the arrangements; leaving, however, many of the details yet to be filled up. The total amount of the various stipulations provided for is \$3,250,000, as a full consideration for the cession to be made by them. In addition to which the sum of \$150,000 is to be allowed for certain claims for injuries, &c., which they allege have been committed upon them. Besides these pecuniary stipulations, a tract of very valuable land, estimated to contain about 800,000 acres west of the Mississippi, is to be added to the territory already possessed by them. This territory originally contained about 7,000,000 acres. In addition to which, they were entitled to the use of another tract, containing about 6,000,000 acres, for the purpose of an outlet or communication with the tribes and country west of them. It is proposed in the arrangement with Ridge and his party, to grant them the entire property of this tract of 6,000,000 acres for their unconditional use; this will make, for the whole country given and proposed to be given to them west of the Mississippi, 13,800,000 acres of land.

It is computed that the quantity of land claimed by the Cherokee in Georgia, Alabama, Tennessee, and North Carolina, is about 7,000,000 acres. The ultimate title of that portion of this tract which lies within the State of Georgia, will pass to that State; and, in like manner, the State of North Carolina is entitled to the fee simple of the Indian lands within its jurisdiction. It is understood that a similar claim is asserted on the part of Tennessee, but upon what ground it rests is not known at the department. It

is not certain, therefore, that the extinction of the Indian title in all those States would transfer to the United States any right of property except in the State of Alabama; and it certainly would not in any other State, except in Tennessee. The quantity in Alabama is estimated at less than 1,500,000, and that in the State of Tennessee at about 1,000,000 acres.

It is not contemplated that any arrangement made with these parties, at this time, should be definitive. It is intended that the Cherokee people should assemble for the purpose of considering this matter, and that a commissioner should be sent to them to explain the whole subject, and to ask their assent to such propositions as they may deem equitable and satisfactory; and, after their approval, it is proposed to lay the arrangement before the Senate for their constitutional action.

The history of the matter is too well known to require any observations at this time. Among other difficulties which have attended it, it has introduced intestine feuds among the Cherokees themselves, and arrayed them into two parties, with embittered and excited feelings towards one another.

Next to settling this affair justly and satisfactorily, it is the wish of the President so to arrange it as to unite these people, and to put a stop to the divisions that have prevailed among them; and no effort on the part of the Government will be spared to accomplish that desirable object. Ridge and his party have acceded to distinct propositions; while Ross and his party have declined to accept such as the President deems reasonable. But Ross's party have this day made a suggestion, which will be found in the accompanying letter from them, and which, if acted on, may lead to a satisfactory adjustment of the whole matter. He proposes to accept such pecuniary terms as the basis of a negotiation as the Senate may think proper to arrange, leaving the subsequent details for their removal, security, &c., to be arranged by personal or written communications with this department. It will be found that the party pledge themselves to accept, and recommend to their people to agree to whatever terms the Senate may think proper to fix, as the total value of their claims; and it is believed that, if Ross and his party act with good faith, their recommendation will be decisive. A copy of a memorandum, handed to Ross immediately after the receipt of his letter, is also transmitted. It will be seen by this, that, if an arrangement can be made, which will secure the just interest of both parties, and give satisfaction to all of them, that course, which is a most desirable one, will be adopted, and the subject presented in that form to the Cherokee people. But the President would not consent, for one moment, to put to hazard the pecuniary interest or personal safety of those who have been endeavoring to promote the views of the Government, and at the same time to secure the welfare of their own people. Their interest must, under any circumstances, be provided for. If, therefore, in the further prosecution of this matter with Ross and his party, difficulties should be interposed to a satisfactory adjustment, which shall secure all interests, then the propositions made by both parties will be submitted to the Cherokee people, and they can freely decide upon the whole matter, and accept the one which they deem the best for their interest. It is proper to remark, however, that, should both propositions be laid before the Cherokee people, the President would feel it his duty to offer, in the proposition to Ridge and his party, whatever pecuniary amount may be fixed by the Senate, for the value of the whole Cherokee cession.

It would be desirable, should the Senate think proper to act upon the

subject, that their opinion should be expressed in the alternative; that is, that the gross amount to be allowed to the Cherokees as the value of their cessions in the above mentioned States, should be stated without any reference to a proposed increase of the territory west of the Mississippi, as it may be that Ross and his party may wish to provide a country for themselves. And, also, that the amount should be estimated, after deducting the value of the cessions proposed as above mentioned, to be made west of the Mississippi, in conformity with the demands of Ridge and his party.

Very respectfully,

LEWIS CASS

DEPARTMENT OF WAR,
March 3, 1835.

SIR: I have had the honor to receive the letter of Messrs. Bishop and Hardin, in favor of Doctor Fort, which you have referred to this department. Should it become necessary to appoint commissioners to negotiate a treaty with the Cherokee Indians in their country, Doctor Fort's claims shall be respectfully considered.

Very respectfully,

LEWIS CASS

To the Hon. JOHN FORSYTH,
Secretary of State.

DEPARTMENT OF WAR,
March 13, 1835.

GENTLEMEN: In reply to your request of the 11th instant, I transmit copies of the letter of John Ross, and his associates, to this department of the 28th ultimo, and of the answer, dated the 6th instant. I do not think it proper to furnish you with a copy of the proceedings of the Senate, as they are confidential in their character.

Very respectfully,

ELBERT HERRING

To Messrs. JOHN RIDGE,
WM. A. DAVIS,
E. BOUDINOT,
A. SMITH,
S. W. BELL,
J. WEST,

Cherokee Delegation.

DEPARTMENT OF WAR,
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.

A copy of the arrangement recently made between some individuals of the Cherokee tribe and Mr. Schermerhorn is herewith enclosed, together with copies of certain other papers, which may be useful to you in the performance of your duties. I enclose, also, the address of the President to the Cherokee people, which you will cause to be read to them, in open council, and enforce by such topics as may occur to you.

You are aware of the importance of removing these Indians, and are acquainted, generally, with the history of our intercourse with them, and of the efforts which have been made for the termination of the difficulties in which they have been placed. I need not, therefore, enlarge upon these subjects.

The provisional treaty contains the general terms which the President is disposed to offer to the Indians, and he is desirous that the Cherokee people should assent to this arrangement, without making any change in its stipulations. Still, however, he would not object to such alterations as might be deemed essential by them, and which would not conflict with those principles which he deems indispensable to a proper settlement of this difficult and protracted affair.

I shall proceed to state to you those conditions, from which the President will not depart. Within these limits, if it will tend to conciliate the Indians, and to insure their assent to a treaty, you are authorized to make such changes as you may deem proper, and as they may demand.

1. The Senate have, by resolution, stated as their opinion that a sum not exceeding five millions of dollars, might properly be allowed to these Indians for the cession of their entire claims east of the Mississippi river. Prior to the adoption of this resolution, Mr. John Ross and his party, who were then in this city, avowed their determination to abide by the decision of the Senate on this point, and to accept such a consideration as that body might deem reasonable. After the Senate, however, had acted upon the matter, that party declined acquiescence, and would not enter into an arrangement, as they had before promised to do. Among the papers enclosed to you, you will find those necessary to a full knowledge of this affair.

You will, therefore, under no circumstances, increase the amount of the consideration to be given. If, however, the Indians should prefer to receive the whole amount, viz: \$5,000,000, in lieu of the sum of \$4,500,000, and of the additional tract west of the Mississippi, estimated at 800,000 acres, you are at liberty to give them the whole sum in money, and to withhold this additional tract.

2. The President has no objection to a change in the various items constituting the sum of \$500,000, and enumerated in the treaty; that is, if the Indians should wish that more should be allowed for some objects and less for others; and if this can be done with a due regard to the security, and just rights of all, you are then at liberty to assent to it.

3. But there is one consideration which must, under no circumstances, be overlooked; and that is the necessity of a just security for all the Cherokees, so that a dominant party, if such exists and is disposed to exert its power, may not be enabled to violate the rights of individuals, and particularly of those who may have rendered themselves obnoxious by their efforts to promote the plan of removal. You will take care, therefore, that the rights of individuals are properly guarded, so that the amount coming

to them, for their improvements, expense of removal, &c., shall be paid to themselves, and not placed at the disposal of any other persons.

Those portions of the funds which are applicable to the purposes of the tribe generally, such as annuities, school money, orphan money, &c., will, of course, be left to the management of the tribe itself.

4. The great object being to insure the entire removal of the tribe, no reservations will be granted. If individuals are desirous of remaining, they must purchase residences for themselves, like white persons, and must be left to the care of the laws of the States within which they reside.

Should any suggestions occur to either of you, with respect to any changes in these instructions, I will thank you to communicate them without delay. They shall be immediately laid before the President, and his decision made known to you.

The Cherokees who negotiated the treaty at this place, were anxious that a person should be sent, as soon as convenient, to explain to their people the course which it is proposed to take, and to remain among them till the council is held, with a view to communicate freely with them, and to obviate any objections which may arise. Mr. Schermerhorn, therefore, will proceed to the Cherokee nation as soon after the receipt of these instructions as may be convenient to him, where he will remain until his duties are terminated. As soon as he arrives there, he will enter into a communication with the Cherokee people, and explain to them the views of the Government. He will endeavor to satisfy them of the necessity of settling this matter, and of the liberality of the arrangement which is submitted to them.

It is believed that a discreet course of conduct, and personal intercourse and explanations, will remove many of the objections which may be interposed to the consent of the Cherokee people. He will likewise ascertain the most proper time and place for convening the adult male persons of the whole tribe; and he will communicate fully and freely with Governor Carroll on all subjects connected with the mission. Governor Carroll and himself will determine on the time and place for such meeting, and he will give the necessary notices. Arrangements will be made by Mr. Schermerhorn for supplying such quantity of provisions as may be necessary during the meeting of the council. This will be done through the disbursing agent there, who will, upon the requisition of Mr. Schermerhorn, cause to be purchased such a supply as he may indicate. The estimate for this expense (submitted to Congress) amounted to \$1,000, and it is believed that amount will be sufficient to purchase all that may be required. The purchase will be made upon public notices previously given, and the issues will be made upon provision returns drawn by the commissioners. They will likewise certify the abstracts of the disbursing agent.

From the condition of the Cherokees, it is not deemed necessary to issue to them any presents; nor will any public table be kept, nor any expense of that nature be incurred by the commissioners.

Major Currey, the emigrating agent, will be advised of these instructions, and will be directed to co-operate with the commissioners, and to carry into effect such directions as they may give.

When the Cherokees convene in general council, the subject will be opened by the commissioners and fully explained to them. A journal of proceedings, containing, at full length, all the speeches on both sides, will be kept, under the direction of the commissioners, and transmitted to this

department. As the application will be made to the Cherokee people assembled for that purpose, the commissioners will not recognise any other authority. There can be no objection, however, to a free interchange of opinion, and to a conditional arrangement on all disputed points between them, and a committee fairly and publicly chosen, should the Cherokees think it 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. If there is any dispute as to the decision of the majority, an actual census will be taken of the persons present, exhibiting their names, and they will pass before the commissioners and state whether they are in favor or against the arrangement proposed; and this census, together with the result, will be certified by the commissioners, and transmitted, with their and the other proceedings, to the seat of Government.

The progress of measures for the removal of these Indians, in the event of forming a treaty, will be much expedited by a collection and examination of the claims which may be presented under the 12th article of the accompanying treaty. Mr. Schermerhorn, therefore, is requested to procure a general statement of such claims, showing the names of the claimants, the circumstances of the claim, and the time it originated. It is not expected that such a document can be used in carrying into effect the article of the treaty, and consequently no actual validity can be given to it. But it would furnish important information to be laid before the commissioners to whom this subject will be finally referred, and would enable them in a much shorter time, and in a much clearer manner, to discharge their duties, than could otherwise be done. No expense, however, must be incurred in the collection of this information, nor will any other compensation be allowed therefor to Mr. Schermerhorn, than the sum hereinafter stated. Great care will likewise be taken to let the claimants know that this is a mere preparatory inquiry, and that they will not acquire the slightest right in consequence of it.

Mr. Schermerhorn will be allowed travel at the rate of eight dollars for every twenty miles from the place of his residence, by the nearest and most practicable route, to New Echota, and thence back to his place of residence. He will be allowed eight dollars a day during the continuance of this duty, to be computed from the day of his arrival at New Echota, till the termination of the council. Governor Carroll will, in like manner, be allowed the same rate for travelling, by the nearest and most practicable route to New Echota, and thence back to Nashville, and he will also be allowed the same rate of daily compensation, from the day after his arrival at New Echota to the termination of the council. But no other allowance of any nature or kind whatsoever, either for services or expenses, will be made to either of the commissioners. Their expenses will be borne wholly by themselves. A secretary will probably be appointed by this department, who will be directed to report to the commissioners.

The disbursing agent employed among the Cherokees will be furnished with the requisite funds to defray such expenses as may be necessary, and as may be directed by the commissioners. He will be authorized to advance to either of the commissioners, upon their receipt and certificate, such part of the amount at any time actually due to them as they may find necessary

to defray their personal expenses. The sum of \$500 will be remitted to him to meet the necessary contingent expenditures ; such as notices, express stationery, expense of issuing provisions, &c.

The expenditure for these objects will not exceed this sum.

Very respectfully,

LEWIS CASS,

To the Rev. J. F. SCHERMERHORN,
Utica, New York.
GOVERNOR WILLIAM CARROLL,
Nashville, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., April 3, 1835.

SIR : You will receive and fulfil the instructions of the Commission of Indian Affairs, for making disbursements, under direction of the commissioners recently appointed to treat with the Cherokees east.

Very respectfully,

GEORGE GIBSON,
Com. Gen. Sub.

To Lieut. M. W. BATMAN,
Disbursing Agent, Cherokees East, Calhoun, Tennessee.

DEPARTMENT OF WAR,
Office Indian Affairs, April 3, 1835.

SIR : I request that an order may be issued to Lieutenant Batman, disbursing agent, to comply with such instructions as may be given to him from this office, for the execution of the duties assigned to him, in connection with the contemplated negotiation with the Cherokees east of the Mississippi.

Very respectfully,

ELBERT HERRING

To the Hon. LEWIS CASS,
Secretary of War.

DEPARTMENT OF WAR,
Office Indian Affairs, April 3, 1835.

SIR : The sum of twenty-five hundred dollars will be remitted to you from the Treasury. This amount you will please to disburse upon the requisitions of his excellency William Carroll, and the reverend J. F. Schermerhorn, commissioners to negotiate with the Cherokees, or either of them. One thousand dollars are applicable to the purchase of provisions, one thousand dollars to the mileage and pay of the commissioners, and five hundred dollars to contingencies.

Mr. Schermerhorn will make the arrangements for procuring the provisions. The purchase will be made by you, of such quantities and kinds as he may designate upon contract, based on previous proposals. These you will issue on his requisitions of the abstracts and provision returns. The sum for contingencies will be paid on the requisition of either of the com-

missioners, attached to bills receipted by the parties, and certified by the commissioner. Of the remaining \$1,000, you will pay to either of them, such portion as they may require of the amount then actually due, upon his receipt and certificate.

The commissioners will certify to your abstract of disbursements, and of provisions issued. Your accounts will be transmitted to this office. You will not pay requisitions to a larger amount, under each head, than is herein stated.

Very respectfully,
ELBERT HERRING.

To Lieut. M. W. BATMAN,
Calhoun, Tennessee.

DEPARTMENT OF WAR,
April 27, 1835.

SIR: I have received your letter of the 14th instant, and highly approve the sentiments disclosed in it, concerning the Cherokee Indians. I cannot but hope that, on mature reflection, they will see the liberality of the terms which are offered to them, and will feel the necessity of closing, at once, with the propositions which the commissioners are authorized to place before them.

From what I have heard of Major Davis, I have no doubt of his fidelity and ability; but the appointment of commissioners having been some time made, and the necessary instructions given, Major Davis could not now be added to the commission, without encountering an expense which does not seem justifiable.

Very respectfully,
LEWIS CASS.

Lieut. M. W. BATMAN,
Cherokee Agency, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, May 2, 1835.

SIR: Your letter of the 16th ultimo, advising of the intention to assemble the Cherokees early in May, for the purpose of explaining to them what has been done in their affairs, has been received.

The measure seems to be judicious, and, it is to be hoped, will produce a good effect. You will, doubtless, apprise the department of the result as soon as the meeting adjourns.

Very respectfully,
D. KURTZ,
Acting Commissioner, &c.

To Major BENJAMIN F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, May 7, 1835.

SIR: I find that some points in your letter of the 15th ultimo have not been specifically answered.

You say the necessary expenses of the preparatory councils of the Cherokees should be paid. This cannot be done by the Government. The appropriation was not made with a view to such measures and expenses, and will not be more than adequate to the objects estimated for.

The warrant in favor of Lieutenant Batman, for the amount of the debts of emigrants, was transmitted to Athens, Tennessee, on the 28th ultimo. It was made payable there; and I was informed in the Commissary General's Office, that they directed letters for Lieutenant Batman to that place, I trust he will have received it.

The annuity will be remitted to the same officer without delay.

Very respectfully,
D. KURTZ,
Acting Commissioner, &c.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, May 8, 1835.

SIR: The sum of \$6,666 66 will be remitted to you from the Treasury. This is the proportion of annuities due to the Eastern Cherokees, and you are instructed to pay it to them in a manner a majority of those present at the general council, about to be held, may direct.

Major Currey will make the necessary arrangements for the meeting and notify you of the time and place of payment.

Very respectfully,
ELBERT HERRING.

Lieutenant M. W. BATMAN,
Calhoun, Tennessee.

Extract of a letter to the reverend J. F. Schermerhorn, from the Commissioner of Indian Affairs, dated May 9, 1835.

"Your letter of the 4th instant has been received. In reply to that part which relates to the route by which you propose to journey to the Cherokee agency, I am instructed to say, that the department will not object to your proceeding by any route most agreeable to you. But your mileage can be computed and paid only for the distance by the nearest practicable route."

WAR DEPARTMENT,
May 20, 1835.

SIR: Your letter, of the 4th instant, was received immediately before the departure of the Secretary of War for Detroit; and, by his direction, it has been submitted to the President.

He has instructed me to inform you that, before its receipt, Governor Carroll and Mr. Schermerhorn were appointed commissioners to meet the Cherokees. The former was selected in consequence of his long and intimate acquaintance with these Indians, and with the controversies that have existed among them, and between them and the United States; the latter was selected at the earnest instance of Ridge and his associates.

The President does not doubt your ability to render valuable services, in bringing this negotiation to a successful issue; but the limited and specific character of the appropriation, of which you have been advised, prevents his availing himself of your influence and exertions.

I have, &c.,

C. A. HARRIS,
Acting Secretary of War.

To the Hon. C. C. CLAY,
Huntsville, Alabama.

WAR DEPARTMENT,
May 20, 1835.

SIR: Your letter of the 30th ultimo, to the President of the United States, has been referred to this department. I am instructed by him to say that the appropriation for defraying the expenses of the negotiations with the Cherokees was based upon precise estimates for specific objects, and the amount will not be more than adequate to their accomplishment. As the employment of agents, in the manner you suggest, was not one of these objects, there is no fund from which Messrs. McClung and Parsons can be compensated for their services.

The President appreciates the motives for your suggestion, but he cannot, under the circumstances, direct the employment of these gentlemen.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To the Hon. C. C. CLAY,
Huntsville, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, May 23, 1835.

SIR: I have received your letters of the 30th ultimo and 6th instant, communicating certain intelligence respecting the contemplated meeting of the Cherokee council.

Very respectfully,

ELBERT HERRING.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
May 25, 1835.

GENTLEMEN: I have received and laid before the President your letter of the 13th instant.

He has instructed me to authorize you to announce, publicly, to the Cherokees, that no propositions for a treaty will hereafter be made, more favorable than those now offered to them. The sum of five millions of dollars was fixed upon by the Senate as an ample equivalent for the relinquishment of all their rights and possessions in Georgia and other States east of the Mississippi. The whole subject was fully considered before this price was determined. Mr. Ross and his associates had daily opportunity of expressing their own views to the committee and to other Senators, verbally and in writing. He himself proposed that the adjustment of the consideration should be left to the Senate, and he voluntarily bound himself to accept the sum they might name. When under consideration in the Senate, there were members of that body watchful for his interests, and prompt to adduce every argument in his favor. The treaty has been published, and its liberal conditions have been everywhere acknowledged.

Most assuredly the President will not, under these circumstances, sanction any expectations that more favorable arrangements will hereafter be held out to the Cherokees. So far from this, he has instructed me to say, distinctly, that the present is the last proposition he will make to them while he remains in office, and they must abide the consequences of its rejection. Nor will it be wise or safe for them to anticipate that either branch of the Government will be disposed to do more for them.

The Commissioners have been authorized to vary the nature of some of the stipulations, if others would be more agreeable to the Cherokees. But they have not, and they will not be authorized to offer one dollar more than the five millions, advised by the Senate.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Messrs. W. H. UNDERWOOD,
Gainesville, Hall county, Georgia.
JOHN RIDGE,
Cassville, Georgia.

WAR DEPARTMENT,
May 30, 1835.

GENTLEMEN: I have the honor to enclose a copy of a letter addressed to Messrs. Ridge and Underwood, by direction of the President. It was written upon their representation, that Ross was endeavoring to create an impression among the Cherokees that, if they refused the terms now offered them, more favorable conditions could be obtained. The views and determination of the President upon this point, you will perceive, are decided and inflexible.

I also transmit a copy of the instructions given to Mr. R. J. Meigs, of Augusta, who has been appointed secretary to your commission. He has

been instructed to report to Mr. Schermerhorn, as it is presumed that gentlemen will arrive at New Echota before Governor Carroll. I will thank you to advise Mr. Meigs of the time when his services will be required.

I am, respectfully,

C. A. HARRIS,
Acting Secretary of War.

To his excellency, WILLIAM CARROLL, and
Rev. J. F. SCHERMERHORN,
New Echota, Georgia.

WAR DEPARTMENT,
May 30, 1835.

SIR: You are hereby appointed secretary to the commission authorized to negotiate with the Eastern Cherokees. The commissioners are, his excellency William Carroll, and the Rev. J. F. Schermerhorn. You will report yourself, by letter, to the latter, at New Echota, and he will advise you of the time when your services will be necessary. You will be allowed five dollars for every twenty miles travel, from Augusta to New Echota, by the nearest and most practicable route, and thence back to Augusta; and five dollars for every day the council is actually in session, and five dollars per day for two days thereafter, if so much time shall be required to complete your records. You will keep a full journal of all the proceedings, including the speeches of the commissioners, as well as of the Indians.

You will be paid upon the certificate of the commissioners, attached to your account, to the number of miles travelled, and days of actual service.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

R. J. MEIGS, Esq.,
Augusta, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, June 17, 1835.

SIR: I have received your letter of the 23d ultimo, with the several papers therein enclosed.

The reasons assigned by Ridge and others, for requesting delay till the third Monday of July next, to take the votes of the Cherokees as to the payment of their annuity, were extremely strong, and justified your decision in granting such postponement. Your statement of proceedings at the council at Red Clay leaves no room to doubt that Mr. John Ross and his coadjutors will interpose all possible obstacles to prevent the acceptance of the liberal treaty lately tendered to the Cherokees. Believing those chiefs to be erroneous in their opposition, and pursuing a course injurious to the welfare of their people, you will, by all proper means, counteract their

ill-judged efforts, and adopt such legal measures as you may suppose best calculated to give success to the treaty.

The annuity money for the Cherokees was remitted to Lieutenant Batman, on the 9th ultimo.

Very respectfully,
ELBERT HERRING.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, June 22, 1835.

SIR: I have received your letter of the 8th instant, enclosing documents in relation to the payment of Cherokee annuities.

It has been represented to the department, that unfair means have been used in obtaining names of individuals to the paper protesting against the payment of the Cherokee annuity to any other than John Martin Esq., alleged to be their national treasurer. Be that as it may, the number protesting is a very small minority of the Cherokees east: and, as a general council has been called for the third Monday of next month, to express their opinion on the subject, you will delay the payment until the sense of that meeting shall be obtained. You will then pay the annuity to such person or persons as the decision of that council, expressed by a majority of those, and personally present, shall designate.

Agreeably to your request, I have forwarded the acts of Congress of 30th June, 1834, to regulate trade, &c.; together with the regulations concerning the payment of annuities, approved 3d July, 1834.

Very respectfully,
ELBERT HERRING.

Lieutenant M. W. BATMAN,
Calhoun, Tennessee.

WAR DEPARTMENT,
June 23, 1835.

SIR: I am instructed, by the President of the United States, to communicate to you his direction, that you comply with the requisitions for military aid, of Major Currey, special agent for the emigration of the Cherokee. Major Currey will be restricted in the exercise of this authority, to cases of urgent necessity, which absolutely require the co-operation of the force under your command. The interference of unauthorized white persons, with the persons or property of the emigrants, and attempts, on their part, to obstruct the emigration of those who have enrolled, and disturbances of aggravated character among the Indians themselves, will present the only cases in which the department, as at present advised, considers it will be proper for him to require, and for you to render, aid. He will judge of the necessity for your interference; and the responsibility of all his requisitions will rest upon him.

The duty herein confided to you is of a delicate character, and will de-

mand the exercise of great discretion and care, to avoid every thing that may unnecessarily irritate either our own citizens or the Indians. The department relies upon your ready and prompt co-operation with the special agent, in accomplishing the objects of the Government.

Very, respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Major J. S. McINTOSH,
Commanding officer at the Cherokee Agency, Ga.

WAR DEPARTMENT,
June 23, 1835.

SIR: At the date of your appointment as disbursing agent for the emigration of the Cherokees, a copy of the regulations, approved by the President May 15th, 1832, was transmitted to you. The 3d article of the 2d section of these regulations prescribes, that "all persons appointed by the Government, to aid in the business of removal, will report to, and receive the instructions of, the special agent." The 2d article of the 3d section prescribes, that "these officers (the officers of the army, making disbursements) will carry into effect the instructions of the special agent."

The President directs that these articles of the regulations shall be brought distinctly to your notice, and that you shall be required to comply with the instructions you may receive from Major Currey, the special agent for the emigration of the Cherokees, so far as they are in conformity with the general regulations, and the special instructions of this department.

This course is absolutely essential to insure unity of design and action, and the success of your operations.

As disbursing agent of Indian annuities, your first duty is to procure the necessary funds upon warrant sent to you.

The time and place of payment will be fixed by Major Currey, who is the acting Indian agent. When the Indians are assembled, you will, together with the agent, ascertain from them to whom they wish the money to be paid, and the payment will be made accordingly. These duties, with the exception of that of procuring the funds, are to be performed conjointly with the agent; and you will therefore not enter upon them unless he is present, and at the time and place he may designate.

Further instructions upon this subject were sent to you yesterday, by the Commissioner of Indian Affairs, to which you will conform.

The department urges upon you the necessity of your cordial co-operation with the agent, and careful avoidance of every thing that may be construed, by the party opposed to the emigration, into an encouragement of their measures.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Lieut. M. W. BATMAN,
Disbursing Agent Cherokees, Cherokee Agency, Ga.

WAR DEPARTMENT,
June, 23 1835.

SIR: I enclose copies of letters addressed to the commanding officers at the Cherokee agency, and to Lieutenant Batman. The authority given to you by the instructions to these officers is of a delicate and responsible character. It is intrusted to you for the purpose of producing concert of action between you and them. You will not call for the aid of the troops except in the cases specified, without a previous report of the circumstances and the sanction of this department. When you have made a requisition on the commanding officer, and designated the points at which his services will be wanted, the selection of the troops to be employed, and the general direction of their movements, will be left to him.

The President expects that you will exercise a sound judgment and discretion in the use you make of this authority; that you will cultivate a courteous and conciliatory intercourse with these gentlemen and all others associated with you in official duty; and in all communications to them and with them abstain from any act or expression that may give offence. The relation now established between you and the officers of the army is a novel one to them; and you will perceive the propriety of giving to your requisitions the form of requests and not of orders. Their compliance is not and cannot be doubted. You must be sensible how injuriously a feeling of disaffection towards yourself may operate on the public interest; and you will endeavor to avoid giving any just occasion for it.

The same caution and prudence in your intercourse with the citizens of the States, and with the Indians, will facilitate the successful execution of your duties.

I have submitted this letter to the President, who has given it his sanction.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War.

To Major B. F. CURREY,
Supt. Cherokee Emigration,
Cherokee Agency, Ga.

WAR DEPARTMENT,
June 24, 1835.

SIR: I request that an order may issue directing the company at Camp Armistead to proceed to the Cherokee agency in Georgia, to carry into effect the orders of the President of the 23d instant, transmitted from this department.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War.

To Major General A. MACOMB,
General-in-Chief.

WAR DEPARTMENT,
July 10, 1835.

SIR: I have received your letter of the 23d ultimo. The general feeling which you manifest in regard to the condition and prospects of your countrymen is certainly commendable. But your explanation of the proceedings of the council at Red Clay is far from being satisfactory. The council must have been aware that, before the arrangement was made with Ridge, the delegation of which Mr. Ross was the head was invited to submit propositions for a treaty, upon the basis fixed by the Senate, and declined doing so. It became, therefore, necessary to conclude terms with those who were willing to enter into them, if any thing was to be done to relieve the Cherokees from the difficulties that surrounded them. Mr. Ridge and his colleagues were not considered as chiefs, or as authorized agents of the tribe. It was distinctly understood that the arrangements made with them were to be presented to all the Cherokees. In those proceedings, there is no evidence of partiality for Ridge, or of unfriendly feeling towards Mr. Ross. A fair opportunity was afforded the latter to submit propositions, which he would not embrace, and the Government was obliged, if did any thing, to adopt the course actually taken. The council at Red Clay, therefore, acted unwisely in suffering a mere supposition of the influence of Mr. Ridge to determine them upon rejecting the treaty. All the terms of that treaty are subjects for the free discussion and action of the whole nation, and one or all of them are open to modification or change, if sufficient reasons shall be exhibited. The commissioners will consult the wishes, not of any one party, but of the whole body of Cherokees.

I am apprehensive that those who were present at Red Clay will not be disposed to meet the commissioners in a proper spirit. They have looked at one side of the subject, under the influence of prejudices against an individual, and an unfounded feeling that the delegation of Ross has been slighted. I am willing to hope, however, that this will not prove to be the fact; and you cannot render a better service to your countrymen than by exerting yourself to eradicate every wrong impression from their minds. Let them go to the general council with an assurance that the commissioners will hear patiently all that they have to say, with every disposition to gratify their reasonable wishes. At the council they will have equal rights with others. The subject should be candidly considered and discussed, with a willingness on all sides to yield something for the accomplishment of the object all admit to be essential to them. I trust none of them will reject a great benefit, because they dislike the hand that offers it.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Mr. WILLIAM ROGERS,
Lawrenceville, Georgia.

WAR DEPARTMENT,
July 11, 1835.

GENTLEMEN: I have the honor to enclose copies of a letter of William Rogers, one of the Ross delegation in this city, last winter, and of the an-

swer which was given to it. It is possible they may be useful in the course of your negotiation with the Cherokees, as the letter of Rogers may be considered as expressing the reasons for which the arrangement with Ridge was rejected by the council at Red Clay.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War.

To his Exc. WILLIAM CARROLL, and
Rev. J. F. SCHERMERHORN,
Commissioners, Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, July 22, 1835.

SIR: I have received your letter of the 11th June, enclosing one addressed by the National Cherokee Council west, to Capt. Vashon, in relation to the provisional treaty made with Ridge and others.

Opposition of that council to the treaty, extremely liberal in its terms, and recommended in the most pressing manner by the President of the United States, is an interference both unexpected and unwarrantable. But whatever impression their delegation had the power of making upon the minds of the Eastern Cherokees, must have been made before the proceedings could have been communicated by the department to the commissioners, for the purpose of counteracting them.

I cannot but indulge in the hope that the delegates will not persist in the opposition to a treaty pregnant with advantages, particularly to the Western Cherokees; and that, if they should, their objectings will be unavailing with their eastern brothers.

The great council of the nation was to take place on the 20th instant and it is probable that, in the course of the present week, the fate of the treaty will be determined. There is reason to believe that it will be adopted, though Ross and his friends are making mighty efforts to defeat it. The President, in his address to the nation, after recounting the advantages of the treaty, has well asked why any honest man among you objects to a removal.

Very respectfully,
ELBERT HERRING.

To Major F. W. ARMSTRONG,
Choctaw Agency West, &c.

WAR DEPARTMENT,
Office Indian Affairs, July 23, 1835.

SIR: I have received your letter of the 8th instant, with the several enclosures, relative to recent outrages committed by Cherokee Indians.

The measures adopted by you in consequence of those atrocities were al-

together correct; nor is it perceived that they call for other instructions from the department, than those which have been already communicated.

Very respectfully,
ELBERT HERRING.

To Maj. B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, July 28, 1835.

SIR: I have received your letter of the 14th instant, with the enclosures. The department is gratified in observing the perfectly proper character of your communication to Lieutenant Howe. It is hoped the same spirit will govern your intercourse with the other officers, even with those with whom you have been heretofore brought into collision.

If North Carolina has extended her jurisdiction over the Indian country, then the trial of the prisoners, charged with murder, will properly come before the State courts. If not, they should be placed in the custody of the marshal of the United States, and prosecuted in the United States court.

Very respectfully,
ELBERT HERRING.

Major B. F. CURREY.

WAR DEPARTMENT,
August 3, 1835.

SIR: I have received your letter of the 23d ultimo. In reply, I beg leave to inform you that two of the commissioners have been appointed to negotiate with the Eastern Cherokees, and the limited means of the appropriation will not allow of the appointment of a third. I am also advised by the Commissary General of Subsistence, that no additional agents are now required to carry on the business of emigration.

The department appreciates the interest you feel for these Indians, and is desirous to do every thing in its power which may tend to relieve them from existing difficulties. Under the circumstances above stated, however, it cannot avail itself of your services in effecting this desirable object.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War.

To R. J. MEYRS, Esq.,
Knoxville, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 10, 1835.

SIR: I have received your letter of the 29th ultimo, with the enclosed reports of the census agents. These will be laid before the Secretary of

War on his return, and you are requested to take no further measure in relation to this subject until his decision is communicated to you.

The 6th clause of the circular of May, 1835, was designed to call for approximate statements only, and it was supposed it would be so understood, as it gave no authority to incur any large expenditures, in complying with its requisitions.

Very respectfully,

D. KURTZ,

Acting Commissioner, &c.

To Major B. F. CURREY,
Calhoun, Tennessee.

Extract of a letter to B. F. Currey, Esq., from the Commissary General of Subsistence, dated August 10, 1835.

"In the letter containing this report, you say, 'it is deemed expedient this time to take a census of the tribe, in order to ascertain the distributive share (of money) which may be allotted to them,' &c. As the taking of the census had not, as far as I have been able to learn, been authorized, I did not notice the above, believing it to be merely suggested. But I am induced to do so now, because of the sums deemed necessary to pay persons for taking the census, and others connected with them, being included in Lieutenant Batman's estimate, received by me on the 25th ultimo. On inquiry again at the Indian Office, I find you have acted upon the above suggestions, and mention, in your letter to the Commissioner, a verbal understanding with the Secretary of War. The matter will then rest until the return of the Secretary to this city, which is daily expected."

WAR DEPARTMENT,

Office Indian Affairs, August 17, 1835.

SIR: Your letter of the first instant, enclosing accounts for the payment of Cherokee annuity, and for expenses at the payment, has been received. They will be placed in the hands of the Second Auditor, with a request for their immediate settlement. In the meantime, a remittance will be made to you of the sum \$665 80, being the balance claimed by you for expenses attending the payment.

Very respectfully,

D. KURTZ,

Acting Commissioner, &c.

Lieutenant M. W. BATMAN,
Calhoun Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, August 17, 1835.

SIR: I have the honor to transmit the accounts of Lieutenant M. W. Batman, for payment of Cherokee annuity for 1835.

Lieutenant Batmán is in advance the whole amount of the expenses at the payment, and therefore requests a speedy settlement of his accounts, in order that he may be reimbursed.

Very respectfully,

D. KURTZ,
Acting Commissioner, &c.

Major WILLIAM B. LEWIS,
Second Auditor.

WAR DEPARTMENT,
Office Indian Affairs, August 20, 1835.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant.

Very respectfully,

D. KURTZ,
Acting Commissioner, &c.

To the Rev. J. F. SCHERMERHORN,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 20, 1835.

SIR: Your letter of the 29th ultimo has been submitted to the Secretary of War, who confirms the instructions from this office of the 10th instant, and directs that no further measures be taken to complete a census of the Cherokees.

Very respectfully,

D. KURTZ,
Acting Commissioner, &c.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 20, 1835.

SIR: Your letters of the 30th and 31st ultimo, with the enclosure in the former, have been received.

Very respectfully,

D. KURTZ,
Acting Commissioner, &c.

To Major BENJAMIN F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 2, 1835.

GENTLEMEN: I have the honor to acknowledge the receipt of Mr. Schermerhorn's letter of the 7th ultimo, enclosing certain papers there mentioned, in relation to the appointment of traders in the Cherokee country, the multiplication of enrolling and appraising agents, and the employment of persons to take the census of the Cherokees.

These several subjects have been under consideration, and I am instructed to communicate to you the views and decision of the department in relation to them. The arrangement made for the appointment of special traders among the Cherokees has been submitted to the President and is disapproved by him. While the President is very desirous of the removal of the Cherokees, and determined to use all proper measures within the scope of his authority to effect that object, he yet deems it inexpedient to hold out to such improvident people as the Indians inducements in fact to contract debts, which must be met by funds intended to provide for their comfortable establishment in their new country. It furnishes opportunity to dishonest white men to speculate upon their property, and the system must inevitably lead to the entire exhaustion of their ultimate means of support. The President's ideas on the subject of permitting the Cherokee Indians to incur debts, and to pay them out of funds provided for their improvements, removal, &c., have been heretofore communicated to the superintendent; and the arrangements already made in relation to that subject extend as far as it is deemed proper to go, and possibly farther than a due regard to the future condition of these Indians would call for. The plan, therefore, of establishing these special traders, must be discontinued.

The appointment of Mr. Underwood, or of any other person, as enrolling and appraising agent, in addition to those heretofore authorized by the department, cannot, under present circumstances, be confirmed. The expense is considerable, and the result, so far, entirely disproportioned to it. It is believed that but one enrolling and appraising agent has been employed during the last quarter, and that but little, if any thing, has been accomplished by him. No person, therefore, will be employed in any capacity, without previously submitting the circumstances to the department.

With respect to the census, the reasons given for taking it, are: *First*, in order to enable the commissioners to ascertain whether a majority of the tribe agree to the treaty. The instructions on this subject provide that the question of concurrence or non-concurrence in the treaty shall be determined by the vote of all who attend the council. It was not contemplated that those who were absent should be taken into the account; for such a measure would not only be unjust in itself, but would have a direct tendency to destroy the treaty; for the votes of all those absent would, of course, if a majority of the votes of the whole nation were required, be estimated against the treaty. The views of the department were that all qualified voters should receive ample notice of the time of meeting of the council, and of the objects to be presented for their consideration, and that the matter should be determined by a majority of those then present. The census, therefore, of the whole tribe, cannot be deemed necessary for this object.

Second. The other reason given for taking the census is, that a just division of the annuity between the Eastern and Western Cherokees may be made. The department does not know that the question of a division

of the annuity is, at the present moment, urged by either party; and as the annuities for the present year are paid, and no question respecting their division can arise till next season, it seems that this is not the best time for doing this business, especially as the great question of a general removal is now before the Cherokee people, and, if favorably determined, will supersede the necessity of any such arrangement hereafter. Even, therefore, if justice should eventually require it, the department is of opinion that it had better be postponed.

By the estimate, this measure will be attended with the daily expense of at least twenty-six dollars, and will continue during sixty days, and very possibly longer. The expenditures connected with the removal of the Cherokees have been thus far so heavy, and the consequences so unimportant, that the department is very unwilling to encounter any expenses that can possibly be avoided. If, therefore, the business has not already made such progress as to render its continuance inexpedient, it is desirable to have it stopped. Of course, if a considerable part of the expense has already been incurred, it will not be best to suspend the proceeding. The expenses of parties of the Cherokees, attending the agents in the execution of this duty, cannot be paid by the United States.

No instructions have been given to Major Currey on this subject; for the circular of May last, from this office, can only be considered as calling for approximate statements. But he states, as the ground of his proceeding, that the Secretary of War approved the measure in conversation with him. Although the Secretary has no recollection of the matter, yet he has no doubt that Major Currey states the circumstance as he supposed it took place, and he entertains perfect confidence in Major Currey's honor and integrity. The impressions of the Secretary at the time must have been produced by the views submitted to him in the conversation, and the matter did not engage the consideration which he has now given to it. And his assent must have been intended to express his impressions at the time, and not to have constituted the foundation of official action. This is not the practice of the department, and the matter, before any final action on it, ought to have been presented in an official communication, and properly considered and acted on at the department.

I have, &c.,

ELBERT HERRING.

To Messrs. JOHN F. SCHERMERHORN, and

WILLIAM CARROLL, *Commissioners, &c.,*

Calkoun, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., September 3, 1835.

SIR: I am directed, by the Secretary of War, to say, in reference to the letter of Mr. Schermerhorn to the Commissioner of Indian Affairs, dated the 7th ultimo, that no person, in addition to the agents already authorized by the department, can be employed under present circumstances; and that no person will hereafter be employed *in any capacity* by you, without previously obtaining the sanction of the department.

The proposition to appoint special traders among the Cherokees is disapproved of by the President; who, though very solicitous that these

Indians should emigrate, and willing to use all proper means within his authority to induce them to do so, thinks it inexpedient to induce such improvident people to contract debts, the payment of which will, by so much, lessen their means of comfort when removed west of the Mississippi. Dishonest men would thus be enabled to speculate upon them, and the system might lead to the entire exhaustion of their ultimate means of support.

The President's views on the subject of incurring debts to be paid out of funds provided for their improvements, removal, &c., have heretofore been communicated to you. The arrangements already made go as far, perhaps farther, than a due regard to the future condition of these Indians would sanction.

The Secretary of War directs me further to say, in relation to the census, that your reasons for employing agents to take the census, who should ascertain whether a majority of the tribe agree to the treaty, do not conform to the instructions on this subject, which provide that the question of concurrence or non-concurrence shall be determined by the vote of all who attend the council. Those who might be absent were not to be taken into the account. Such a measure would, therefore, not only be unjust in itself, but would have a direct tendency to destroy the treaty; for, as a majority of votes was required, those absent would be estimated against the treaty. The views of the department were, that all qualified voters should receive ample notice of the time the council would meet, and of the objects to be presented for its consideration; the matter to be determined by a majority present. The census, therefore, cannot be deemed necessary for that object. Nor was there any reason for that course, in order that a just division of the annuity between the Eastern and Western Cherokees might be made.

The Secretary does not deem the question of the annuity to be urged at present by either party; and it seems to him that, as the annuities for this year are paid, the question cannot arise till next. Inasmuch, then, as it was not necessary to agitate it, it should not have been touched; as the great question of removal, if favorably decided, would supersede the arrangement.

The Secretary of War perceives, by the "estimate," that the taking of the census will be attended by a daily expense of at least twenty-six dollars, which will continue sixty days, perhaps longer.

The expenses incident to the Cherokee removal have been so heavy, and the results so unimportant, that the department is very unwilling to sanction any expenditures that can be avoided. If, therefore, the census has not, upon the reception of this letter, made such progress as to render its discontinuance inexpedient, it will be stopped. This will, of course, depend upon the fact, whether a considerable portion of the estimated expense has, or not, been already incurred. The expenses of parties of Cherokee attending the census takers cannot be allowed.

You state, as the ground of your proceeding in taking the census, that the Secretary of War approved of the measure verbally, whilst you were in conversation with him. He has no recollection of the matter, but does not doubt that you state it as you believe it took place; and he has perfect confidence in your honor and integrity. He presumes that, in the conversation referred to, the matter did not attract that kind of attention he has subsequently given to it; and that his assent was intended to express his impressions at the time, and not authority for an official act. This is not his practice; and, before the act was performed, it should have been

officially presented to, and approved by, the department. The Secretary has ascertained that no instructions had been given to you on this subject; for the circular of May last, sent from the Indian Office, can only be considered as calling for approximate statements.

Very respectfully,

J. H. HOOK,

Acting Assist. Com. Gen. Sub.

To B. F. CURREY, Esq.,

Supt. Rem. Cherokees, Calhoun, Tenn.

WAR DEPARTMENT;
September 5, 1835.

SIR: Your two letters of August 20, together with their enclosures, have been received at the Indian Office, and laid before this department.

Instructions respecting the various points alluded to by you will be forwarded by the Commissioner of Indian Affairs; but there is one subject to which it is necessary I should draw your particular attention. In your letter of the 19th ultimo, to Lieutenant Hooper, you quote the instructions given by the President of the United States to yourself and the Indian agent. These instructions must be carried into full effect. They are not only correct in themselves, but they are required in the existing state of things in the Cherokee country; but the construction you put upon them, with relation to your duties, is not the correct one. When the President directs you and the agent to cause to be apprehended all persons who have used threats, &c., you are, of course, to cause them to be apprehended in the mode pointed out by law. If, therefore, the Indian agent, the superintendent, or the military officer, has no authority to arrest an individual by his own act within the State of Georgia, it follows that, when you find it necessary to cause an individual to be arrested, then you must do so in the mode pointed out by law. If a warrant is required from a judicial officer, it must be procured; and then you can cause such military aid to be furnished as the officer executing it may deem necessary. Cases, I suppose, may occur, in the commission of a crime in the presence of the agent, superintendent, or military officer, which might justify the arrest of the individual, and the taking of him for examination to the proper authority. But these are cases where every other person would have the same power. You will take care, therefore, in executing the authority conferred on you, to exert it in the mode required by the local laws of the State within which the act may be required to be done.

Very respectfully,

LEWIS CASS.

Major B. F. CURREY,

Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 7, 1835.

SIR: The attention of the department has been given to the subject of the removal of Lewis Ross from the reservation he occupies, but more precise information is required before any decision can be made.

The 10th article of the treaty of 1798, secured "a sufficient piece of ground for the temporary use of the agent." The 3d article of the treaty of 1819, granted "a reservation to Lewis Ross, so to be laid off as to include his house and out buildings, and ferry adjoining the Cherokee agency, reserving to the United States all the public property there, and the continuance of said agency where it now is, during the pleasure of the Government."

It would appear, from your letter of the 3d of January, 1835, that Ross took this reservation under the treaty of 1819; that the agency was soon afterwards removed from the point designated in the above section to another point, the position of which you have not defined; and that Ross then removed near to this last point, and has resided there since.

This statement, unaccompanied as it is by a sketch of the premises, is not very intelligible. If Ross is now upon the reservation granted to him in 1819, and the agency is also established upon that reservation, as it would seem to have been in that year, then it may well be doubted whether the United States have power to remove him; for the treaty of 1819 only reserves to the United States the public property on that reservation, and the continuance of said agency at the pleasure of the Government. But if the agency was removed to a distinct point subsequently to that treaty, and Lewis Ross then located himself upon the reservation on which the agency was situated, not the same that was granted to him by treaty, the right of the Government to eject him would be more clear. If his tenure is under the permission of Colonel Meigs, and not under the provision of the treaty of 1819, it can, no doubt, be terminated at any moment.

The Secretary of War has, therefore, instructed me to obtain from you a sketch, showing the relative position of the agency and Ross's reservation as designated by treaty, and the agency, and the reservation now occupied by Ross, if this be not the one granted by treaty. Upon receiving the sketch, and such other information as you may have that will throw light upon the question, the attention of the department will again be devoted to its consideration.

Very respectfully,

ELBERT HERRING.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 8, 1835.

SIR: I have received your letter of 20th ultimo, enclosing, with other papers, a copy of the correspondence that passed between yourself and Lieutenant Hooper, on the subject of arresting James Martin.

A letter has been addressed by the Adjutant General of the United States to Lieutenant Hooper, instructing him to report the reasons for not having made the arrest of Martin, according to your instructions.

The other subject of your letter, to wit: the removal of Lewis Ross from the agency limits, was answered on the 7th instant.

Very respectfully,

ELBERT HERRING.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 8, 1835.

SIR: I have received your letter of 20th ultimo, with the enclosure, apprising the department of recent proceedings among the Cherokees. They seem to indicate the speedy downfall of Ross and his associates, and the consequent adoption of the proffered treaty.

Herewith is enclosed a copy of the letter which you requested, and also an extract from a letter of the Secretary of War, addressed to the chiefs of the Creek nation.

Very respectfully,
ELBERT HERRING.

To Major BENJAMIN F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
September 19, 1835.

GENTLEMEN: I have received your letter of the 7th instant. The copy of the letter from this department of 11th May last, to Messrs. Ridge and Underwood, which was published in the newspapers, you have no doubt seen. I have understood that a copy of it was communicated for the information of the commissioners appointed to conclude the treaty with the Cherokees. Any further declaration of the determination of the President not to offer to those Indians any other terms during his period of service seems to be unnecessary, and the President is not disposed to make it. No new one could be made stronger than that.

I yet do not comprehend the necessity for a census. There are at present no existing treaty provisions that seem to require it, and I do not know to what you allude, when you say that "without it we cannot make a certain estimate of the amount which will be paid to each individual." Should the proposed treaty be concluded, and contain any stipulations providing for the division of money among the individuals of the whole tribe, so as to make an enumeration necessary, it will then be time enough to do it. Nor do I perceive what the objects are, requiring specific appropriations, which render it necessary that the whole number of the Indians should be known to the commissioners. I take it that the objects which I suppose you refer to, such as schools, &c., will not be affected by any probable difference there may be between the estimated and actual numbers of the tribe.

The statistical facts specified by you would, no doubt, be valuable, as conveying a general idea of the country, but their bearing upon the treaty is not apparent to me, because, be the computation greater or less, the gross sum to be given for the country, and fixed by the Senate, cannot be exceeded. And as I remarked before, on another point, if the commissioners should make any treaty provision for the individual division of this sum, or any part of it, it will then be time enough to make the enumeration.

Were there a specific appropriation for this object, I should not hesitate

in agreeing to your suggestion, but as there is none, I think the subject had better be left till the treaty arrangements are concluded.

Very respectfully,

LEWIS CASS

To Messrs. BENJAMIN F. CURREY,
WILLIAM M. DAVIS,
WILLIAM H. UNDERWOOD,
Cherokee Agency, Georgia.

WAR DEPARTMENT,
September 26, 1835.

SIR: Your letter of September 10th, marked private, has been received at the department. As it relates, however, wholly to the movements among the Cherokees, I have shown it to the President, and it is with his concurrence I answer it. As I suppose it would be contrary to your wish, I will not put it upon file. Still, however, it becomes absolutely necessary that I should communicate the President's views on two subjects you mention, as you state that otherwise the commissioners would consider the silence of the department as an acquiescence in the measure proposed. These are:

First. That the appraising agents of the Government should ascertain from influential Cherokees, their own opinion of the value of their improvements, and promise them the amount, if this estimate is any way near reasonable, and if they would take a decided stand in favor of the treaty, and conclude the same.

The second is, to conclude the treaty with a portion of the nation only, should one with the whole be found impracticable.

The President has no doubt of your good intentions in communicating these propositions, and he is satisfied of your zeal to promote the objects of your mission. But he is decidedly opposed to both measures. You will literally follow the instructions which have been given, unless when changes have been, or may be, made by this department. If you cannot conclude a treaty with the Cherokees upon what the Government consider fair and open terms, you will abandon the effort, and leave the nation

Upon them be the consequences. Whatever influence you exert, let it be by argument and remonstrance. Make no particular promise to any individual, high or low, to gain his co-operation. The interest of the whole must not be sacrificed to the cupidity of a few. If we make a treaty at all, let it be such a one as will stand the test of the most rigid scrutiny. It is out of the question to attempt to make an arrangement with a part of the nation. You will therefore relinquish any such expectation.

I am happy to learn that your prospects are brightening. We feel here a great interest in the matter, and I cannot but hope that time and reason will convince the Cherokees that the terms we have offered them are most liberal, and that they ought to accept them without hesitation.

Very respectfully,

LEWIS CASS

To the Rev. J. F. SCHERMERHORN,
Cherokee Agency.

WAR DEPARTMENT,
Office Indian Affairs, September 26, 1835.

SIR: I have received your letter of the 12th inst., enclosing one of John Ross to yourself, and your answer, relative to the Cherokee printing press and materials.

I am instructed to say, that the views of the President coincide with those of the Secretary of War, on the subject of taking the census of the Cherokee nation. You will therefore not proceed in that business, unless you have progressed so far already as to render it inexpedient to stop. If the expense of completing it would add but little to that which has been incurred, let it be completed; but if its completion would much increase the expense, let it be immediately arrested.

It is not intended to censure, in the least, nor to subject you to any loss for what has been done. It is believed that you acted from praiseworthy motives; but the President and Secretary of War cannot consider the census of such importance as you and Mr. Schermerhorn have attached to it.

Very respectfully,
ELBERT HERRING.

Major B. F. CURREY,
Calhoun Tennessee.

WAR DEPARTMENT,
November 20, 1835.

SIR: I had the honor to receive your letter of the 19th instant, and in answer beg leave to refer you to the enclosed copy of a letter, addressed to the commissioner in the Cherokee country. As this department has not been officially advised of Mr. Meigs's resignation, more positive instructions cannot properly be given.

Very respectfully,
LEWIS CASS.

To the Hon. JOHN P. KING,
Washington.

WAR DEPARTMENT,
November 20, 1835.

GENTLEMEN: It has been intimated to this department that Mr. Meigs has resigned the office of secretary to the commissioners appointed to negotiate with the Cherokees. If Mr. Meigs has vacated, or desires to vacate, this office, you will please to appoint Mr. Western B. Thomas, of Augusta, Georgia, to succeed him, whenever you require the aid of a secretary. But no change will be made if Mr. Meigs wishes to continue in the service.

Very respectfully,
LEWIS CASS.

To the Hon WILLIAM CARROLL, and
Rev. J. F. SCHERMERHORN,
Commissioners, &c.

Extract of a letter to Lieutenant M. W. Batman, from the Commission of Indian Affairs, dated November 24, 1835.

"It is not deemed necessary at present to increase the funds in your hands applicable to the negotiation with the Cherokees. Should an additional sum be required, you will so inform the department, stating the amount, and the particular object of expenditure, that a remittance may be made under the proper heads of appropriation."

WAR DEPARTMENT,
December 2, 1835.

SIR: I have perused the letter of the 27th ultimo, addressed by Mr. Payne to me, and handed by you to me this morning.

I enclose, for the information of Mr. Payne, an extract from the report of Lieutenant Hooper, commanding a company of the United States troops in the Cherokee country, and which contains all the information in the possession of this department on the subject of the arrest of John Howat Payne, Esq. It will be perceived that the arrest has been made by persons not acting under the authority of the United States.

Very respectfully,
LEWIS CASS.

To the Hon. JOHN MCKEON,
Washington city.

WAR DEPARTMENT,
December 5, 1835.

SIR: In answer to your letter of yesterday, I have the honor to inform you, that no further information has been received at this department respecting the circumstances of the arrest of Mr. Payne.

Very respectfully,
LEWIS CASS.

To the Hon. JOHN MCKEON,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, December 21, 1835.

SIR: Your proposal to bring here a delegation of Indians is altogether inadmissible. Permission to come has been already denied to one delegation, and cannot be extended to another.

I am instructed to say that in no event will it be received. Their visit would be useless, as respects the proffered treaty, and cannot be sanctioned by the department.

Very respectfully,
Your humble servant,
ELBERT HERRING.

To the Hon. J. F. SCHERMERHORN,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, December 22, 1835.

SIR: Your letter of the 8th inst., enclosing a contract made by you for the supply of provisions at the Cherokee council, has been received.

Very respectfully,
ELBERT HERRING.

Lieut. M. W. BATMAN,
Calhoun, Tennessee.

WAR DEPARTMENT,
January 5, 1836.

SIR: I have had the honor to receive the letter addressed by Mr. Huntsman to you, enclosing a claim on behalf of General Dunlap, for expenses in travelling to and from this city, and for services rendered by him in a negotiation with the Cherokee Indians.

There is nothing in this department showing the employment of General Dunlap, and all that I personally know is, that I conversed with him a number of times in relation to the matter, and I have no doubt but that he advised the Indians to form a treaty. There is nothing here, however, upon which a claim could be based.

The letters of General Dunlap and Mr. Huntsman are herewith returned.

Very respectfully,
LEWIS CASS.

To the PRESIDENT of the United States.

WAR DEPARTMENT,
January 16, 1836.

GENTLEMEN: In answer to your letter of the 14th instant, 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,
LEWIS CASS.

To Mr. JOHN ROSS and others,
Members of the Cherokee delegation,
Washington city.

WAR DEPARTMENT,
Office Indian Affairs, January 23, 1836.

SIR: The President has directed that a copy of a letter, addressed to him by this department on the 18th instant, shall be transmitted to you, and that you be called upon to communicate the information you may possess, upon the various subjects therein mentioned, as early as practicable.

Very respectfully,
ELBERT HERRING.

To Major B. F. CURREY,
Cherokee Agency, Ga.

WAR DEPARTMENT,
January 27, 1836.

SIR: In compliance with your request, I transmit you an extract of the instructions given to the commissioners appointed to negotiate with the Eastern Cherokees. You will perceive from this, that this department has not authorized any provision to be made in the treaty with them for reservations or pre-emption rights.

Very respectfully,
LEWIS CASS.

To the Hon. R. CHAPMAN,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, February 4, 1836.

SIR: Your letter of the 8th ultimo, with its enclosure, has been received.

Mr. Schermerhorn arrived here several days since.

Very respectfully,
ELBERT HERRING.

WESTERN B. THOMAS, Esq.,
Augusta, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, February 11, 1836.

SIR: The Secretary of War directs that all persons employed by you in valuing the improvements of the Eastern Cherokees, be discharged, and that your accounts for their services be made up to the date of the receipt of this letter, and forwarded to the department without delay.

Very respectfully,
ELBERT HERRING.

Major B. F. CURREY,
Calhoun, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., February 11, 1836.

SIR: The Secretary of War instructs me to direct you to discharge your clerk, enrolling agents, and census takers, and all the interpreters, except one. No officers or agents but yourself and Lieutenant Batman will be retained in service, in the Cherokee emigration.

The discharged persons will be paid up to the reception of this letter, or if not present with you, they will be paid up to the time you communicate their discharge to them.

Very respectfully,

GEORGE GIBSON,
Commissary General of Subsistence.

To B. F. CURREY, Esq.,
Calhoun, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., February 11, 1836.

SIR: I enclose, for your information and government, the copy of a letter this day addressed to Mr. Benjamin F. Currey.

Very respectfully,

GEORGE GIBSON,
Commissary General of Subsistence.

To Lieut. M. W. BATMAN,
Disbursing Agent Cherokees, Calhoun, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, February 11, 1836.

SIR: Your letters of the 15th and 26th ult. have been received. The accounts accompanying the latter will be placed in the hands of the Second Auditor for settlement.

The sum of \$2,320 21, the amount of your estimate for expenses already incurred in the negotiation with the Cherokees, will be remitted to you by the Treasury.

Very respectfully,

ELBERT HERRING.

To Lieut. M. W. BATMAN,
Calhoun, Tennessee.

Extract of a letter to B. F. Currey Esq., from the Commissary General of Subsistence, dated February 22, 1836.

"You have never reported to this office the name of but one census taker and interpreter, viz: Mr. Underwood and Fields. The employment of Mr. Underwood and his interpreter was approved in my letter of October

31, because you observed their services would 'cease in a few days,' and yet it is observed this agent is paid at intervals to 12th December.

"In your communication to this office of the 12th September last, you make the following remarks, with a view to sustain you in the employment of census takers: 'On the subject of taking the census, I would observe, that, in a personal interview with the honorable Secretary of War, I understood it to be the wish of that officer, that an accurate census should be taken of the Eastern Cherokees.

"A copy of regulations was since sent to me, signed E. Herring, published during the month of May, which made it the duty of the superintendents or agents to furnish, on the 30th September of each year, statistical reports, embracing the number, their pursuits, the productions of the soil, the mineral resources, and water privileges of the country. I was under the impression that, while engaged in this business ostensibly, men of character and influence could indirectly be of more service in bringing about a treaty than could those whose avowed and known employment it was to press that business.

"The commissioners concurred in this opinion. Some interruptions having previously taken place through John Ross's opposition to the measure; they made an arrangement with him by which he was allowed the privilege of sending one of his party along with such persons and their interpreters as I might select, all of whom were chosen and in service before the receipt of your letter, and some of whom have nearly completed their districts."

"The printed circular of May last, from the office of Indian Affairs, to which you here allude, has no relation whatever to yourself, or to the duties of your appointment as emigrating agent, but was intended for, and addressed to, the Indian agents and sub-agents; and, consequently, was no authority to you, for the employment of additional agents. Notwithstanding the great expense incurred by the employment of census agents and their interpreters, and the obvious disinclination of the War Department and this office to their employment, no results, whatever, of their labors, have been reported by you, either to the Office of Indian Affairs, or to the Emigration office."

WAR DEPARTMENT,

Office Indian Affairs, February 25, 1836.

SIR: Your letter of the 5th instant, enclosing copies of your letter to Governor Schley, and statement by Eli Bolan, of the hostile feelings of the Cherokees respecting the recent treaty with them, has been received.

Very respectfully,

ELBERT HERRING.

To Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, March 1, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th ultimo, and have delayed an earlier answer, under an expectation of an event which has this day taken place.

A treaty has just now been made with the Cherokees east, contemplating the removal of the entire nation to the west of Mississippi. By the 4th article of that treaty, the United States are bound to pay the American Board of Commissioners for Foreign Missions such amount as the Union and Harmony missionary establishments may be appraised at, by such persons as the President of the United States shall appoint; such money to be expended in schools among the Osages. The treaty will be forthwith sent to the Senate, and will be probably ratified by that body. In that event, your board will receive the amount of the appraisement, and the disposition of that fund is also plainly pointed out in the aforesaid article.

A more explicit answer to your several questions can scarcely be required. Permit me, however, to add, that it appears to be injudicious to discontinue the school at Harmony, until the appraisement shall be made, which will no doubt take place soon after the ratification.

Very respectfully,

ELBERT HERRING.

Rev. DAVID GREENE,
Boston, Massachusetts.

WAR DEPARTMENT,
March 4, 1836.

SIR: I have the honor to transmit you a treaty concluded with the Cherokees, together with certain supplementary articles entered into at this place, and also copies of the instructions, the journal and report of the Commissioners, the protest of some of the Cherokees now here, and of such other papers as appear to be necessary to a full view of the whole subject.

Very respectfully,

LEWIS CASS.

To the PRESIDENT
Of the United States.

Extract of a letter to John Ross, Esq., and others, from the Commissioner of Indian Affairs, dated March 9, 1836.

GENTLEMEN: In your communication of the 29th ultimo, to the Secretary of War, you stated "that you had been delegated and duly constituted representatives of the whole Cherokee people, for the purpose of entering into a treaty arrangement with the United States Government."

As I have before remarked, 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 as-

surance was officially repeated in the course of the following autumn, that no delegation would be received here to make a treaty. Should the annuity be now paid agreeably to your request, the department would appropriate the money of your tribe to defray the expenses of a delegation that has come here in defiance of its express prohibition. It cannot, therefore, be paid to you.

In addition to all this, the President has ceased to recognise any existing Government among the Cherokees; and, therefore, the annuity due to them must be paid as they, from year to year, may direct.

The papers enclosed in your communication are herewith returned.

WAR DEPARTMENT,
Office Indian Affairs, March 14, 1836.

SIR: By direction of the Secretary, I enclose a copy of a letter from John Hardwick, in which he makes serious charges against your conduct as an officer of the Government.

This paper is sent to you, that you can have an opportunity of making such explanation as may be in your power; and it is to be hoped that your reply will be satisfactory to the department.

Very respectfully,
ELBERT HERRING

Major BENJAMIN F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, March 14, 1836.

SIR: Your letter of the 26th ultimo, to the Secretary of War, complaining of the conduct of Major Currey towards yourself, has been referred to this office.

Major Currey has been furnished with a copy of your letter, and directed to transmit a reply. When this is received, the department will be able to decide upon the proper measures to be taken.

Very respectfully,
ELBERT HERRING.

Mr. JOHN HARDWICK,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, March 17, 1836.

SIR: Your letter of the 27th ultimo, with the census of the Cherokee nation which accompanied it, has been received.

Very respectfully,
ELBERT HERRING.

To Major BENJAMIN F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
March 17, 1836.

GENTLEMEN: I have had the honor to receive your letter of the 15th instant in favor of Doctor Lillybridge, with its enclosure.

When it may become necessary to make appointments under the treaty with the Cherokee Indians, the claims of Doctor Lillybridge shall be respectfully considered.

Very respectfully,
LEWIS CASS.

To HON. RICHARD M. JOHNSON and
GEORGE LOYALL, *House of Representatives.*

WAR DEPARTMENT,
March 21, 1836.

SIR: I have had the honor to receive your letter of the 17th instant, in favor of Doctor Lillybridge. That gentleman's name has been placed on the list of applicants for employment in the Indian Department; and, when it shall become necessary to make appointments under the Cherokee treaty, his claims shall be respectfully considered.

Very respectfully,
LEWIS CASS.

To HON. MOSES MASON, jr.,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, April 6, 1836.

SIR: In answer to the letter of John Ross and others, addressed to yourself, and referred to this office on the 28th ult., I have the honor to report, that the Cherokee annuity was regularly paid, until the year 1831.

On the 18th of June, 1830, the then Secretary of War issued an order directing the agents to apportion the Indian annuity, and pay it among all the members of the respective tribes. The Eastern Cherokees refused to comply with this regulation, and on that account, for several years, they would not receive their portion of the annuity.

A considerable number of them, however, having afterwards determined to emigrate, and being desirous of receiving their proportion of the annuity, it was ordered by the department that the amount due to them should be paid. It was estimated by the agent, Col. Montgomery, \$2,192. But on the settlement of his accounts in 1835, he was credited with \$1,881 17 instead of \$2,192, leaving a balance of \$309 83, which, but for his error, would have been paid to the Eastern Cherokees in 1834. Many of those who then resided east, and who, of course, were interested in that fund, having removed to the west, and the time for the next yearly payment of their annuity being near at hand, Mr. Ross was informed that this balance of \$309 83 would be paid to the Eastern Cherokees at the payment of their annuity for the current year.

I further report, that in the year 1834, in consequence of the number of Cherokees that had recently emigrated, the sum of \$5,625 was thought to

be the rightful portion of the annuity due to the Eastern Cherokee and was accordingly remitted to the agent, instead of \$6,666 67, being \$1,041 67 less than had been previously paid to them.

By the act of 30th June, 1834, it was provided that annuities should be paid to the chiefs, or such person as the tribe should designate. And the sum of \$25,625 01 was remitted to the agent to be paid according to such designation. The tribe directed the payment to be paid to their treasurer, John Martin, and it was paid to him accordingly.

The sum of \$25,625 01 remitted as aforesaid, was composed of the following items:

Two-thirds of \$10,000 for 1831	-	-	-	\$6,666 67
“ “ “ 1832	-	-	-	6,666 67
“ “ “ 1833	-	-	-	6,666 67
Computed portion for 1834	-	-	-	5,625 00

\$25,625 01

Deduct the amount retained by Col. Montgomery - 2,192 00

And it leaves the amount of - \$23,433 01
Which has been paid to the Eastern Cherokees.

Col. Montgomery, however, instead of paying the emigrants the sum of \$2,192, paid them only \$1,881 17, leaving a balance of \$309 83 now due to the Eastern Cherokees.

By the census recently taken of the Eastern Cherokees, it appears that the apportionment of the annuity made in 1834 was incorrect, and that they were then entitled to two-thirds of the annuity, according to the 6th article of the treaty of 1819.

From the foregoing statement, it appears that there is due to the Eastern Cherokees the sum of \$309 67, being a surplus beyond the amount paid to the emigrants by Col. Montgomery; which, having been refunded to the annuity accounts in the Treasury of the United States, can now be paid to John Martin, treasurer of the Eastern Cherokees, or it can be paid to them at the next yearly payment of their annuity.

And there appears to be also due to them the sum of \$1,041 67, in consequence of the incorrect apportionment of the annuity in 1834; and as this excess beyond the rightful portion due to the Western Cherokees was paid to them in 1834, it is proper that this amount should be refunded by them, and deducted from the next payment of their annuity, and paid over to the Eastern Cherokees.

And I further report, that the claim of John Ross and others, on behalf of the Eastern Cherokees, to the sum of \$1,881 17, is unfounded, that amount having been paid to Cherokee emigrants, in pursuance of the order of 18th June, 1830, as their proportion of the Eastern Cherokee annuity for the years 1831, 1832, and 1833.

Very respectfully,

ELBERT HERRIN

Hon. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT,
April 18, 1836.

SIR: Your letter of the 26th of March was received a few days since at the department, and would have been sooner answered had I not been confined by indisposition.

I enclose, agreeably to your request, a copy of your letter on the subject of Cherokee affairs. Putting out of view the terms of your recent communication, it is only necessary to add that I am utterly at a loss to comprehend what you allude to when characterizing the course of the department towards Mr. McConnell and yourself. The correspondence on the subject of Mr. McConnell's employment has never been made public by this department, nor the facts in relation to it communicated. So guarded have I been that, when some time since, a resolution of the Senate would have embraced this correspondence, I did not think it proper to transmit it publicly, and, therefore, laid it, confidentially, before the Committee on Indian Affairs. I believe it was never promulgated.

I cannot suppose you refer to the allusion incidentally made to Mr. McConnell in a letter recently addressed to Major Currey. The object of that letter was so far from injuring Mr. McConnell, that it was intended to censure Major Curry for the promulgation of a fact with which, as he reports to the department, he became acquainted through Mr. McConnell himself.

Very respectfully,

LEWIS CASS.

To the Hon. PRYOR LEE,
Knoxville, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, May 9, 1836.

SIR: Upon the various subjects presented in the memorial of John Ross and others to both Houses of Congress, and transmitted to this department by the chairman of the Committee on Indian Affairs in the Senate, I beg leave to submit the following report:

This Department is in possession of no information respecting the causes of the delay in the ratification of the treaty with the Cherokees of October 24, 1804, than that contained in the documents, printed on pages 488, 489, 490, and 491 of the volume of Indian treaties. To avoid any delay, I would respectfully refer the committee to that book.

The accompanying abstract of a letter to Col. Montgomery, on the 24th of March, 1827, will explain the reasons for discontinuing the allowance of \$1,250, in lieu of rations for the Indians, at the payment of the annuities.

The enclosed copy of the receipt of the treasurer, John Martin, shows that the Eastern Cherokees received the whole of their proportion of the annuity for 1830.

For a statement of the circumstances connected with the payments of the annuities for 1831, 1832, 1833, and 1834, I beg leave to refer the committee to the accompanying copy of a report on the communications of Messrs. Ross and others, of March 24 and May 18, which was submitted to you yesterday. I presume that it is not expected that I shall give any

opinion on the claim of the memorialists for interest upon the annuity provided in the treaty of 1804, from that date to the date of its ratification and upon the annuities for 1831, 1832, 1833, and 1834.

Very respectfully,
ELBERT HERRING.

To the Hon. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT,
May 9, 1836.

GENTLEMEN: I have received your letters of March 16 and April 18 respecting the annuities of the Cherokees; I transmit, in reply, a report of the Commissioner of Indian Affairs.

Very respectfully,
LEWIS CASS.

To Messrs. JOHN RIDGE,
JOHN MARTIN, and others,
Cherokee Delegation, Washington.

WAR DEPARTMENT,
May 10, 1836.

SIR: I have had the honor to receive your letter of the 9th inst., and in reply beg leave to refer you to the accompanying report of the Commissioner of Indian Affairs.

The memorial of Messrs. John Ross and others, which you transmitted, is herewith returned.

Very respectfully,
LEWIS CASS.

To the Hon. H. L. WHITE,
Ch. Com. on Indian Affairs, U. S. Senate.

WAR DEPARTMENT,
May 20, 1836.

SIR: I have received your letter of this date, making some inquiries respecting the mode in which the Cherokee Indians will be removed. It will not be in my power to give you this information until the appropriations are made, when the attention of the department will be directed to the subject, and the necessary arrangements made.

Very respectfully,
LEWIS CASS.

To the Hon. G. W. B. TOWNS,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, May 23, 1836.

SIR: I have the honor to submit, herewith, a communication, together with certain papers therein referred to, received from Major B. F. Currey, in consequence of a letter addressed to him from this office on 23d January last, calling for information on certain subjects, particularized in a copy of a letter therein enclosed, and addressed by the President of the United States to the Secretary of War, on the 18th January last.

Very respectfully,
ELBERT HERRING.

HON. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT,
May 26, 1836.

GENTLEMEN: In answer to your communication of yesterday, in favor of Doctor Lillybridge, I can only repeat the substance of my former letter to you, that when the Cherokee treaty shall have been ratified, and the appointments under it are making, Doctor Lillybridge's claims shall receive respectful consideration.

Very respectfully,
LEWIS CASS.

To the Hon. R. M. JOHNSON and
GEORGE LOYALL,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, May 31, 1836.

SIR: I transmit herewith a copy of the reply of Major Currey to the letter addressed to him from this office, by direction of the President, calling upon him for explanations of some of his proceedings as superintendent of Cherokee emigration. It is proper to add, that this report, although dated April 16th, was not received before the 23d instant.

Very respectfully,
ELBERT HERRING.

C. A. HARRIS, Esq.,
Acting Secretary of War.

WAR DEPARTMENT,
May 31, 1836.

SIR: I have the honor to lay before you a report of the Commissioner of Indian Affairs, transmitting the answer of Major Currey to the questions proposed to him, by your direction, on the 12th January last, respecting his conduct as superintendent of Cherokee emigration.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War.

To the PRESIDENT
of the United States.

WAR DEPARTMENT,
June 3, 1836.

SIR: I have the honor to transmit, herewith, a report from the Commissioner of Indian Affairs, covering an estimate for carrying into effect the late treaty with the Cherokee Indians. It is proper to state that this estimate has been submitted to and approved by the President.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To the Hon. O. C. GAMBRELENG,
Chairman Committee Ways and Means,
House of Representatives.

WAR DEPARTMENT,
June 10, 1836.

SIR: I have the honor to transmit, herewith, a communication from the Commissioner of Indian Affairs, covering estimates of the appropriations necessary to carry into effect certain Indian treaties recently ratified. The estimate for the Cherokee treaty was some days since transmitted to the Committee of Ways and Means, and I presume the whole of the appropriations will be included in one bill.

I have the honor to ask the attention of the committee to the subject, and to request that the necessary funds may be provided. There are eight of these treaties, including that with the Cherokees.

Copies of all these, excepting two, with small bands of the Pottawatomie in Indiana, are herewith enclosed. These two have not yet been received from the Department of State. As soon as they reach this department they shall be transmitted to the committee.

Very respectfully,
LEWIS CASS

To the Hon. C. C. GAMBRELENG,
Chairman Committee of Ways and Means,
House of Representatives.

EMIGRATION OF INDIANS,
Office Com. Gen. of S'bs., June 10, 1836.

SIR: I would respectfully suggest to you that the credit claimed by you for the issue of 390 blankets at the making of the late Cherokee treaty, upon the requisition of the commissioner who made the treaty, cannot be allowed without the special sanction of the Secretary of War thereon, which you are requested to obtain.

GEO. GIBSON,
Commissary General of Subsistence.

To Major B. F. CURREY,
Supt. Cher. Removal, Washington city.

WAR DEPARTMENT,
Office Indian Affairs, June 14, 1836.

SIR: Your letter to the Secretary of War, dated 29th ult., has been received and referred to this office; and, in answer, I am instructed to say that when the appointment under the treaty with the Cherokees are made, your claim will be duly considered.

Very respectfully,
ELBERT HERRING.

To GEORGE W. PASCHAL, Esq.,
Auraria, Lumpkin county, Georgia.

WAR DEPARTMENT,
June 14, 1836.

SIR: On looking into the stipulation in the 18th article of the Cherokee treaty, and conversing with Mr. Schermerhorn, I think it would be best to appropriate \$75,000 for the advance of the interest which will be due upon the Cherokee funds for the next two years.

The provision using the term annuities, is not as definite as is desirable; still it appears that the Indians anticipated this arrangement, and as it is an advance merely by the United States, to be ultimately repaid by the Cherokees, I have the honor to recommend that provision may be made for it.

It appears that, in the progress of the negotiation with the Cherokee Indians, a quantity of blankets was delivered to them by the orders of the commissioner, as many of these Indians were poor and badly clothed, and the weather was cold. Those blankets had been purchased under previous laws, for the purpose of supplying the emigrating parties. The number is stated at 290, and some legislative provision is necessary to close the account.

I submit, therefore, to the committee, the expediency of providing for the closing of this account, on the production of proper vouchers, it appearing to have been one of the necessary expenses of the treaty. No appropriation will be required. I intended, this morning, to send the committee an estimate for the expenses of making a survey under the Cherokee treaty. But as I depend on Mr. McCoy for the necessary information, which I have not received from him, I am obliged to postpone acting on the matter.

Very respectfully,
LEWIS CASS.

To the Hon. C. C. CAMBRELENG,
Chairman Committee of Ways and Means,
House of Representatives.

WAR DEPARTMENT,
June 15, 1836.

SIR: Application has been made for a patent to be granted to the Cherokees, under the 3d article of the treaty recently concluded with them. There are two tracts of land to be included in the patent, and each has

been partially surveyed, though, it is thought, not sufficiently so to enable the proper office to describe them with proper precision in a patent. The lines of the large tract have not actually been closed, and the Quapaws have a reservation which probably runs into the small tract, and which may require a deduction to be made from the price which was charged to the Cherokees for the latter.

Under these circumstances, I have the honor to submit an estimate for the consideration of the Committee of Ways and Means, to enable the department to have these surveys completed, so that the patent, which the Cherokees are anxious to receive, may be issued without unnecessary delay.

As it is difficult to ascertain here with precision the steps necessary to be taken, I propose to commit the superintendence of the matter to the Rev. Mr. M'Coy, who is well acquainted with the topography of that region, and who has been employed in surveying portions of it. An estimate of the sum deemed necessary for his compensation is added to the probable actual expenses of surveying. The surveys will be executed by competent persons, under his direction.

Very respectfully,

LEWIS CASS,

To the Hon. C. C. CAMBRELENG,

*Chairman Committee of Ways and Means,
House of Representatives.*

WAR DEPARTMENT,

June 15, 1836.

SIR: I have had the honor to receive your letter of the 13th instant, in favor of Mr. Washington; and when the appointments of the agents required by the Cherokee treaty are made, Mr. Washington's claims shall be duly considered.

Very respectfully,

LEWIS CASS,

To the Hon. W. R. KING,

United States Senate.

WAR DEPARTMENT,

June 16, 1836.

GENTLEMEN: In answer to your letter of yesterday, I have the honor to inform you that, when the appointments under the Cherokee treaty are made, Mr. Washington's claims to the emigrating agency shall be duly considered.

Very respectfully,

LEWIS CASS.

To the Hon. WILLIAM HENDRICKS and

Hon. JOHN TIPTON,

United States Senate.

WAR DEPARTMENT,
June 17, 1836.

GENTLEMEN: In answer to your letter recommending Messrs. Mays, Shaw, and Liddell L. Dobbs, for valuation agents under the recent Cherokee treaty, I have the honor to inform you that, when the time arrives for making the appointments under that treaty, the claims of those gentlemen shall be respectfully considered.

Very respectfully,
LEWIS CASS.

To the Hon. J. F. CLEVELAND, and others,
Congress United States.

WAR DEPARTMENT,
June 20, 1836.

SIR: You will repair to the Cherokee country without delay, and ascertain the condition and probable designs of the Cherokee Indians. Rumors have reached here, that these Indians are meditating hostilities against the United States, and that depredations have actually been committed. It is very desirable that any excitement which exists among them should be allayed, and you are requested to use all proper means, by representation and remonstrance, to allay it. You will please to seek interviews with the principal men, and to urge upon them the necessity of their interfering and prevailing upon their people to remain quiet, and to comply with the treaty stipulations. A treaty has been recently ratified with them, providing liberal sums for their present relief and future support. The moment the necessary appropriations are made, arrangements will be adopted for carrying into effect all these treaty stipulations. In the mean time, as it is probable that the scarcity of provisions among the Cherokees may lead them to commit depredations, you are authorized to issue to such of them as may require this aid, and as evince a friendly disposition, a reasonable quantity of provisions. A copy of the Cherokee treaty is herewith enclosed. By adverting to the 18th article, you will find a stipulation for these issues of provisions. The amount for provisions and clothing is limited to seventy five thousand dollars; but a far less sum than this will be sufficient for the issues required to be immediately made. The purchases, if any, will be made upon the best terms, and will be paid for in bills, to be drawn upon this department, which will be met as soon as the appropriation is made. It is presumed that pork, beef, flour, corn, and salt, are all the articles that it will be found necessary to distribute. You will cause the provisions to be issued and accounted for, upon provision returns, corresponding as nearly as may be with the army practice; and you are at liberty to employ such persons as you may find necessary to perform this business under your directions, and to allow them a reasonable compensation for their services.

You will apply at the offices of the Adjutant General, the Commissary General of Subsistence, and the Colonel of Ordnance, and you will ascertain, in detail, the arrangements that have already been made to meet any difficulties among the Cherokees.

You will find that the Governor of Tennessee was some time since requested to raise a body of volunteers, under the late volunteer act. A portion of these, the number depending on the organization, and amounting to from one thousand to one thousand two hundred, one half mounted and one half infantry, were assigned to East Tennessee. It appears by the Governor's letter received this day, that he is about organizing this force, and that he will call into immediate service the quota assigned to East Tennessee. These troops will rendezvous at Athens on the 7th July. You will take the immediate command of them, and station them in such parts of the Cherokee country as you may think best. You will find, from Governor Cannon's letter, that these troops will be supplied with arms. A quantity of arms, ammunition, and provisions were directed some time since to be sent to that quarter, and to be deposited at Hiwassee, under direction of Major Payne, of the army. These provisions you are authorized, in case of necessity, to issue to the Cherokees, in lieu of those above referred to.

Should the Cherokees commence hostilities, you will employ the above mentioned force in reducing them to unconditional submission; and if you should not deem it sufficient for that purpose, you are authorized to call upon the executives of Tennessee, Georgia, and North Carolina, for such additional force as you may judge necessary. I have this day written to the Governors of those States, requesting them to call into the service of the United States such militia force as you may require. The volunteers under the late act must serve for one year. The ordinary militia force must serve at least three months after reaching the place of rendezvous, unless such volunteers or militia shall be sooner discharged. Provision has already been made for mustering the brigade of Tennessee volunteers. If that, however, should not have been done, you will have it attended to, and you will likewise cause the other troops to be mustered into service by some competent officer of the United States. I need not insist upon the necessity of all proper economy in your expenditures, and likewise upon the due preservation and accountability of the public property.

Should the conduct of the Cherokees require the application of force, you will proceed to subdue them with as much expedition as possible. When this is effected, their arms will be immediately taken from them, and they will be kept together, under proper guards, till you can complete your arrangements for their removal west. A copy of the general instructions for the removal of the Indians will be furnished you, from the office of the Commissary General of Subsistence, and you will conform, in this duty, as far as possible, to these regulations. Should a portion of the Cherokees remain friendly, you will still require them to deliver up their arms; but they will not be confined, and will be allowed a reasonable time to remove themselves, in conformity with the stipulations of the treaty.

You are aware that General Scott and General Jesup are in the Creek country, conducting the operations against the Creek Indians. Copies of these instructions will be sent to each of them, and they will be requested to communicate fully with you. Should you find that, in addition to the Tennessee volunteers, troops will be required in the Cherokee country, I think it probable that a portion or the whole of them may be furnished from the forces under the command of General Scott; and, if so, it may render it unnecessary for you to call into service any other militia troops.

The state of affairs in the Creek country will, I hope, soon render unnecessary the employment there of the whole force now in the field.

The President directs that you be assigned to duty as a brevet brigadier general. During your command as such, you will receive the pay and emoluments of a brigadier general, and will be allowed to select an aide-camp.

You will immediately consult with the heads of the respective bureaus, and take care that every necessary arrangement is made for furnishing all the supplies that may be required. You will look particularly to the arrangements yourself, so as not to run the risk of any disappointment. The necessary orders upon this subject will be given to these bureaus. I desire that you will keep the department informed of your proceedings.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Brig. Gen. JOHN E. WOOL, *Washington.*

WAR DEPARTMENT,

June 24, 1836.

GENTLEMEN: I have received your communication of the 15th instant, representing the suffering condition of many of the Cherokee Indians. In answer, I beg leave to inform you that, by the late treaty with the Cherokees, it was stipulated that the sum of \$75,000 should be advanced for the purchase of food and clothing for the poorer class of their people. Measures have been taken for executing this provision of the treaty. Brigadier General Wool has proceeded to the Cherokee country, with ample authority to procure and distribute such provisions as shall be required. I trust that this course will relieve the existing distresses of these Indians, and take away the inducements to depredations upon the property of our citizens.

Very respectfully,

LEWIS CASS.

To Messrs. J. R. MATTHEWS, and others,
Clarksville, Georgia.

WAR DEPARTMENT,

June 24, 1836.

SIR: I have the honor to return the letter of J. R. Matthews and others, addressed to General Glascock and yourself, left by you at this department, respecting the propriety of affording relief to the Cherokee Indians, many of whom, it is stated, are in a starving condition, and to refer you to the enclosed extract from the instructions of General Wool, from which you will learn that the measure suggested has already been adopted.

Very respectfully,

LEWIS CASS.

To the Hon. G. W. OWENS,
House of Representatives.

WAR DEPARTMENT,
June 28, 1836.

SIR: In answer to your letter of yesterday, I have the honor to inform you that it is not yet determined whether this department will appoint the secretary to the commissioners under the Cherokee treaty, or whether the commissioners will be authorized to do so.

Very respectfully,
LEWIS CASS

To the Hon. J. F. CLEVELAND,
House of Representatives.

WAR DEPARTMENT,
June 28, 1836.

SIR: In answer to your letter of yesterday, I have the honor to inform you that the subject of appointing valuing agents under the late Cherokee treaty has not yet come up for consideration, and will not until the appropriation is made. Consequently, I cannot at present answer your question as to the number which will be appointed from Georgia.

Very respectfully,
LEWIS CASS

Hon. J. F. CLEVELAND,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, July 5, 1836.

SIR: By treaty of New Echota, of December 29th, 1835, it is stipulated that the lands ceded to the Cherokees west of the Mississippi shall be secured to them by patent; and it appearing that the surveys of these lands have not been so far executed as to enable the Government to issue a patent, you are hereby appointed and instructed to cause the surveys of the said lands to be completed, and to supply every deficiency connected with the subject at this time, to prevent the issuing of a patent.

For information respecting the boundaries required, you are referred to the treaty itself. You will be careful to see that the requirements of that instrument, in relation to boundaries, are fully met.

You will appoint a competent surveyor, to run and mark the lines which have not been surveyed, and allow him the same compensation as has heretofore been allowed for surveys of other Indian boundary lines in that region; and to enable you to determine what remains to be done, you will be furnished with the field-notes and plats of the surveys which have been made, so far as you are not at present in possession of them. It is understood that you are wanting the following: that is to say, the field-notes and plats of the lines, from the mouth of the north fork of Canadian river to the Arkansas river, of the meanders of Arkansas and Verdigris rivers, of the line from the Verdigris to the point called for in the treaty, twenty-five miles north of Arkansas, and of the line from that point west, as far as the line has been run.

The acting superintendent of the Western Territory has been instructed to cause a survey of the lands of the Senecas and Quapaws. You will need his field-notes of the survey of Neosho, so far as that river divides their lands from those of the Cherokees, and, as it is possible that the lands of the Quapaws may extend farther north than the southern limit of the tract ceded to the Cherokees by the last clause of the 2d article of the treaty, and thereby diminish its quantity, the surveyor of the Seneca and Quapaw lands will be instructed to furnish you with a copy of the field-notes and plats of his entire surveys, as soon as they shall be completed.

It is expected that you will furnish the department with field-notes and plats of all the surveys that you shall cause to be made, and also with a duplicate plat of the whole tract provided by the treaty, (one being for the use of the Cherokees,) or duplicates of each, should their lands necessarily form two tracts.

Accompanying your plat of the whole, you will furnish a statement of the course and distance of each line, and the character of the object that terminates it; the names of water courses, so far as they form boundaries; and the number of acres contained in the whole tract, if the land be included in one, or of each tract, if it be in two.

The lands under consideration extend west as far as the limits of the United States territories. It is believed that, in an open country, so uncommonly favorable to correct measurement as that through which these surveys are to be made, the western limit can be obtained with sufficient accuracy without celestial observations. Such mineralogical and geological observations will be made, as can be done without hindrance to the principal work.

The commanding officer at Fort Leavenworth will be instructed to furnish, at your request, such an escort as shall be sufficient for the protection of the surveying party against marauding parties of Indians.

You will enter upon this work immediately, and report its completion to this office as soon as possible, and throughout the whole you will observe the most rigid economy.

The appropriation for this business is \$7,000, and this amount will in no event be exceeded. Your own compensation will be at the rate of \$8 per day, to include your expenses for the time actually employed, to be paid on your certificate of honor. Your accounts will be accompanied by the requisite vouchers, according to the regulations of the department.

You are authorized to draw on this department for such sums as may be necessary to enable you to fulfil these instructions.

Very respectfully,

C. A. HARRIS.

To the Rev. ISAAC MCCOY,
Now in Washington.

WAR DEPARTMENT,
July 7, 1836.

SIR: I have the honor to transmit a commission appointing you one of the commissioners provided for in the 17th article of the treaty concluded on the 1st of March, 1836, with the Cherokee tribe of Indians. Governor

Carroll, of Tennessee, has been associated, and a commission and similar letter have been transmitted to him.

The necessary instructions for the execution of the duties contemplated by the treaty will be prepared and forwarded to you from the office of Indian Affairs.

Very respectfully,
LEWIS CASS.

To the Hon. WILSON LUMPKIN,
Milledgeville, Georgia.

Same to Hon. Wm. Carroll, Tennessee.

WAR DEPARTMENT,
July 9, 1836.

SIR: In answer to your letter of the 1st inst., I have to inform you that Major Davis applied to know whether an order had been given for the removal of Lewis Ross from the land occupied by him.

On examination, it was not ascertained that such an order had been given, and letter to that purport was written to Major Davis. But the next day it was discovered that the Commissioner of Indian Affairs had written to you saying, "Lewis Ross will be removed from the agency reservation." Major Davis was immediately advised of this, and I enclose you a copy of the letter written to him. Although I had not directed that L. Ross should be actually removed, and therefore suppose that the Commissioner of Indian Affairs intended to intimate rather what would be done than to give an order to do it, still the phraseology is such as might obviously lead you to suppose it was an order requiring your action.

Very respectfully,
LEWIS CASS.

Major B. F. CURREY,
Washington.

WAR DEPARTMENT,
Office Indian Affairs, July 11, 1836.

SIR: I am directed by the Secretary of War to inform you that you will, in addition to your present duties, be charged with the general superintendence of the business relating to the valuation of improvements, ferries, &c., and the payments of the debts of the Indians, under the late Cherokee treaty, subject to such revisionary power as may be invested in the commissioners of claims.

No additional compensation will be allowed for this additional service. Instructions will be given for your government as soon as they can be prepared. In the mean time, however, you are authorized to make preliminary arrangements for the employment of a sufficient number of valuers and other agents, at such pay per day as shall not exceed the compensation heretofore allowed for similar services, and for commencing this branch of your duties.

You will report for the action of this department the names, compensation, &c., of the agents you are hereby authorized to select.

Very respectfully,

C. A. HARRIS.

To Major B. F. CURREY,
Now in Washington.

P. S.—I enclose, for your consideration, a list of the names of certain persons recommended by the Georgia delegation, and Mr. Chapman, of Alabama.

WAR DEPARTMENT,
July 12, 1836.

SIR: In answer to your letter of the 4th inst., recommending certain gentlemen as appraising agents under the late Cherokee treaty, I beg leave to inform you that the selection of these agents has been committed to Major Currey, and he will be furnished with the names of these gentlemen.

Very respectfully,

LEWIS CASS.

To the Hon. R. CHAPMAN,
Somerville, Morgan county, Alabama.

WAR DEPARTMENT,
July 12, 1836.

SIR: You are hereby appointed secretary to the commissioners authorized to examine claims, under the treaty with the Cherokees recently concluded. You will be allowed five dollars per day, for every day engaged in this duty. If you accept this appointment, you will report to Governor Lumpkin and Governor Carroll, who are the commissioners, and receive their instructions.

Very respectfully,

LEWIS CASS.

To Col. WILLIAM JACKSON,
Athens, Georgia.

WAR DEPARTMENT,
July 13, 1836.

GENTLEMEN: Colonel William Jackson, of Athens, Georgia, has been appointed your secretary, and instructed to report to you. A copy of the letter of appointment is herewith enclosed. Be pleased to give him the necessary instructions for the execution of his duty.

Very respectfully,

LEWIS CASS.

To the Hon. WILSON LUMPKIN,
Milledgeville, Georgia,
WILLIAM CARROLL,
Nashville, Tennessee.

Commissioners for examining claims under Cherokee treaty.

WAR DEPARTMENT,
July 16, 1836.

GENTLEMEN: Copies of all the instructions to Major Gurrey, from the Commissioner of Indian Affairs and the Commissary General of Subsistence, for the execution of the treaty with the Cherokees, will be transmitted to you by those officers.

You are authorized to exercise a general supervision of this whole business, and to direct such changes in the plans of operation indicated in these instructions as you shall think proper. You are also authorized to suspend any of the persons employed, and to appoint others in their places. But whatever you may do under this authority, you will please to report to this department, with your reasons, for its consideration and action.

Very respectfully,
LEWIS CASB

To the Hon. WILSON LUMPKIN,
Milledgeville, Georgia,
Gen. WILLIAM CARROLL,
Nashville, Tennessee.

WAR DEPARTMENT,
July 19, 1836.

SIR: I have the honor to transmit, for your information, a copy of a communication addressed to the President of the United States, on the 30th ultimo, by Major and John Ridge, representing that the Cherokees are intruded upon and injured by white persons.

Very respectfully,
C. A. HARRIS
Acting Secretary of War.

To his excellency WILLIAM SCHLEY,
Milledgeville, Georgia.

Same to the Hon. Wilson Lumpkin, inserting after the word information, in 1st line, "as commissioner under the late treaty."

Same to Brevet Brig. Gen. J. E. Wool.

WAR DEPARTMENT,
Office Indian Affairs, July 19, 1836.

SIR: Your communication of the 4th instant has been laid before the Secretary of War, with the accompanying documents, relating to the interest of the Cherokees, residing in the State of North Carolina, in the treaty of December 29, 1835.

I am instructed to inform you that the Cherokees in North Carolina have an interest, proportionate to their numbers, in all the stipulations of that treaty.

Very respectfully,
C. A. HARRIS,
Commissioner.

WILLIAM H. THOMAS, Esq.,
Scott Creek, Hayward, N. C.

WAR DEPARTMENT,
Office Indian Affairs, July 20, 1836.

SIR: I transmit, herewith, a copy of the treaty with the Eastern Cherokees, of December 29, 1835.

The Rev. Mr. McCoy has been charged with the direction of the surveys called for by the second article. It is understood he will require the field-notes and plats of the surveys of the Seneca and Quapaw lands, which your predecessor, and subsequently yourself, have been authorized to cause to be made. I have to request that you will take measures for procuring these copies, and delivering them to Mr. McCoy.

Very respectfully,

C. A. HARRIS,
Commissioner.

WILLIAM ARMSTRONG, Esq.,
Acting Superintendent Western Territory, &c.

WAR DEPARTMENT,
Office Indian Affairs, July 25, 1836.

GENTLEMEN: I have the honor, by direction of the Secretary of War, to communicate to you the views of the department respecting the execution of the duties confided to you by the commissions transmitted to you on the 7th instant. I present them as suggestions, as, from the very nature of the duties, very much must be left to your discretion and judgment.

The 9th article of the treaty with the Cherokees of December 29th, 1835, provides for the valuation of their improvements and ferries. It also provides for the payment of their debts out of the amount of this valuation, and of any claims they may individually have upon the nation. The 10th article of the treaty stipulates for the payment of just debts and claims held by citizens of the United States against the Cherokee nation.

The examination of these debts and claims is confided to you, under the 17th article of the treaty, which stipulates that your decision shall be final, and the payments be made upon your certificates to the several claimants. Copies of the valuation rolls of the appraising agents, signed by themselves, and certified by Major Currey, the superintendent of the emigration, under whose supervision the valuing agents will execute their duties, will be furnished you by him. A schedule of the claims of the Cherokees for spoliations will be prepared by you upon the representations of the persons named as the agents for the tribe in the 12th article. If other claims are presented by individual Cherokees, they will be submitted to the examination of these persons. You will then collect such testimony, whether oral or written, as can be procured, and determine, in the exercise of a just discretion, whether it be sufficient to establish their correctness. Where the witnesses understand the nature of an oath, it should be administered to them. The circumstances of time and place should be carefully inquired into, and the Indians required, as a general rule, to name the person or persons by whom the alleged depredations were committed. In addition to the testimony of the Indians, you will obtain, whenever it is practicable, the evidence of white persons, who may have had means of knowing any circumstances connected with the transactions. The inquiry into

the value of the property alleged to have been stolen or destroyed, should be conducted with great exactness and caution. Public notices will be given of the times and places at which you will receive and examine these claims, and your proceedings will be held in open council. It will be proper to keep a register of all the claims presented to you, which shall contain a brief summary of the facts relating to each, the grounds of your decision, and the amount awarded by you, which will be forwarded to this office, when your labors are completed.

Similar notices will be given of the times and places at which evidence of the debts of the Cherokees will be received by you. The wish and the object of the Government are, that only *bona fide* debts should be paid. You are well aware that demands are easily preferred against Indians, and the semblance of justice given to them. Your attention, therefore, will be directed to a careful scrutiny of all the accounts that are exhibited. Wherever a fraudulent intent of practice is manifest, they will be rejected. If the items be overcharged, a proper reduction will be made. I would suggest, however, whether an inquiry into the consideration will be necessary, where a demand has been liquidated, the execution of the due bill or note proved by the attesting witness, whose testimony is not invalidated, and the makers acknowledge it to be correct and just, and assent to its payment. In other cases, as the treaty provides for the payment of *just* debts only, every proper precaution should be used to exclude those of a different character. No debts, accruing since the conclusion of the treaty, will be admitted. The accounts you may admit should be registered, and when the payments are made, the holders of them should sign a receipt upon the register. The nature of the debt, whether for goods, provisions, or other articles, should also be stated. This register will be forwarded to this office.

The debts of each Indian are to be paid from the proceeds of the valuation of his improvements, and out of any claim he may individually have against the nation.

If the debts exceed the total of these, a pro-rata payment will be made to the several creditors. No debts of emigrating Indians will be paid, until the value of the improvements, with the amount of debts, is ascertained, and the Indians are ready to embark for the west. The debts of those who remain can be paid, as soon as you have satisfied yourselves of the amount justly due to them and to their creditors. The Indians and their creditors should distinctly understand this arrangement in regard to the emigrants. If any inconvenience will be likely to result from this course, it might be obviated, by giving to each creditor a certificate of the amount that will be paid to him, in which, however, it will be distinctly stated that it is subject to a pro rata reduction in the event of the debts of the Indian exceeding the amount which he will receive under the treaty.

The sum of three hundred thousand dollars is appropriated to pay claims for spoliations; if they should fall short of this sum, the balance will be applicable to the expenses of removing the Cherokees.

The provision in the 10th article of the treaty recognises only national debts. You will give proper notices for the preservation of claims of the character indicated in the treaty, with the evidence upon which they rest. They will then be submitted to the persons named in the 12th article. If they admit them, no further inquiry will be necessary; if they do not, you will receive their statements, compare them with the evidence adduced.

the claimants, and decide upon the matter, after a full consideration of all the circumstances.

The 16th article of the treaty provides that such persons as had been dispossessed of their improvements and houses, prior to any grant under the law of Georgia, of December, 1835, shall be again put in possession.

The committee named in the 12th article will be called upon to point out persons in this condition, and you will then please to examine to what extent, and in what manner, this provision of the treaty can be fulfilled. If necessary, you are authorized to call upon the proper district attorney for his services. If possession cannot be again given, it is stipulated that the United States shall make compensation for losses and damages. You will adopt such measures to ascertain the extent of these, as you shall think proper; calling upon Major Currey, if necessary, for the services of the appraising agents, and making a separate report of your proceedings.

I have thought it inexpedient for me to advert to the order, time, or place, in which these duties shall be performed. This must be left to your own judgment.

I transmit a copy of the treaty, and of the instructions to Major Currey for the appraisement of the improvements, from which you will perceive that certain duties may devolve upon you, and to these I have to request your attention; especially to the instructions to the disbursing officer for the payments for improvements, debts, or claims. If circumstances permit at the time, it is intended that the payments shall be made under your immediate supervision. I will be obliged to you for any suggestions that may improve the plan indicated for the valuation of the improvements, or for executing any other provision of the treaty.

It is very possible that the construction here placed upon the treaty may not accord with the understanding of the Cherokees who were parties to it. Should this be the fact, you will oblige me by communicating their views, that the subject may be again carefully considered. Your compensation has been fixed, in the appropriation bill, at eight dollars for every day, from the commencement to the termination of your duties, to be paid upon your respective certificates.

You are at liberty to employ one or more interpreters, at a compensation not exceeding two and a half dollars a day, and to incur any incidental expenses necessary to procure testimony, or to facilitate the correct execution of your duties; the accounts for which will be paid upon the usual vouchers. The secretary who has been selected will be paid agreeably to the terms of his appointment, but his account will be certified by you.

I beg leave to request that you will examine the several stipulations of the treaty, and favor me with any suggestions that occur to you.

Very respectfully,

C. A. HARRIS.

To the Hon. WILSON LUMPKIN,
Milledgeville, Georgia.

Gen. WILLIAM CARROLL,
Nashville, Tennessee.

P. S.—I enclose copies of the instructions to General Wool, relative to the purchase of provisions and clothing under the 18th article.

WAR DEPARTMENT,
Office Indian Affairs, July 25, 1836.

SIR: By the instructions given to you on the 20th ultimo, you were authorized to issue "a reasonable quantity of provisions" to such of the Cherokees Indians as might require this aid. I now have the honor to enclose a copy of the treaty concluded with this tribe on the 29th of December, 1835, and to request your attention to a more complete execution of the 18th article, by virtue of which the above authority was given, than was then contemplated.

That article stipulates that the amount of the annuities accruing under the treaty for two years, shall be advanced by the United States, and expended in the purchase of provisions and clothing for the benefit of the poorer class of the nation. These annuities, it was estimated, would amount to \$75,000, and that sum was appropriated. But the investments in stocks have been only partially made, and the exact amount of the annuities cannot yet be ascertained. It will be prudent, therefore, to limit your expenditures to \$70,000. When the investments are completed, you will be advised of the true amount.

In the 12th article of the treaty, twelve persons are named as a committee on the part of the Cherokees, and are fully empowered and authorized to transact all business on the part of the Indians, which may arise in carrying into effect the provisions of this treaty, &c. You are requested, therefore, to call these persons to your aid, in determining who belong to the poorer class of the nation, and what amount shall be expended for goods, and what amount for provisions. Your arrangements will then be made to procure both the goods and provisions; and, if necessary, you will establish different points of distribution, and appoint as many issuing agents, at a reasonable compensation, as you may think proper, who will act under such instructions as they may receive from you. I would suggest, however, whether the goods would not be more useful to the Indians, if procured for them when they are about to emigrate; but you will be guided on this point by the opinion of the committee of the tribe.

It has occurred to me, that some parts of the regulations of the 5th of February, prescribing the mode in which rations shall be issued to certain inhabitants in Florida, may well be applied in the execution of this article of the treaty.

The 2d regulation provides that the issues shall be as follows:

To each person of the age of fourteen years and upwards, a full army ration.

To each person under the age of fourteen years, half an army ration.

The 3d regulation requires that all persons to whom rations are to be issued, shall appear before some person, to be appointed for the purpose, and have their names, ages, sex, and condition entered, arranging them on the roll by families.

Provision returns will be drawn for each family, stating the name of the head of the family, and the number of persons, agreeably to the preceding designations, and stating the commencement and termination of the term for which the issues were made. These provision returns will be drawn, in the usual manner, upon the issuing agents, and the issues will be certified by him. They will be abstracted and certified, agreeably to the army regulations; which abstract, together with the rolls above mentioned, will be the vouchers in the settlement of the accounts.

With these general views, the direction of this business is committed to

you. You have already been authorized to draw for the amount you might require for the purchase of provisions. This authority is hereby extended to the whole amount of \$70,000, or it will be remitted to you as you may prefer. You will please to indicate which you think the best course. A copy of this letter will be sent to Governor Lumpkin and to Governor Carroll, who have been appointed commissioners to examine claims, and intrusted with a general supervisory authority over the execution of the treaty. A copy will also be sent to Major Currey. And I transmit, herewith, copies of the instructions to these gentlemen, and of a letter of the two former of the 16th instant. I will thank you to transmit a copy of the regulations you may prescribe for the issuing agents.

Very respectfully,

C. A. HARRIS.

To Brevet Brig. Gen. J. E. Wool.

WAR DEPARTMENT,
Office Indian Affairs, July 25, 1836.

SIR: The selection and general supervision of the agents to be employed in appraising improvements under the treaty with the Cherokee Indians, of December 29th, 1835, having been committed to you, I proceed to state some principles for their observance in the execution of this duty.

You will divide the country ceded by the first article of the treaty into convenient districts, and assign to each a sufficient number of agents for the prompt completion of this business. You will report to this office the names and residences of these agents, and indicate the district in which each is to be employed.

The improvements to be valued are such as were in the possession of the Cherokees at the date of the treaty, and as add any value to their lands. The agents will be required to take an oath to act with perfect impartiality, and they will be specially instructed to receive all the statements and estimates of the Indians, and to examine personally every thing pointed out to them. And in determining the value of the improvements, they will be influenced neither by a desire to be generous on the one hand, nor parsimonious on the other.

Each improvement will be appraised by two agents, and, when their estimates agree and are approved by you, they will be final. If they disagree, the decision will be referred either to yourself, or to one of the commissioners appointed to examine claims, as may be most convenient. If the owner of the improvement be dissatisfied, and, in the opinion of either of you, he has just cause to be so, the whole matter will be submitted to the joint action of the commissioners. Great care will be taken to ascertain the persons entitled to each improvement; and, in determining this, reference will be had to the laws of the State, and to the laws and usages of the Cherokees. Information respecting these will be obtained from the persons named in the 12th article of the treaty. When the title to a particular place is contested, the question will be referred to the decision of the commissioners.

Each district will, if necessary, be subdivided, and two agents will act in each subdivision, who will keep but one register. Of this register three copies will be made by them, one of which will be sent to this office, another to the acting superintendent of Indian affairs west of the Mississippi, the third to the commissioners. These registers will show, in separate columns,

the name of the owner of the land, its situation, the number of acres under improvement, distinguishing the different kinds thereof; the extent of the fences, the buildings, and other improvements not herein enumerated; the value of each separate improvement, and the aggregate value of the whole. The circumstances in each case, in regard to which the agents disagree, or the holder may be dissatisfied, or the title may be disputed, will be briefly stated, with the grounds of the ultimate decision. The registers will be signed by the agents, and countersigned by yourself.

The appraising agents in each district or subdivision will give public notice of the times and places at which they will commence this business, and they will then proceed to its execution, with as much despatch as may be consistent with correctness and the rights of the parties. If the owners are present, they will value the improvements successively, passing from the first to the adjoining one; and by this mode, greater regularity will be insured, and the owner of each improvement will know when it is to be valued.

The treaty provides that the ferries shall be valued according to their nett income; the agents will receive upon this point the statements of the owners, and of others who, from their business or residence in the vicinity, may have means of knowing the income, and decide upon a fair consideration of the whole matter. If they cannot agree, it will be referred to the commissioners.

The claims of Cherokees who have been dispossessed of their improvements and houses, provided for in the 16th article of the treaty, have been referred to the commissioners, and they will furnish you with a list of such as they may admit. They have been authorized to call upon you for the services of the appraising agents, if required, to ascertain the extent of losses and damages. Ferries for this purpose will be considered as improvements.

As the appraisement in each district is completed, you will cause a new register, in triplicate, to be prepared from it, showing only the name of the owner of each improvement, and the aggregate amount due to him. This you will deliver to the commissioners, with the register of the appraising agents. The commissioners will then enter upon it the amount of the claims they have allowed, and deliver it to the disbursing officer, with such instructions in regard to the times, places, and manner of paying for improvements, debts, or claims, as they shall think proper. Similar entries of the debts will be made upon the other two copies of the registers. If the debts exceed in amount the valuation of the improvement, and of any individual claims against the nation, they will be paid pro-rata.

The compensation of the agents will be four dollars a day, and of the interpreters, of which a sufficient number will be appointed by you, two dollars and fifty cents a day for every day of actual service, to be paid upon your certificate. A reasonable sum will also be allowed for necessary incidental expenses, upon the rendition of the usual vouchers.

You will communicate and co-operate freely with the commissioners upon all subjects connected with the execution of your duties; and you will, from time to time, make full reports of your proceedings.

Very respectfully,
C. A. HARRIS.

To Major B. F. CURREY,
Calhoun, Tennessee.

P. S.—I enclose copies of instructions to the commissioners and to General Wool, and of a letter to the former of the 16th instant.

WAR DEPARTMENT,
July 27, 1835.

GENTLEMEN: This department has been advised by Major Armstrong that the Western Cherokee council have appointed a delegation, consisting of Joseph Yam, William S. Coody, John Smith, and John Drew, to visit the Eastern Cherokees. The avowed object of this mission "is to unite the two people in one upon the Arkansas, upon such principles as will be satisfactory to the people east and west." But Major Armstrong writes that "these people are dissatisfied," and "will object to the views of the Government in uniting the Cherokees, unless they can have their wishes, which, I assure you, are not to be found in the treaty to be laid before the Eastern Cherokees."

This communication has been laid before the President, who has instructed me to inform you that, if the delegation present themselves, they must not, under any circumstances, be admitted to the council nor recognised in any manner. Their interference is unauthorized and officious. And you are requested, by the exercise of every proper means, to counteract every effort they may make, out of the council, to obstruct the progress of the treaty.

You are also requested to examine the 13th and 14th sections of the Intercourse act of 1834, in connexion with this subject, and consider whether their provisions can be fairly applied, in the event of any proceedings on the part of these delegates, to defeat or delay any measures proposed by the Government.

Major Armstrong also states that these delegates, if unsuccessful at the council, are directed to proceed to this city. It is the wish of the President that you distinctly inform them that they will not be received here, nor will any business be transacted with them.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To his excellency WILLIAM CARROLL,
and Rev. J. F. SCHERMERHORN,
New Echota, Geo.

WAR DEPARTMENT,
July 28, 1836.

SIR: Your letter of the 20th instant, with the enclosed recommendation for the appointment of a sub-agent, or a contractor, for the removal of Indians, has been received.

In reply, I have to state that there is no vacant sub-agency, and that contracts for the removal of Indians are required, by a law of the last session, to be based upon proposals previously issued.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To STEPHEN SAMPSON, Esq.,
Harrodsburgh, Kentucky.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., July 28, 1836.

SIR: The treaty with the Cherokee Indians, concluded on the 29th of December, 1835, having been ratified, and appropriations made for carrying its various stipulations into effect, it becomes the duty of this office to take measures for the execution of so much thereof as relates to the removal and subsistence of those Indians. For this purpose, you will prosecute your labors as superintendent of the Cherokee emigration, as heretofore, and the department has every confidence that you will perform this duty with all the despatch consistent with a prudent and efficient execution of the treaty.

In the discharge of the service intrusted to you, the regulations concerning the removal of the Indians, "and memorandum respecting the removal of Indians during the year 1834," heretofore communicated to you, shall be your guides, except so far as they are altered or modified as herein stated. The modifications and alterations which have been made, I now point out to you.

1. The power of suspension, given to the special agent in the third article of section two, is not to extend to disbursing agents. Those officers can be suspended or removed only by the Commissary General of Subsistence.

2. The commutation, provided for in article two, of section four, is fixed by the treaty at twenty dollars for each member of a family removing on its own resources; and the commutation for a year's subsistence, after arriving west, is thirty-three dollars and thirty-three cents. On these points, you will be governed by the treaty.

3. The amount of baggage authorized in article five, of section four, is increased to two thousand pounds for every fifty persons.

4. You will not be confined to one wagon, as specified in article six, of section four. The number of wagons to be employed will be determined by the conductor; and he will exercise a discretion in this respect dependent upon the state of the roads, the number of sick and infirm, &c., to be transported. The greatest economy is, however, strictly enjoined.

5. A copy of the muster roll, required by article twelve, of section four, will be delivered to the disbursing agent, or the person appointed to perform his duty, instead of the agent taking charge of such detachment west of the Mississippi; and the copy of the rolls for the War Department will be directed to this office. The changes in the muster rolls will be noted quarterly, on the abstract of issues.

6. The quantity of forage constituting a ration, fixed by the army regulations, and to be issued according to article ten, of section four, is fourteen pounds of hay, or fodder, and twelve quarts of oats, or eight quarts of corn.

7. Where it is found that the existing regulations are at variance with any stipulation of the treaty, the latter must be taken as the guidé. In all such cases, you will apply to this office for more particular instructions.

8. The disbursing officer will be designated by the Commissary General of Subsistence, and you will be aided by him and such assistants, appraising and removing agents, as may be required. The nomination of these agents will be made by you to the Commissary General of Subsistence for the approval of the War Department. You will employ as few persons as possible, consistent with the accomplishment of the duties intrusted to you.

9. Enrolling books will be prepared, in which will be entered the sub-

stance of the treaty recently formed; and a clause shall then be added, signifying the choice of the signers as to the time of removing under the treaty, or whether they would prefer to become citizens. The caption of the enrolling books, shall provide that the enrolment be a relinquishment of all right to occupancy in and to the country east of the Mississippi, and a surrender of all their rights in the same, to take effect whenever the proper agents shall signify their readiness to remove them, after the period designated by themselves for removal, if prior to the latest period fixed therefor by treaty; at the expiration of which period, all who have not removed, or registered and not been admitted to citizenship, will be expected to remove.

10. In all cases where you may find it necessary to employ an attorney on questions connected with the emigration of the Cherokees, you are authorized so to do, in your own discretion, having a regard to economy; and should circumstances be such as to require action, before the matter can be submitted to the Government, you will then be governed by the opinion of learned council, taken in writing. But if there is time, all doubtful questions of importance will be referred to the Commissary General of Subsistence.

11. Your communications, required by the twenty-seventh article of the "memorandum," will be had with Captain Jacob Brown, principal disbursing agent west, instead of Mr. Armstrong, special agent west.

J. H. HOOK,

Act. Ass't Com. Gen. of Sub.

To B. F. CURREY, Esq.,

Sup't Cherokee Removal, Calhoun, Tennessee.

EMIGRATION OF INDIANS,

Office Com. Gen. of Sub., July 29, 1836.

SIR: In conformity with the direction of the Secretary of War, I have the honor, herewith, to transmit to you a copy of the instructions from this office to Major B. F. Currey, special agent for the removal of the Cherokee Indians, for the execution of the treaty with the Cherokees, made and concluded December 29, 1835.

J. H. HOOK,

Act. Ass't Com. Gen. of Sub.

To Hon. WILLIAM CARROLL,

Nashville, Tennessee.

EMIGRATION OF INDIANS,

Office Com. Gen. of Sub., July 29, 1836.

SIR: In conformity with the direction of the Secretary of War, I have the honor, herewith, to transmit to you a copy of the instructions from this office to Major B. F. Currey, special agent for the removal of the Cherokee Indians, for the execution of the treaty with the Cherokees, made and concluded December 29, 1835.

J. H. HOOK,

Acting Com. Gen. of Sub.

To Hon. WILSON LUMPKIN,

Milledgeville, Georgia.

WAR DEPARTMENT,
July 30, 1836

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant.

In reference to your remark, that "with a less force we shall have difficulty to induce the Indians to emigrate, for I have little doubt they will resist removal as long as they can with safety," I beg leave to observe, that your instructions of the 20th June contemplated the application of a military force, only in the event of hostilities being commenced by the Cherokees. The treaty provides, that they shall remove within two years and that, during that time, they shall be protected in the peaceable possession of their country. Unwillingness to remove, or even resistance to a removal, will not authorize the employment of force. No intimidation nor coercion must be used.

I may have misapprehended your remark, but it seemed proper to call your attention to one obvious construction of it, and to its incompatibility, so construed, with the stipulations of the treaty.

Your draft for \$10,000 for provisions will be paid on presentation.

The other subjects in your letter have been answered in previous communications from this department.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War

To Brevet Brig. Gen. J. E. WOOL,
Commanding Army, Athens, Tennessee.

WAR DEPARTMENT,
August 1, 1836

SIR: I have had the honor to receive your letter of the 22d ultimo.

I beg leave to observe, in relation to that part of it in which you state that you shall "not hesitate to remove them (white persons) out of the country," that it seems very questionable whether there is any law authorizing such a step. It has been heretofore decided by the department, that the intercourse act of 1834 did not extend to the country the Indian title to which had been extinguished. And whether there be any authority for the measure you indicate appears so doubtful that the question will be reserved for the Secretary of War, who is expected to return to the department in a few days.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War

To Brevet Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., August 3, 1836.

SIR: The enclosed letter is from Mr. Millard, who has heretofore been engaged in the business of emigration. Both General Gibson and myself would be gratified if you could find employment for Mr. Millard.

Very respectfully,

J. H. HOOK,
Act. Asst. Com. Gen. of Sub.

To Major B. F. CURREY,
Calhoun, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., August 3, 1836.

SIR: In the late treaty with the Cherokees, it is stipulated that 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 that there shall be allowed to each person and member \$20 commutation for transportation and subsistence on the route, and \$33 33 for the year's subsistence after their arrival west.

It may happen that, in making the distinction between such as shall be deemed capable and those regarded otherwise, dissatisfaction may arise among the Indians. Will you be pleased to favor me with your views as to the propriety of extending the commutation to all who may prefer it, particularly the allowance of the \$33 33 in lieu of the year's subsistence? What course would most probably be most agreeable to the Indians, or most for their advantage?

Very respectfully,

J. H. HOOK,
Acting Com. Gen. of Sub.

To Capt. JACOB BROWN,
Principal Disbursing Agent, Little Rock, Arkansas.

WAR DEPARTMENT,
August 4, 1836.

SIR: Since my letter of the 2d inst. respecting the purchases of provisions for the suffering Cherokees was written, the Treasury Department has completed the investment of the funds provided for by the treaty. The annual income from them, it is ascertained, will be \$36,040. Your expenditures for this object will in no event exceed the sum of \$72,080, and I presume you will find it neither necessary nor expedient to expend a large proportion of it at once, but will make disbursements from time to time as circumstances may require.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 4, 1836.

SIR: I have the honor to transmit a copy of the late treaty with the
Cherokees, which should have accompanied your instructions of July 25th.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Gen. WILLIAM CARROLL,
Nashville, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 4, 1836.

SIR: I have the honor to acknowledge the receipt of your communications of the 25th and 26th ult.

I find that a copy of the treaty with the Cherokees was omitted, through
some inadvertence, to be sent with your instructions of the 25th ult. I
therefore enclose one now.

Very respectfully,

C. A. HARRIS,
Commissioner.

To the Hon. WILSON LUMPKIN,
Athens, Georgia.

WAR DEPARTMENT,
August 6, 1836.

SIR: I return, herewith, the bill of exchange for \$10,000, drawn by
General Wool, dated the 18th of July, 1836, presented by an agent of your
bank for payment. This has been declined for the present, in consequence
of the representations of General Wool. In a few days, further informa-
tion is expected from that officer, when a definitive answer will be given in
regard to its payment.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Gen. J. P. VAN NESS,
President Bank of the Metropolis,
Washington.

WAR DEPARTMENT,
August 6, 1836.

SIR: The Bank of Metropolis in this city has presented a bill of ex-
change drawn on this department by General Wool, in favor of Lieut. C.
S. Howe, for \$10,000, and dated July 18th, 1836.

General Wool has advised the department that this draft was presented
to the branch of the Union Bank at Knoxville, which charged a discount

amounting to \$103 34, and paid it in notes payable in Louisiana. That these notes not being current at par, he had directed Lieut. Howe to return them, and demand the bill of exchange.

Upon this representation, payment of the bill has been declined for the present.

I have brought these circumstances to your notice; under the impression that the Union Bank would be disposed to discountenance proceedings like these on the part of one of its branches, and to direct the amount charged to be refunded, and current notes paid for the bill of exchange, especially, when it is recollected that drafts on the eastward command a premium with you, and when drawn by an agent of the Government should meet with special favor.

The disbursements under the recent treaty with the Cherokees will be very heavy, and it will be the duty of this department to prevent their being attended with such large costs as in the present instance.

Very respectfully,

C. A. HARRIS,

Acting Secretary of War.

To JOHN M. BASS, Esq.,

Pres. Union Bank, Nashville, Tennessee.

WAR DEPARTMENT,

August 6, 1836.

SIR: I have the honor to transmit copies of letters of this date to General Wool and the president of the Union Bank, at Nashville, relative to the bill of exchange, drawn by the former in favor of Lieutenant Howe, for \$10,000. The distance of the deposite bank at Nashville from Athens, at which point the principal disbursements under the treaty with the Cherokees are to be made, presents itself to me as a reason for suggesting to you the expediency of some arrangements by which this inconvenience may be obviated. Such an arrangement seems to be the more desirable to prevent heavy charges upon the drafts of the officers of the Government, like those made by the branch at Knoxville.

Very respectfully,

C. A. HARRIS,

Acting Secretary of War.

To the Hon. LEVI WOODBURY,

Secretary of the Treasury.

WAR DEPARTMENT,

August 5, 1836.

SIR: I have received your letter of the 25th ultimo, respecting your draft in favor of Lieutenant Howe, and in reply, transmit copies of letters addressed to the president of the Union Bank, at Nashville, and the Secretary of the Treasury; a copy of the former has been sent to the president of the branch at Knoxville. Upon learning the result of Lieutenant Howe's application to the latter, the department will be better prepared to

determine upon its course. I have to request that you will guard against similar charges upon your drafts in future. The Bank of the Metropolis has, for the present, suspended the demand for payment.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
August 6, 1836.

SIR: I transmit, for your information, a copy of a letter addressed this day to the president of the Union Bank, at Nashville, upon the subject of General Wool's draft of July 18th, for \$10,000, in favor of Lieutenant C. S. Howe.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To the PRESIDENT of the
*Branch of the Union Bank,
Knorville, Tennessee.*

WAR DEPARTMENT,
August 6, 1836.

SIR: I have received yours of the 25th ultimo, and observe with pleasure your arrangements for dispensing with the volunteer force, upon the arrival of the marines or the regular troops.

In reference to the Creeks, who are in the Cherokee county, it would seem to be the most direct course to remove them with their own tribe. I would suggest, therefore, that you communicate with General Jesup upon his subject.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
August 13, 1836.

SIR: I have had the honor to receive your letter of the 30th ultimo, communicating the results of your interviews with the Cherokees.

I cannot too earnestly urge your attention to the provisions of the treaty, and to the tenor of your instructions upon the subject of the removal of these Indians. They are allowed to remain where they are for two years, and some of the stipulations of the treaty, as you will perceive by the letter

to Governor Lumpkin and Governor Carroll, and to Major Currey, will require nearly if not the whole of this period for their execution; and to the right execution of some of them the presence of the Indians will be necessary.

It was never intended that they should be debarred an opportunity of presenting their claims, and of having their improvements valued. The stationing of a military force in their country was a precautionary measure; and it was designed to be employed only in the event of hostile movements towards our citizens, or of active measures on the part of any to prevent by force the emigration of those who might be willing to go.

I have presented these views, because your remark, "if they hesitate, or show the least symptoms of hostility, I will take them all prisoners of war," indicates a misapprehension of the object of your appointment. Hesitation on their part will not warrant any act on the part of the Government that will interfere with or prevent the fair and proper fulfilment of the treaty.

In a letter dated August 2d, Major Currey says, "the Indians appear generally to be in the spirit of removing next fall or early in the winter." It would be a cause of regret if any measure should be taken that would change this feeling.

You have already been advised that Major Currey would superintend the emigration, and appoint the necessary agents.

In relation to the confinement or removal of Mr. Jones, or any other white person, I have to observe, that as the intercourse act of 1834 does not extend to the Cherokee country, I am not aware of any law authorizing either measure. A similar proposition by General Jesup has been reserved for the Secretary of War.

Very respectfully,

C. A. HARRIS,

Acting Secretary of War.

To Brevet Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., August 13, 1836.

SIR: Yours of the 2d instant is received. Detailed instructions were transmitted to you from this office on the 28th ultimo, which you will have received long ere this. As regards the blanks, those that appertain to the emigration of Indians will be transmitted this day.

The blanks for the valuation of Cherokee improvements will be the subject of a letter from the Commissioner of Indian Affairs.

The blank appraisement returns which were shown to you in this office, when you were last here, I have laid before the Commissioner of Indian Affairs, who has charge of that part of the execution of the treaty. He thinks the form cannot be made to answer the purposes of the Cherokee valuation.

Very respectfully,

GEORGE GIBSON,

Commissary General of Subsistence.

To BENJAMIN F. CURREY, Esq.,
*Superintendent Cherokee Removal,
Calhoun, Tennessee.*

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., August 13, 1836.

SIR: I herewith transmit for your information a copy of the instruction from this office to Benjamin F. Currey, Esq., superintendent of the Cherokee removal, dated the 28th ultimo.

Very respectfully,

GEORGE GIBSON,
Commissary General of Subsistence.

To Brig. Gen. JOHN E. WOOL,
United States army, Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 13, 1836.

SIR: I have had the honor to receive your letter of the 3d instant.

In answer to your inquiries, I have to state that Governor Lumpkin and General Carroll have been appointed commissioners to examine claims under the treaty with the Cherokees, at a compensation of eight dollars a day. Major B. F. Currey has been continued in the office of superintendent of emigration, at a salary of \$2,000 a year, and authorized to select the enrolling and appraising agents, who will each receive four dollars a day. The duties of these several officers are, it is presumed, indicated with sufficient distinctness by their titles.

Very respectfully,

C. A. HARRIS,
Commissioner.

To the Hon. W. B. CARTER,
Elizabethtown, East Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 13, 1836.

SIR: I have received your letter of the 2d instant. Your instructions from this office were sent to you under date of the 25th ultimo, and those from the emigration office under that of the 27th ultimo.

You will please to report your selection of agents for appraising improvements when they are completed.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Major B. F. CURREY,
Cathoun, Tennessee.

WAR DEPARTMENT,
August 23, 1836.

SIR: Your two letters, of July 30th and August 8th, have been laid before me, together with the answer of the acting Secretary of War to the former.

The situation of affairs in the Cherokee country seems to render it ne-

cessary that I should enter into some detail on the subject of your duties under existing circumstances. At the time you were ordered to take command in the Cherokee country, there was reason to apprehend that the Indians might be induced to disregard the stipulations of their late treaty, and to commence hostilities against our citizens. A force, therefore, was directed to be stationed among them, as a precautionary measure. So long as they should remain peaceable, it was intended that this force should not be brought to bear upon them. Your instructions looked, however, to the possibility of hostile operations on their part; and, in that event, you were authorized to subdue and remove them as necessary incidents to their own conduct. The directions, however, upon this subject had relation to a state of things growing out of the conduct of the Cherokees themselves; and should they commence hostilities, or pursue such a course as to make their hostile designs manifest, so that common prudence would require their counteraction, you would be right at any moment in subduing them, taking from them their arms, requiring hostages, and removing them, &c.

These, however, are steps incident to those war measures, which self-defence gives us a right to take, and not to be resorted to, unless evidently necessary. The President did not contemplate the removal of these Indians by military authority in the ordinary execution of the treaty. They are allowed in that instrument, two years to remove; and there are several stipulations favorable to them, which seem to render it proper that they should remain a part, at least, of that time, and the whole of it if they are peaceable and disposed so to do. Their removal under these circumstances has been committed to Major Currey, the superintendent, agreeably to the standing regulations of the department, and I learn on inquiry that a copy of his instructions has been sent to you from the removing office.

Allow me, therefore, to suggest that so long as the Indians are at peace, it is not expected that they should be forcibly removed, or that their ordinary rights should be affected. While this state of things continues, and the force under your command occupies the country, it will only be necessary to watch their movements, and to keep your troops stationed at proper places in order to preserve the peace of the country. The execution of the provisions of the treaty will take place in the ordinary way, through the officers appointed for that purpose.

I beg, also, that you would not carry into effect your intention to arrest Mr. Jones, or any other individual, unless this is done by the civil power. If any persons commit offences against the laws, which are injurious to the Government or the Indians, let them be prosecuted; but further than this the military authority ought not to go.

Should, however, hostilities break out, the state of affairs will be entirely changed. All the measures connected with the subjugation and removal of the Indians will be directed by you, agreeably to the principles laid down in your instructions.

Is it necessary any longer to retain the volunteers in service? It is desirable to discharge them as soon as circumstances will justify. I have to beg that you would turn your attention to this subject, and reduce the amount of force as soon as you can do so with safety to the peace of the frontier.

Very respectfully,

LEWIS CASS.

To Brig. Gen. JOHN F. WOOL,
Athens, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., August 29, 1836.

SIR: Yours of the 14th and 16th instant have this day been received. The blank forms pertaining to emigration of Indians were sent to you on the 18th instant.

The business of superintending the valuation of Indian improvement and appraisement returns, belongs to the Commissioner of Indian Affairs. Your letter of the 2d instant was laid before the Commissioner, who deemed the instructions given you by him on the 25th July sufficient to enable you to prepare the necessary forms.

One dozen of memorandum books are sent this day.

Very respectfully,

GEORGE GIBSON,

Commissary General of Subsistence

To BENJAMIN F. CURREY, Esq.,

Supt. Cherokee Removal, Calhoun, Tenn.

WAR DEPARTMENT,
August 29, 1836.

SIR: I have received your letter of the 16th instant, communicating the measures taken by you to correct the proceedings of the branch of the Union Bank at Knoxville, in relation to the draft of General Wool. The measure have removed every difficulty, and the draft will accordingly be paid.

Very respectfully,

I. EWIS CASS.

To JOHN M. BASS, Esq.,

President Union Bank of Tennessee, Nashville, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, August 29, 1836.

SIR: Yours of the 14th instant has been received, and in compliance with your request, I transmit a copy of the instructions to General of the 25th ultimo, respecting the purchase of provisions for the Cherokee.

Very respectfully,

D. KURTZ,

Acting Commissioner

To Major B. F. CURREY,

Calhoun, Tennessee.

WAR DEPARTMENT,
September 2, 1836.

SIR: I have received your letter of the 22d ultimo, and am gratified to learn that you are prepared to enter upon your duties, as a commissioner under the Cherokee treaty.

Governor Carroll, who has been for some time engaged in the execution of certain provisions of the treaty with the Chickasaw Indians, at Pontotoc, Mississippi, has not yet advised this department of the receipt of his appointment as your associate.

Very respectfully,
LEWIS CASS.

To the Hon. WILSON LUMPKIN,
New Echota, Georgia.

WAR DEPARTMENT,
September 3, 1836.

SIR: I have just received your letter of the 20th ultimo, and approve entirely the views taken by you in the conversation with John Ross, concerning the council proposed by him to be held with the Cherokees. If the Indians are to be assembled with the fair intention of explaining to them their duty under the treaty, and the necessity of an immediate compliance with its terms, the measure may perhaps be useful. Of this, however, you can better judge from the temper that may be displayed there than I can. If you think good will result from it, you are at liberty to encourage the measure. But if the object is to discuss the validity of the treaty, and thus to excite the Cherokees ultimately to opposition, it is certainly proper that you should express your decided disapprobation of the proposition. I would not, however, have you use actual force, till you are satisfied that the measure will have a tendency to provoke disturbances; in that event, it must be put a stop to.

I imagine you misunderstood Mr. Harris's views in the letter to which you allude. This department certainly never expected that you should sit still and see the Indians prepare for hostilities, without interruption. The distinction which you suppose was drawn between hostilities actually commenced, and those meditated, was not intended to be laid down. The distinction was between hostilities, whether meditated or commenced, and a state of peace, from which no danger was to be apprehended.

You command in an important section of the country, and at a moment of much anxiety. While every thing is quiet and no appearance of hostile designs meditated, your measures will be adapted to a state of peace; or, in other words, nothing more will be necessary than to keep your force upon the alert, and to watch the movements of the Indians; but, if you have just grounds to believe that they are preparing for disturbances, you will then adopt measures adequate to the emergency. I have great confidence, as well in your judgment as in your energy, and I am satisfied that the result will prove that confidence to be well founded.

The circumstances you state, respecting the employment of additional Tennessee troops, although they will not enable this department to recognise their services, yet furnish strong considerations, which may well have produced an effect upon you.

Very respectfully,
LEWIS CASS.

To Brevet Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., September 3, 1836.

SIR: Yours of the 9th ultimo, enclosing account current to the 1st of August, quarterly statement of agents, statement of treaty articles received and issued, with a voucher for a payment to John F. Gillespy, the amount of which had previously been suspended in the last settlement of your accounts, by the Second Auditor, is received.

The voucher is this day transmitted to the Second Auditor, with the request that it may be passed to your credit.

Very respectfully,

GEORGE GIBSON,

Commissary General of Subsistence

To BENJAMIN F. CURREY, Esq.,

Supt. Cherokee Removal, Calhoun, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., September 3, 1836.

SIR: I transmit, herewith, a voucher, belonging to the account of Benjamin F. Currey, superintendent of the Cherokee emigration, amounting to seventy-five dollars, being a payment to John F. Gillespy, for services as attorney in prosecuting Anderson Springson and James Foreman, for the murder of John Walker, jr., of the Cherokee county, before the circuit court of McMinn county, Tennessee, at the October term, 1834.

The amount of the voucher was, I believe, suspended in the account of Mr. Currey, on the last settlement thereof. I have to request that it may now be passed to his credit.

Very respectfully,

GEORGE GIBSON,

Commissary General of Subsistence

To WILLIAM B. LEWIS, Esq.,

Second Auditor.

WAR DEPARTMENT,
Office Indian Affairs, September 5, 1836.

SIR: I have received your letter of the 9th instant. I presume that you have received the copies of the field-notes and plats which you required, they were forwarded some time since.

The enclosed copy, a letter of the Adjutant General to General Atkinson, will explain why an escort could not be furnished you from Fort Gibson, and the measures taken to supply you with a sufficient guard.

Very respectfully,

D. KURTZ,

Acting Commissioner

To the Rev. ISAAC MCCOY,

West Port, Jackson county, Missouri.

WAR DEPARTMENT,
September 10, 1836.

SIR: In compliance with the request of the president of the Union Bank of Tennessee, at Nashville, I have the honor to enclose you a letter addressed to the cashier of that bank, by the cashier of its branch at Knoxville, relative to the draft drawn on this department a short time since by General Wool.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War.

To the Hon. LEVI WOODBURY,
Secretary of the Treasury.

WAR DEPARTMENT,
September 13, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, and am happy to perceive that your views of your duty in the execution of the Cherokee treaty accord with those of the department. I think it will occur to you, upon reflection, that the determination of the Government to carry into full effect the treaty, may be as strongly manifested by fulfilling its provisions respecting the payment of claims, debts, and for improvements, as by requiring or urging an immediate removal, which the treaty does not authorize. As these provisions are all beneficial, it would seem that their prompt and just execution could hardly fail of conciliating many who are now opposed to the treaty. The arrangements in the power of the department for removing all who will go willingly have been made; and it only remains, by every proper precaution, to prevent any infringement of the treaty by any portion of the Cherokees.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War.

To Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 13, 1836.

SIR: I have received your letter of the 26th ultimo, and return you my thanks for the views you have communicated respecting the condition and disposition of the Cherokee Indians, and the measures to be taken in the execution of the late treaty with them. Your suggestions shall receive a respectful consideration.

Very respectfully,
C. A. HARRIS,
Commissioner.

To SPENCER JARNIGAN, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, September 14, 1836.

SIR: I have had the honor to receive your letter of the 30th ultimo communicating the measures taken by you relative to the distribution of provisions among the Cherokees, which seem to me to be judicious.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Brevet Brig. Gen. J. E. WOOL,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, September 15, 1836.

SIR: Your letter of the 2d instant has been received. In answer to your inquiries respecting your account for services as secretary to the commissioners negotiating with the Cherokees, I beg leave to state, that the account should have been certified by the commissioners. But, as it may be inconvenient for you now to obtain this, the account will be paid upon the certificate of Major B. F. Currey. It will be made out upon the principles of the annexed extract of the instructions to Mr. Meigs, your predecessor.

Very respectfully,

C. A. HARRIS,
Commissioner.

To WESTERN B. THOMAS, Esq.,
Frankfort, Kentucky.

WAR DEPARTMENT,
September 16, 1836.

SIR: I have received your letter of the 30th ultimo, transmitting from the cashier of the branch of the Union Bank at Knoxville, extract of the payment of General Wool's draft; and, as you requested, have sent it to the Secretary of the Treasury.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To JOHN M. BASS, Esq.,
President Union Bank, Tennessee, Nashville, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, September 16, 1836.

SIR: Your letter of the 4th inst., with the enclosure, is before me. The law having expressly directed that the tribes shall decide for themselves in what manner their annuities shall be paid, and the new treaty containing

nothing affecting this provision in regard to the annuities under prior treaties, the measure recommended by Mr. Rogers cannot be adopted.

As you have copies of all the instructions seen by Mr. Jarnigan, it will be easy for you to detect and correct any misrepresentations he may make.

The question of the propriety of preventing the holding of (a) council without the sanction of the agents of the Government, must be determined by the Commissioners.

You need not fear that you will state too strongly the determination of the Government to execute every provision of the treaty.

Very respectfully,

C. A. HARRIS,

Commissioner.

To Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, September 17, 1836.

SIR: In answer to your inquiry of 16th inst., I have to state that the records of this office furnish no evidence of authority having been given to Major Currey to visit this place in November, 1835, nor of any authority having been given to Mr. Schermerhorn to pay his expenses on that visit.

Very respectfully,

C. A. HARRIS,

Commissioner.

Major WILLIAM B. LEWIS,
Second Auditor.

WAR DEPARTMENT,

Office Indian Affairs, September 19, 1836.

GENTLEMEN: I transmit an extract of a letter of Major Currey of the 14th inst., suggesting the expediency of preventing the holding of any councils by the Cherokees, but with the express sanction of an agent of the Government.

He has been informed, in reply, that this question would be determined by you; and that you may be possessed of the views of the department upon the subject, I send a copy of a letter to General Wool of the 3d inst.

Very respectfully,

C. A. HARRIS,

Commissioner.

To the Hon. WILSON LUMPKIN, and
Gen. WILLIAM CARROLL,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, September 19, 1836.

SIR: Your letter of the 29th ult., with the enclosed copy of the regulations for the issues of provisions and clothing to the Cherokees, is before me. The regulations seem to me to have been prepared very judiciously.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Brevet Brig. Gen. J. E. WOOL,
New Echota, Georgia.

WAR DEPARTMENT,
September 22, 1836.

SIR: Your letter of the 7th instant, submitting a proposition for the removal of the Cherokees by contract, has been received.

In reply, I have to state that every arrangement for this purpose has been authorized, and will be made by Major Currey, the superintendent of the emigration. So much of your letter as relates to a contract will, therefore, be referred to him for his action, and you will ascertain the result by applying to him at New Echota, Georgia.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To JAMES R. BRACKEN, Esq.,
Mardisville, Alabama.

WAR DEPARTMENT,
September 22, 1836.

SIR: I enclose an extract of a letter of Mr. Bracken, of the 7th instant, submitting a proposition for removing the Cherokees by contract. He has been advised of this reference to you; and I have to suggest that, in the consideration of the subject, you will have respect to the proviso to the clause making appropriations for the removal of the Creeks, (a copy of which is annexed,) which, it seems to me, should be considered as the deliberate judgment of Congress.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Major BENJAMIN F. CURREY,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, September 22, 1836.

SIR: I have had the honor to receive your letter of the 1st inst., with the copy of your communication to Governor Schley. This is the first infor-

mation the department has received, of a promise having been made by Mr. Schermerhorn to the Cherokees, that prosecutions pending against them in the State courts, except for murder, should be dismissed. If it were, it was without due considerations, for the national executive has no authority so to interfere with the administration of the laws of a State. If, in view of the present condition of the Cherokees, a suspension of existing prosecution be desirable, it is presumed the Governors of the States will readily take any measures within the proper scope of this authority. In respect to the council summoned by John Ross, I do not perceive that further instructions can be given than those contained in the letter of this department to you of the 3d instant.

Very respectfully,

C. A. HARRIS,

Commissioner.

To Brevet Brig. Gen. J. E. WOOL,
New Echota, Georgia.

WAR DEPARTMENT,

Office Indian Affairs, September 24, 1836.

SIR: I have had the honor to receive your letter of the 11th inst. In reference to your proposition to send an agent to New York to purchase blankets, &c. for the Cherokees, I beg leave to remark that the measure seems to me to be inexpedient. By the 13th section of the act of 1834, organizing the Indian Department, it is provided, "that all merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of War, upon proposals to be received, to be based on notices previously to be given." If an agent were employed, he must necessarily be delayed in New York, till the proposals are received. A better course would seem to be, that you should send on a list of the goods required, describing each particularly, and designating the estimated amount for each, and the point at which all shall be delivered. Proposals will then be issued, under the direction of this department, for their purchase in New York. Under this arrangement, no money would be paid but upon a certificate of delivery to yourself, or a person appointed by you, and the contractors would be liable for any damage in transitu.

You do not state what part of the \$30,000 is to be invested in New York, for blankets, &c., but if the balance is to be invested by you in merchandise, it must likewise be upon contracts. I understand from your letter that this sum of \$30,000 has been recommended to be immediately expended, or rather the goods procured with it, to be distributed according to the necessities of the people, having reference to those who may emigrate this fall and coming winter. I also understand that you may make purchases from time to time, in sums of \$300 to \$400; and that, having expended \$4,000 for rations, you have directed the issues to be stopped. Allowing \$5,000 for the purchases you may have occasion to make, and adding thereto \$30,000 for clothing, and the \$4,000 expended for provisions, the total of the drafts upon this fund for the present will be \$39,000, leaving for the wants of the next year \$53,000. It seems to me, that no more should be drawn at present. The object of the treaty was to supply the wants of the poorer Cherokees

during the two years in which the national funds would not be available. And unless the emigration of this class this year should embrace by far the greater proportion, the sum of \$33,000 ought to be reserved for future emergencies.

To meet your check, the sum of \$5,000 will be deposited in the Merchants' bank, in New York, subject to your order. The department is prohibited from depositing the balance of the appropriation in the same way, by the 3d section of the act of Congress of July 2d, 1836, making appropriations for fortifications, which provides that all sums which have been or may be appropriated, shall be drawn from the Treasury "only as the same may be required by the several objects of expenditure authorized by law."

Very respectfully,

C. A. HARRIS,

Commissioner

To Brevet Brig. Gen. J. E. Wool,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, September 27, 1836.

SIR: I have had the honor to receive your letters of the 9th and 10th inst. to the Secretary of War, which have been referred by him to this office.

The silence of Governor Carroll upon the subject of his appointment is attributable probably to his engagements in the Chickasaw nation.

The expenditure of a reasonable sum in repairing the buildings at New Echota, reserved for the use of the commissioners and others in the execution of the treaty with the Cherokees, will be approved.

In the letter of the 25th of July, you were authorized to employ one or more interpreters, and to incur any incidental expenses necessary to the proper execution of your duties. It would seem that the employment of expressmen was a proper expenditure under this authority. To enable you to meet these and similar charges, the sum of \$1,000 will be remitted. Col. Jackson, your secretary, whose accounts will be settled upon the certificate of one commissioner, for the time one only is present, and of both, when both are present. The law having fixed the compensation of the commissioners at eight dollars a day, and of the secretary at five dollars a day, from the commencement to the close of their duties, any additional allowance for their expenses and subsistence seems to be precluded. The question you have presented relative to the compensation of the committee under the 12th article, will be submitted to the President upon his return. The view you have taken of the relation of the committee to the Government and the Indians, and their agency in the execution of the treaty, coincides with that taken by the department. Certainly the Government will proceed to carry the treaty into effect, even if all of them refused to act. Their appointment was made by the nation for its own benefit or satisfaction, and their conduct can in no way alter the duty of the Government.

The expense of the provisions furnished the poorer Cherokees, prior to the arrival of a disbursing officer, seems to be properly chargeable to the fund appropriated for their relief under the treaty. General Wool will be instructed to take the necessary measures for paying the accounts which

you may certify. He will also be instructed to issue rations to the poorer Cherokees, who may be at New Echota attending to the settlement of their claims. I do not find that there is any fund under previous treaties applicable to this object. In respect to the payments to be made to any of the Cherokees, I have only to remark, that the time of making them must be left entirely to the judgment of the commissioners. The question may be so variously affected by many circumstances not known here, that it is impossible for this office to form any conclusion.

Very respectfully,

C. A. HARRIS,
Commissioner.

To the Hon. WILSON LUMPKIN,
New Echota Georgia.

SEPTEMBER 28.

Since the above was written, your letter of the 12th has been received. It would give me pleasure to sanction any measure that would render the position of the commissioners more agreeable to them, but the treaty having reserved the public buildings for them, any other arrangement seems to be precluded.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., September 29, 1836.

SIR: I enclose, herewith, a letter from B. F. Currey, Esq. to you, requesting that you will repair to the Cherokee agency, as he thinks there will be need of your services. Doctor King will shortly receive all the necessary instructions and blanks, preparatory to starting for the Cherokee country.

Very respectfully,

GEORGE GIBSON,
Commissary General of Subsistence.

To J. M. MILLARD, Esq.,
Leonardtown, St. Mary's county, Maryland.

WAR DEPARTMENT,
Office Indian Affairs, September 30, 1836.

SIR: It is represented in a letter received from Governor Lumpkin, dated the 10th instant, that, before the arrival of the disbursing officer of the Government in the Cherokee country, many of the people were suffering for want of food, and that their wants were supplied by some of the members of the committee, and by others, to an amount not exceeding three thousand dollars. The reimbursement of those who were thus liberal is requested; and Governor Lumpkin has been informed, in reply, that you will be instructed to pay such of the accounts for these supplies as he may certify, not exceeding \$3,000, out of the fund for provisions and clothing. I have to request that you will give this subject the earliest attention which your other duties will permit.

Governor Lumpkin has also been informed, in answer to a suggestion

from him, that you will be instructed to furnish subsistence for such of the poorer Cherokees as may be at New Echota, attending to the settlement of their claims. This I have also to request your attention to, and would suggest the propriety of your corresponding with Governor Lumpkin on the subject.

A remittance of \$5,000 will be made to enable you to meet the additional expenditures above indicated.

In a letter from this office of the 24th instant, you were informed that \$5,000 would be deposited in the Merchants' Bank of New York, to your credit. Since the date of that letter, it has been ascertained that the Planters' Bank of Tennessee, including the branch at Athens, has been designated as a depository of the public money. This arrangement has been made at the suggestion of this office, and will prevent any future difficulty in respect to funds. Had it been known, the deposit of \$5,000 in New York would have been unnecessary. The remittance of \$5,000 herein alluded to, you will please consider as a part of the \$30,000, to which you were requested, in the letter of the 24th instant, to confine your expenditure for provisions, clothing, &c., for the present year.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

EMIGRATION OF INDIANS,

Office Com. Gen. of Sub., October 1, 1836.

SIR: You are hereby appointed disbursing agent in the removal of the Cherokee Indians, whose emigration from their present residence, east of the Mississippi river, is about to take place, to the lands provided for them west of that river, in accordance with the treaty concluded with them on the 29th of December, 1835.

Upon the reception of this communication, you will proceed to the Cherokee agency east, Calhoun, State of Tennessee, and report for service to Benjamin F. Currey, Esq., superintendent of the emigration:

Herewith you will receive a printed copy of "regulations concerning the removal of Indians," and another of a "memorandum respecting the removal of the Indians during the year 1834." You will also be furnished with a copy of the treaty and of a "circular" from this office, dated 23d February, 1835, and of the instructions of this office to the superintendent. From these documents you will, without difficulty, be enabled to comprehend the nature of your duties, and the mode of performing them.

The regulations and instructions already mentioned, except the instructions to the superintendent, were prepared as general instructions to persons employed in Indian emigration, but before the late treaty with the Cherokees. Hence, in some particulars, a few of their requirements will be found inapplicable to the present condition and relations of the Cherokees; but you will readily perceive, that their spirit and general principles are still applicable to the contemplated emigration of the Cherokees; and those parts of them which are rendered inapplicable by the treaty, will,

doubtless, as readily be recognised by you. The most material alterations you will find to have been already pointed out in the instructions to the superintendent.

You will, from the general "regulations," perceive that it is your duty to carry into effect the instructions of the superintendent, so far as the same shall be in conformity with the general authority given by these "regulations," or by special direction from the War Department.

The route and mode of transportation will be determined by the superintendent; but the means, both of transportation and subsistence, will be provided by you, upon his requisitions; and by you, also, will payments be made for all services as well as all supplies.

The muster-roll will show the number of Indians at the time of setting out, and all changes on the route; and will, of course, agree with the issues. The utmost exactness will be expected in the rolls, the provision and forage checks, &c. The journal to be kept by the conductor will show the incidents of the travel, and will be forwarded with your quarterly accounts. The mode of contracting for wagons and teams will be found in the "circular." To this circular I would request your special attention. It will shed much light upon the duties, accountability of agents, and the forms and manner of keeping their accounts, and making their returns to this office. Blank forms of the accounts therein mentioned, and of muster-rolls, and all other requisite returns, shall be sent you in due time.

You will keep me constantly apprized of the state of the emigration, and of the matters of interest touching your duties.

That the several provisions of the treaty should be carried into effect, in the humane and liberal spirit towards the Indians in which they were made by the Government, and at as early a period as may be compatible with the rights and interests of the Indians, is anxiously desired by this department; it is, therefore, confidently expected that, in endeavoring to effect this important result, the utmost harmony and cordial co-operation will prevail among all functionaries employed by Government for the attainment of that end.

The journal of occurrences, mentioned at page 13 of the "regulations," will be kept by you for the purposes there stated.

Very respectfully,

GEORGE GIBSON,

Commissary General of Subsistence.

To Doctor BENJAMIN KING,

Assistant Surgeon U. S. Army, Washington city.

EMIGRATION OF INDIANS,

Office Com. Gen. of Sub., October 1, 1826.

SIR: Doctor Benjamin King, assistant surgeon United States army, has been appointed disbursing agent Cherokee removal. He has this day been furnished with a letter of instructions upon the subject; and, for your further information, I herewith send a copy of those instructions.

Very respectfully,

GEORGE GIBSON,

Commissary General of Subsistence.

To BENJAMIN F. CURREY,

Superintendent Cher. Removal, Calhoun, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, October 3, 1836.

SIR: I have the honor to transmit, herewith, a copy of a letter from General Wool, respecting the reimbursement of the persons who supplied the wants of the poorer Cherokees before he reached their country, and the issue of provisions to such of these as may be at the agency settling their claims.

Before the receipt of General Wool's letter, your recommendation that both these measures should be authorized, had been approved, and I have so informed him in reply. Great confidence is, however, entertained in his discretion and judgment, and I beg leave to invite your attention to his representations. They are, in my opinion, insufficient to induce a doubt of the correctness of the course which has been taken, but they are certainly good arguments to show the propriety of great caution and discrimination in the admission of claims and in issuing supplies.

It is of course impracticable for this office to prescribe rules for executing these measures, even were they necessary. The whole matter must be left to your discretion and that of your colleague, after his arrival. I will remark, however, that it seems to me no claims should be admitted unless it shall appear, after a rigid scrutiny that the supplies claimed for were *bona fide* furnished to Indians too poor to purchase for themselves, and at a time subsequent to the date, if not to the ratification, of the treaty; and that no provisions should be issued at New Echota, except to those in the same impoverished condition, who are necessarily there, and only for the time they are obliged to remain for the accomplishment of their business.

The sum indicated, \$3,000, is as much as can be spared for reimbursing these claimants; and as this may not be sufficient to pay the whole of the claims, it is respectfully suggested whether it would not be best to postpone paying any till all are presented, in order that a *pro rata* allowance may be made in the event the amount is insufficient.

Two thousand dollars have been remitted to General Wool, to enable him to make the proper issues of provisions, and he will be instructed to do so on your requisitions only.

The whole amount applicable to the relief of the poor Cherokees is but little over \$72,000. Great care should be used in its expenditure, so that the greatest possible benefit shall be conferred. And should too much be spent at first, great distress might prevail before the two years have expired, without the existence of power to relieve it.

Very respectfully,

C. A. HARRIS,
Commissioner

Hon. WILSON LUMPKIN,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 3, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th ultimo, announcing your intention to despatch, the next day, an agent

to New York, to make purchases of clothing for the poorer Cherokees, and beg leave to refer you to my letter of the 24th ultimo, for the views of the office on the subject.

By the same mail which brought your letter of the 18th, I received that of the 12th, in regard to the inexpediency of reimbursing those who supplied the wants of the poor before your arrival in the Cherokee country, and of issuing provisions to those who are detained at New Echota in settling their claims. Both these measures had received the sanction of the office before the receipt of your letter, and Governor Lumpkin and yourself notified accordingly. The arguments advanced by you are certainly forcible, and entitled to much consideration, but I think they go to establish the necessity of great caution and discretion in carrying out these measures, rather than to show that the measures themselves are improper. I shall send a copy of your letter to Governor Lumpkin, and recommend to him a rigid examination of the claims to reimbursement, the expenditure for which you will have perceived is limited to \$3,000, and great caution in issuing the supplies to those only who are too poor to purchase for themselves. The sum of \$2,000 is the limit of the expenditure for this latter purpose; and as the commissioners will have the best means of knowing who should be supplied, I have to request that you will issue provisions to this class of persons only on the requisition of one or both of them.

Very respectfully,

C. A. HARRIS,
Commissioner.

Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 4, 1836.

SIR: I have to acknowledge the reception of your letter of the 28th August last, in answer to mine of 3d of same month, relative to the best mode of removing and subsisting the Cherokees about to emigrate under the late treaty. Accept my thanks for your communication. Your views will doubtless prove highly useful to the superintendent of the emigration, to whom I have sent a copy of your letter.

Very respectfully,

GEORGE GIBSON,
Commissary General of Subsistence.

Capt. JACOB BROWN,
*Principal Disbursing Agent Indian Removal,
Little Rock, Arkansas.*

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 4, 1836.

SIR: I have to acknowledge the reception of three letters from you, one of the 8th, and two of the 14th ultimo. The first relates to the division of the Cherokee country into districts for the appointment therein of agents and interpreters to attend to the estimating of the improvements of Indian

lands. As every thing connected with the improvements is under the supervision of the Commissioner of Indian Affairs, I have referred yours of the 8th to that officer, who, I understand, has already, indeed, instructed you as to the valuation of improvements, and requested your reports upon that point to be made to him. In all your correspondence with the department upon Indian affairs, it is proper that you clearly discriminate between that which appertains to this office, and what belongs to that of the Commissioner of Indian Affairs. Nothing but what has a direct bearing upon the *emigration* of Indians should be addressed to this office. One of the other two letters mentioned, relating to the date of the appointments of the valuing agents, has also been referred as the first. And that part of your other letter of 14th, that relates to the estimated funds for valuing agents, interpreters, &c., has, for the reason already assigned, received like reference.

That part of your estimate for funds having a connexion with the *emigration*, shall be duly attended to by this office. The requisite amount shall be remitted to the disbursing agent in due time.

It is perceived that you have estimated for a clerk to the superintendent, but have not stated whether his services are required in the business of valuing the improvements, or that of emigration. The necessity for the employment of a clerk must be explained before it can be sanctioned.

I beg leave to call your attention to a fundamental regulation in the emigration of Indians, to be found at page 2 of the printed "regulations," requiring the special agents to submit to the War Department the names of the persons *proposed* to be employed, and the nature of the duties to be assigned to them, and the amount of compensation *proposed* to be given.

The same rule lays it down that no person will be employed, except *temporarily* and from *necessity*, without the previous sanction of the department.

It is seen that you have estimated for six interpreters to attend the emigrating parties of Indians. I presume that one interpreter is sufficient for each party, and therefore the employment of more cannot be authorized.

Very respectfully,

GEORGE GIBSON,

Commissary General of Subsistence

To BENJAMIN F. CURREY, Esq.,

Superintendent Cherokee Removal,

Calhoun, Tennessee.

EMIGRATION OF INDIANS,

Office Com. Gen. of Sub., October 4, 1836.

SIR: I have deemed it proper to submit, for your consideration, a copy of a letter from this office to Captain J. Brown, principal disbursing agent Indian removal, relative to the mode of removing and subsisting the Cherokees about to remove, and also of his answer thereto, both of which you will find enclosed herewith.

Very respectfully,

GEORGE GIBSON,

Commissary General of Subsistence

BENJAMIN F. CURREY, Esq.,

Superintendent Cherokee Removal,

Calhoun, Tennessee.

Extract of a letter to General M. Stokes, from the Commissioner of Indian Affairs, dated October 5, 1836.

"In explanation of the remittance under the head of annuities, I have to state that the sum of \$12,600 was appropriated for the payment of interest on an annuity of \$10,000, secured by the treaty of 24th October, 1804, which was not paid until 1825. This sum was to be divided and paid as the annuities. The portion, therefore, due to the Western Cherokees, being one-third, was - - - - - \$4,200 00
After deducting the sum of - - - - - 3,333 00

paid here on the order of the chiefs, left - - - - - \$866 67
to be paid as annuities, under the act of appropriation. The old annuities of \$10,000 were superseded by the 11th article of the new treaty with the Cherokees, concluded in December last, by providing for a commutation of them. No action has yet been had in relation to a division of that fund. In due time, the Western Cherokees will receive their proportion, under the treaty, of \$214,000."

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 6, 1836.

SIR: The acting Secretary of War instructs me to say he wishes Major William M. Davis, of Kentucky, appointed either a valuing agent, or to an equally eligible situation as regards emolument, in the emigration of the Cherokee Indians.

Very respectfully,
GEORGE GIBSON,
Commissary General of Subsistence.

To BENJAMIN F. CURREY, Esq.,
Superintendent Cherokee Removal,
Calhoun, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 6, 1836.

SIR: I enclose, for your information, a copy of a letter from this office to Benjamin F. Currey, Esq., superintendent Cherokee removal, directing him to employ you in the emigration of the Cherokee Indians.

Very respectfully,
GEORGE GIBSON,
Commissary General of Subsistence.

Major WILLIAM M. DAVIS,
Harrodsburg, Kentucky.

WAR DEPARTMENT,
Office Indian Affairs, October 10, 1836.

SIR: In accordance with the intimation in my letter of the 27th ultimo, the question of allowing the committee, under the 12th article of the treaty,

compensation for their services, has been submitted to the President. He has decided that they may be paid such a sum as the commissioners may fix, not exceeding four dollars a day, for every day of actual service; the necessity for which will be certified by the commissioners, or one of them, upon the accounts.

Very respectfully,

C. A. HARRIS,
Commissioner

His excellency WILSON LUMPKIN,
New Echota, Georgia.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 10, 1836.

SIR: A letter from Lieutenant Van Horne, of the 23d of August last, states that about thirty or forty Cherokee emigrants have lately arrived, but before the ratification of the new treaty. They say that they enrolled with the understanding that they were to enjoy the benefits of all stipulations of the late treaty; and that, therefore, they are entitled to \$33 33 each, in lieu of a year's subsistence in kind, which they, therefore, decline to receive."

You will immediately write to Lieutenant Van Horne, and let him know whether, or not, any of the emigrants did enrol with such an understanding; and if any did so enrol, give him their names, and furnish this office with the same information. If there are any who did so enrol, they are, by the principles of equity and good faith, clearly entitled to the commutation.

Very respectfully,

GEORGE GIBSON,
Commissary General of Subsistence

TO BENJAMIN F. CURREY, Esq.,
*Superintendent Cherokee Removal,
Calhoun, Tennessee.*

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 10, 1836.

SIR: Your letter of the 23d August has been received. I have this day written to Mr. Currey, superintendent, requesting him to inform you if any of the late emigrants from the Cherokee nation did actually enrol with the understanding mentioned by you, and if any did so enrol, to give you their names. If there are any such, they are unquestionably entitled, by the principles of equity and good faith, to the commutation allowance, in lieu of the year's subsistence. You will therefore be governed by the information to be derived from the superintendent.

With regard to the amount due Cherokee emigrants for improvements, abandoned by them east of the Mississippi, as also the fourteen thousand dollars, mentioned by you, appropriated in 1834 for loss of Cherokee property, I have to inform you that the requisite sum to meet such claims was

placed in the hands of Captain Brown, in March, 1835, by the Commissioner of Indian Affairs.

In all your correspondence with the department upon Indian affairs, it is desirable that you distinguish between what properly belongs to this office, and that which is under the supervision of the Commissioner of Indian Affairs. Whatever is not connected with the *removal* and *subsistence* of Indians, should be submitted to the Commissioner.

Your statement of the losses sustained by the friendly Seminoles, during the Indian hostilities in Florida, together with Lieutenant Harris's report on the same subject, will be submitted to the consideration of the acting Secretary of War.

Very respectfully,
GEORGE GIBSON,
Commissary General of Subsistence.

To Lieut. J. VAN HORNE,
Disbursing Agent Ind. Removal, Fort Gibson.

EMIGRATION OF INDIANS,
Office Com. Gen of Sub., October 10, 1836.

SIR: By the authority of the acting Secretary of War, you are hereby appointed to serve as physician in the emigration of the Cherokee Indians, under the late treaty with those Indians. You will please signify to this office your acceptance or refusal of the appointment. Should you accept it, you will, with all convenient despatch, proceed to the Cherokee agency, Calhoun, Tennessee, and there report for service to Benjamin F. Currey, Esq., superintendent of the emigration; or, in case of his absence, to the commissioners, Wilson Lumpkin and William Carroll, Esquires.

Your compensation will be at the rate of six dollars a day, to commence from the day of your reporting, as above stated, for service. But after your arrival west with a party of emigrants, your per diem allowance will cease until you again return to the Cherokee nation east, to accompany another party; and, instead thereof, you will be allowed six dollars for every thirty miles you may travel in returning by the nearest route.

It will be your duty to render to the Indians such medical and professional services as their condition may require. You will submit an estimate for the requisite medicines to the superintendent, Benjamin F. Currey, who will draw a requisition for the same upon the disbursing officer. Should medicines or hospital stores for the sick be needed on the route westward, the disbursing officer accompanying the party will supply it upon your requisition.

You will keep a regular journal of the incidents connected with your functions, whilst on the route.

After your return from the west, you will report yourself again to the superintendent. To this office you will transmit your journal, and make occasional reports, copies of which you will also transmit to the superintendent.

Very respectfully,
GEORGE GIBSON,
Commissary General of Subsistence.

To Doctor C. LILLYBRIDGE,
Norfolk, Virginia.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 10, 1836.

SIR: I send herewith, for your information, the copy of the appointment and instructions given to Doctor Clarke Lillybridge, as physician in the emigration of the Cherokee Indians.

Very respectfully,
GEORGE GIBSON,

Commissary General of Subsistence

To BENJAMIN F. CURREY, Esq.,
Sup't Cherokee Removal, Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 12, 1836.

SIR: I enclose an extract of a letter of this date to Brigadier General Wool.

Should the delegation of Eastern Cherokees therein spoken of, which, it is understood, consists of John Ross, John Benge, W. Adair, Calsatohe Hogg, Richard Taylor, and Joseph Saunders, proceed to the Western Cherokee country, with a view to incite opposition to the treaty, or to attempt an alteration of it, you will at once arrest them, and institute the proper legal proceedings in the United States district court, under the 13th and 23d sections of the intercourse act of 1834; and you will inform the Western Cherokees that the conduct of Mr. Ross and the delegation is regarded as in direct contravention of the recent treaty, and admonish them against any proceedings which may have a similar tendency and character. You will instruct Governor Stokes to watch the conduct of all the Cherokees with great vigilance.

The commanding officer at Fort Gibson will be instructed to furnish any military aid you may require for the execution of these instructions.

Very respectfully,
C. A. HARRIS,
Commissioner

To Captain WILLIAM ARMSTRONG,
Choctaw Agency, west of the Mississippi.

WAR DEPARTMENT,
Office Indian Affairs, October 12, 1836.

SIR: I enclose, for your information, a copy of a letter of this date to General Wool, and you will give publicity to the views of the President therein expressed.

Very respectfully,
C. A. HARRIS,
Commissioner

Major BENJAMIN F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
October 12, 1836.

STR: I have had the honor to receive and submit to the President your letters of the 12th, 21st, and 25th ultimo.

It has never been the intention of the department that the military force in the Cherokee country should be withdrawn or reduced, while its presence was necessary for the accomplishment of any objects connected with the treaty. A proper regard to economy, however, requires that no more should be retained than is sufficient for this purpose.

The marine corps having proceeded to Florida, there is no portion of the regular army that can be placed at your disposal.

The number of volunteers that you may require will, in accordance with the suggestion of Governor Lumpkin, in which you seem to concur, and which is approved by the President, be drawn from the States, respectively, in which they are to be stationed, and the President has directed me to request that you will muster, pay, and suffer to return to their homes, such portion of the Tennessee troops as, in the opinion of the commissioners and yourself, will not be wanted within the limits of that State, while the execution of the treaty is in progress. Having engaged to serve twelve months, unless sooner discharged, they must distinctly be informed that they are liable to be called into service at any time during the period of their original engagement. It would be improper to part with any of the Tennessee troops, until ample arrangements are made to guard the other States, unless yourself and the commissioners should think that less than the whole number can effect this object.

It is apprehended that many, if not all, the volunteers from Georgia and Alabama, lately in the service, have been finally discharged. Should this not be the case, you will call on the Governors of those States, respectively, for as many of those yet liable to serve as may be required within the limits of each. Should they have been discharged, you can then make your requisitions for the same number of new troops. As none have yet been in service from North Carolina, those called out for that State will, of course, be new troops.

The letter from this department of the 20th June last gave you authority to call for militia from the States of Tennessee, Georgia, and North Carolina; but it will now be preferable to make your requisitions for volunteers under the act of Congress of the 23d of May last. I enclose a copy of the act, an extract of a letter to the Governors of some of the States from which volunteers were called, and a copy of a memorandum that accompanied it, in which the principles of the organization of volunteer troops are distinctly laid down, by which you will be guided, so far as they are applicable. The number you may call for will be received into the service for twelve months, unless sooner discharged. This arrangement, however, so far as it respects North Carolina, will not be carried into effect, if you and the commissioners should be of opinion that, in consequence of the small number of Indians in that State, every necessary service can be rendered by the troops from the other States.

I understand, from your letter of the 12th ultimo, that your present impression is, that eight hundred men are sufficient for a permanent force for the whole Cherokee country. This number, therefore, will not be exceeded in carrying out the arrangements indicated in this letter; and I presume it will be necessary to keep a greater number of the Tennessee troops in

service until it can be completed. As many of the eight hundred men may be mounted as you and the commissioners may think proper.

In determining upon the various points herein presented, the number and kind of volunteers to be employed, and the stations of the several detachments, I would recommend that you consult the commissioners whose characters, and knowledge of Indian temper and habits, and of the localities of the country, entitles their opinions to great consideration.

You are authorized to have the necessary winter quarters provided for the troops you may call into service.

The declarations made by you to Mr. John Ross, as stated in your letter of the 18th ultimo, will be sustained. The President will not depart from the determination expressed in his letter to you of September 7th.

"The treaty is to be religiously fulfilled." No delegation sent to this place with a view to obtain new terms, or a modification of those of the existing treaty, will be received or recognised; nor will any intercourse be had with them directly or indirectly, orally or in writing. You will repeat this determination of the President to Mr. Ross, and to all others in the strongest terms. If any of our citizens enter the Indian country and incite opposition to the execution of the treaty, you will ascertain whether there is no law of the State which can be brought to bear upon them, and under which they can be removed. If they cannot be reached in this way, it is the opinion of the President that they may be removed under the 6th article of the treaty, in which the United States guarantee that the Cherokees shall "be protected against interruption or intrusion from citizens of the United States, who may attempt to settle in the country without their consent." It is not to be presumed that this consent will be given by those of the committee who are acting under the 12th article, and by the terms of that article they alone are authorized to give it.

If any officer of the army should countenance resistance or opposition to the treaty, you will arrest him, and order a court of inquiry. If the fact be established, the President will dismiss him from the service, and the commissioners will be instructed to suspend any of the agents employed under the treaty, who may be guilty of the like offence.

I am instructed to express the surprise of the President that you permitted the council of the Cherokees to remain in session a moment after it became apparent that it was determined to declare the treaty void. This was the contingency contemplated in the letter of the department of September 3d, in which you were instructed to interfere and disperse such assemblage. If, upon any future occasion, the non-execution of the treaty should be discussed in council, you will immediately close its session. You will inform Mr. Ross that the President regards the proceedings of himself and associates in council as in direct contravention of the plighted faith of their people, and a repetition of them will be considered as indicative of a design to prevent the execution of the treaty, even at the hazard of actual hostilities, and they will be promptly repressed. You will also inform him that, if a delegation proceed to the Cherokees west of the Mississippi for the purpose of procuring their co-operation in an attempt to set aside or modify the existing treaty, or obtain a new one, the acting superintendent of the Western Territory will be instructed to enforce the intercourse law of 1834, and to employ military aid, if necessary, under the authority of the 23d section.

I annex copies of these sections, which, as well as a copy of this letter,

you will deliver to Mr. Ross. The direction you have given to Major Nelson, and your general views respecting the Creeks residing among the Cherokees, meet the concurrence of the President, so far as they may affect Creeks settled in the Cherokee country prior to the extension of the jurisdiction of the States over the Indian country, and to the treaty with the Creeks of March 24, 1832. Those who have settled there since will be required to join their people west of the Mississippi, and military force will be applied to effect that object if necessary.

Very respectfully,

C. A. HARRIS,
Acting Secretary of War.

To Brevet Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 12, 1836.

SIR: I have had the honor to receive your letter of the 24th ultimo.

In reply to many of the subjects embraced in it, I beg leave to refer you to the enclosed copy of my letter of this date to General Wool, the views expressed in which you are requested to make public for the information of all.

I hope General Carroll will be with you at the time you have assigned for the meeting of the Cherokees, and have to request that you will forward an estimate of the sums that may be required for the payments to be made under your direction. A disbursing officer will soon be with you.

You have full power to suspend any of the agents employed in the execution of the treaty; and you will not hesitate to exercise it, if any of them encourage its infraction, reporting the reasons for your proceeding to this department. General Wool will arrest any military officers who may so offend.

Very respectfully,

C. A. HARRIS,
Commissioner.

To his excellency WILSON LUMPKIN,
New Echota, Georgia.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 15, 1836.

SIR: You are hereby appointed disbursing agent in the removal of the Cherokee Indians, whose emigration from their present residence, east of the Mississippi river, is about to take place, to the lands provided for them west of that river, in accordance with the treaty concluded with them on the 29th of December, 1835.

Upon the reception of this communication, you will proceed to the Cherokee agency east, Calhoun, State of Tennessee, and report for service to Benjamin F. Currey, Esq., superintendent of the emigration.

Herewith you will receive a printed copy of "regulations concerning the removal of Indians," and another of a "memorandum respecting the

removal of Indians during the year 1834." You will also be furnished with a copy of the treaty, and of a "circular" from this office, dated 28th February, 1835, and of the instructions of this office to the superintendent. From these documents you will, without difficulty, be enabled to comprehend the nature of your duties and the mode of performing them.

The regulations and instructions already mentioned, except the instructions to the superintendent, were prepared as general instructions to persons employed in Indian emigration, but before the late treaty with the Cherokees; hence, in some particulars, a few of their requirements will be found inapplicable to the present condition and relations of the Cherokees, but you will readily perceive that their spirit and generous principles are still applicable to the contemplated emigration of the Cherokees; and those parts of them which are rendered inapplicable by the treaty, will, doubtless, as readily be recognised by you. The most material alterations you will find to have been already pointed out in the instructions to the superintendent.

You will, from the general "regulations," perceive that it is your duty to carry into effect the instructions of the superintendent, so far as the same shall be in conformity with the general authority given by those "regulations," or by special direction from the War Department.

The route and mode of transportation will be determined by the superintendent; but the means, both of transportation and subsistence, will be provided by you upon his requisitions; and by you, also, will payments be made for all services as well as supplies.

The muster roll will show the number of Indians at the time of setting out, and all changes on the route, and will, of course, agree with the issues. The utmost exactness will be expected in the rolls, the provision and forage checks, &c. The journal, to be kept by the conductor, will show the incidents of the travel, and will be forwarded with your quarterly accounts. The mode of contracting for wagons and teams will be found in the "circular." To this circular I would request your special attention. It will shed much light upon the duties, accountability of agents, and the form and manner of keeping their accounts, and making their returns to this office.

Blank forms of the accounts therein mentioned, and of muster rolls, and all other requisite returns, shall be sent you in due time.

You will keep me constantly apprized of the state of the emigration, and of all matters of interest touching your duties.

That the several provisions of the treaty should be carried into effect in the humane and liberal spirit towards the Indians, in which they were made by the Government, and at as early a period as may be compatible with the rights and interests of the Indians, is anxiously desired by this department; it is, therefore, confidently expected that, in endeavoring to effect this important result, the utmost harmony and cordial co-operation will prevail among all functionaries employed by Government for the attainment of that end.

The journal of occurrences mentioned at page 13 of the "regulations" will be kept by you for the purposes there stated.

Very respectfully,

GEORGE GIBSON,

Commissionary General of Subsistence.

To Doctor PHILIP MINIS,

Asst. Sur. U. S. Army, Washington city.

P. S.—You will be allowed your actual expenses while engaged in the service; of these you will keep an accurate account from day to day, and authenticate the same by your certificate upon honor.

WAR DEPARTMENT,
Office Indian Affairs, October 15, 1836.

SIR: I have received your letter of this date, applying for instructions for duty in the Indian Department.

In reply, I have to request that you will report yourself in person, to the honorable Wilson Lumpkin and General William Carroll, commissioners under the late treaty with the Cherokees, at New Echota, Georgia, to which place the necessary instructions and funds will hereafter be sent for you.

Very respectfully,
C. A. HARRIS,
Commissioner.

Doctor PHILIP MINIS,
Assistant Surgeon, U. S. A., now at Washington.

WAR DEPARTMENT,
October 17, 1836.

SIR: I have received from the Commissary General of Subsistence your letters of the 8th and 14th ultimo, communicating the names, &c. of the appraising agents and of interpreters selected by you, which selections are approved.

I have to remind you that all communications upon the subject of Indian affairs, not relating to the removal and subsistence of Indians, should be addressed to the Commissioner of Indian Affairs.

Very respectfully,
C. A. HARRIS,
Acting Secretary of War.

Major B. F. CURREY,
Cathoun, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 17, 1836.

SIR: On the 1st instant, I informed you that Doctor B. King, assistant surgeon United States army, had been appointed disbursing officer in the Cherokee removal. I have now to communicate for your information that, owing to the extreme illness of Doctor Lovell, Surgeon General, the professional services of Doctor King have been required here, and hence the necessity of appointing another person, in lieu of Doctor King, to make the disbursements. Doctor Philip Minis, assistant surgeon United States ar-

my, has been appointed for that purpose. His instructions are the same as those prepared for Doctor King, of which a copy was enclosed to you in my letter above mentioned.

Very respectfully,
 GEORGE GIBSON,
Commissary General of Subsistence.

To B. F. CURREY, Esq.,
*Superintendent Cherokee Removal,
 Calhoun, Tennessee.*

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 17, 1836

SIR: A set of blank forms was forwarded to the address of Doctor King at Calhoun, Tennessee, on the 28th September. Doctor Minis has subsequently been appointed disbursing officer in place of Doctor King, and a set of forms furnished him. You will please apply those sent to Doctor King to your own use.

Very respectfully,
 GEORGE GIBSON,
Commissary General of Subsistence.

To B. F. CURREY, Esq.,
*Superintendent Cherokee Removal,
 Calhoun, Tennessee.*

WAR DEPARTMENT,
October 17, 1836

SIR: The President has instructed me to communicate to you his wish, that you shall consult the commissioners upon all subjects connected with the execution of your duties in the Cherokee country. Your cordial cooperation with them is not doubted, and is esteemed to be of the highest moment. Should, however, a diversity of opinion arise between you and them, upon any branch of the business confided to you, the President desires that you will acquiesce in their judgment, and carry into effect any measures or operations, civil or military, they may determine to be proper. He is induced to prefer that the discretionary authority which must be exercised should be vested in them, by his knowledge of their capacity and judgment, and acquaintance with the character of the Cherokees, and especially by the consideration that they belong to two of the States most interested in the execution of the treaty. They were intrusted, in their first instructions, with this authority over the fulfilment of its several provisions, and over the civil agents employed, and its extension, in the manner herein indicated, is considered by him to be essential to unity of purpose and of action.

I am also directed to request that you will exhibit to the commissioners the instructions you have, from time to time, received from this department,

whether relating to duties specially military, or otherwise, that they may have a full view of the whole ground.

Very respectfully,

C. A. HARRIS,

Acting Secretary of War.

Brevet Brig. General JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 17, 1836.

GENTLEMEN: I have the honor to transmit a copy of a letter of this date to General Wool.

You will perceive from it that it is the intention of the President to invest you with a general supervisory power over the execution of the treaty, and over all officers, civil or military, connected therewith. The President is fully sensible of the difficult and responsible nature of this trust, but he relies with entire confidence in your capacity and disposition to fulfil it faithfully. The authority confided to you, it is designed, shall be as extensive as the constitutional duty of the President, under the treaty with the Cherokees, and the laws, will permit him to confer upon any one. Your own judgment will tell you in what cases a reference to him, for his previous or subsequent sanction of your measures, will be proper, before you consider them as final.

You are specially directed to keep this department advised of your proceedings, and of any occurrences among the Cherokees, or our own citizens, that may affect the fulfilment of the treaty. The views of the President in relation to it are especially stated in the letter to General Wool of the 12th instant, a copy of which was transmitted to you on the same day, and in the one now enclosed. He especially requests that you will observe, with great vigilance, every movement of Ross and his associates, and if you discover any of a character to bring on hostilities, that you apply, without delay, every measure to defeat it which, in your judgment, may be authorized by the treaty and the laws, even to the extent of arresting him and them.

A copy of the communication from John Ross and others, forwarded by General Wool, is also enclosed for your information.

Very respectfully,

C. A. HARRIS,

Commissioner.

To Messrs. LUMPKIN and CARROLL,
Commissioners, &c., New Echota, Georgia.

WAR DEPARTMENT,
October 17, 1836.

SIR: I have had the honor to receive and lay before the President your letter of the 2d instant, enclosing a communication of John Ross and others to you.

I am directed by the President to return the communication to you, and to express his astonishment that you should have received or transmitted a paper so disrespectful to him, to the Senate, and through them to the people of the United States. You will immediately return it to those who have signed it, and express to them his decided disapprobation of their proceedings, and those of the council, and of the measures contemplated by Ross and his associates.

The expression in your letter, "if the Government intended seriously to execute it (the treaty) within the period prescribed," leaves room to suppose that you yet entertain a doubt as to the intentions of the President. To prevent any misapprehension on the subject, I am instructed to repeat, in the most explicit terms, that it is the settled determination of the President that the present treaty shall be executed without modification, and with all the despatch consistent with propriety and justice.

You will deliver a copy of this communication to Mr. Ross, and will thereafter cease to hold any communication with him, either orally or in writing, in regard to the treaty.

Very respectfully,

C. A. HARRIS,

Acting Secretary of War.

Brevet Brig. Gen. JOHN E. WOOL,
New Echota, Georgia.

EMIGRATION OF INDIANS,

Office Com. Gen. of Sub., October 19, 1836.

SIR: Your communications of the 1st instant, enclosing an account for the third quarter of the year, and a statement of the officers and interpreters employed in business preparatory to the removal of the Cherokee Indians, are received. This latter document should have been forwarded to the Commissioner of Indian Affairs.

The balance due on your account should be \$6,046 50 $\frac{1}{2}$, instead of \$6,146 50 $\frac{1}{2}$. You will take up this corrected amount on your next account, and in future are requested to adopt the following mode of rendering your accounts.

To balance due the United States per last account,	\$6,046 50 $\frac{1}{2}$
Arising thus:	
For 391 rifles on hand, at \$13 22	\$5,169 02
For 131 blankets, at \$3 55	465 05
For 425 camp kettles, at 89 $\frac{1}{2}$ cts.	381 43 $\frac{1}{2}$
For cash due the United States per last account	11 00
For amount disallowed by 2d Auditor on settlement, 23d November, 1835	20 00
	\$6,046 50 $\frac{1}{2}$

By your quarterly statement of agents it is perceived you note George W. Currey clerk to the superintendent, appointed 14th March, 1836. On the 11th February you were instructed by this office that the Secretary of War had ordered the discharge of your clerk and all other agents engaged in the Cherokee removal, except yourself and Lieutenant Batman. No authority has been given from this office, or that of the Commissioner of

Indian Affairs for the employment of a clerk. The appointment of George W. Currey will not be recognised, and you are requested to report on what authority you employed him after his discharge had been ordered by the War Department.

Article 4th of section 2d, regulations for removal of Indians, expressly requires that the names of all assistants be submitted to the War Department for approval; in the present instance you have neglected to comply with the plain regulations.

A strict compliance with the regulations and the instructions of this office is expected from both superintendents and agents, and will be rigidly exacted.

Very respectfully,
GEORGE GIBSON,
Commissary General of Subsistence.

BENJAMIN F. CURREY, Esq.
Superintendent of Cherokee Removal,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 20, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, enclosing copies of the letters of the Hon. H. Clay, and of Mr. John Ross. These papers have been submitted to the President.

The copy of a letter to General Wool, enclosed in mine of the 12th instant, will have advised you of the views of the President respecting the late Cherokee council, and of his determination respecting the proceedings contemplated by it. His views on other points connected with the execution of the treaty you will learn from the enclosed copies of letters to the commissioners and to General Wool.

Very respectfully,
C. A. HARRIS,
Commissioner.

Major B. F. CURREY,
Calhoun, Tennessee.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., October 21, 1836.

SIR: I have this day required that four thousand dollars be deposited to your credit, at the Branch Bank of Tennessee, at Athens, Tennessee, on account of "the removal of Cherokees, and for spoliations," &c.

This money is applicable to the payment of the salaries of the superintendent, his interpreter, contingencies of removal, and the salaries of the agents authorized by this office.

Major Currey has estimated for the pay of a clerk at \$3 per diem. The appointment of a clerk has not been approved of.

In drawing money from the deposite bank in sums to meet your expenditures, your checks or drafts will be endorsed with the approval of the superintendent.

Very respectfully,
GEORGE GIBSON,
Commissary General of Subsistence

Doctor **PHILIP MINIS,**
*Disbursing Officer, Cherokees,
 New Echota, Georgia.*

WAR DEPARTMENT,
Office Indian Affairs, October 21, 1836.

SIR: A copy of your letter of the 1st instant, to the Commissary General of Subsistence, advising the appointment of valuing agents and interpreters for the first and second Alabama districts, has been communicated to this office.

The appointments made by you are approved.

Very respectfully,
C. A. HARRIS,
Commissary

Major **B. F. CURREY,**
Cherokee Agency, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 25, 1836.

SIR: You will receive under this date, from the War Department, an appointment as commissioner under the Cherokee treaty of 29th December, 1835. Your associate, Governor Lumpkin, of Georgia, is now probably at New Echota, at which place it is important you should join him without delay. To save the time that would be required to prepare copies of the papers connected with this business, I have requested him to show you the instructions that have been given him; a similar request has been addressed to Major B. F. Currey, the superintendent of the emigration, and General Wool, who is in command of the military force in the Cherokee country.

You will perceive from these and the enclosed copy of the treaty, that your duties are of a difficult and delicate character. But the President relies upon your judgment and discretion for a correct discharge of them.

Your compensation will be eight dollars a day, from the commencement to the termination of your duties, to be paid upon your certificate of honor.

Very respectfully,
C. A. HARRIS,
Commissary

To **JOHN KENNEDY,**
Jonesborough, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 25, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, tendering your resignation of your appointment as commissioner under the late treaty with the Cherokees, which has been accepted by the President.

Very respectfully,
C. A. HARRIS,
Commissioner.

To Gen. WILLIAM CARROLL,
Pontotoc, Mississippi.

WAR DEPARTMENT,
Office Indian Affairs, October 25, 1836.

SIR: Governor Carroll has tendered his resignation of his appointment as commissioner under the Cherokee treaty, which has been accepted by the President, who has directed a commission to be sent to John Kennedy, Esq. of Jonesborough, Tennessee.

He will be requested to proceed to New Echota without delay. You will please to show him the instructions that have been given to you from time to time, as it will take too long to prepare copies here for him.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN,
New Echota, Georgia.

Same to Brevet Brig. Gen. J. E. Wool, New Echota, Georgia, and Major B. F. Currey, Calhoun, Tennessee.

WAR DEPARTMENT,
October 25, 1836.

SIR: I transmit, herewith, a commission, authorizing you to execute certain duties under the treaty with the Cherokee Indians of December 29, 1835.

Your instructions will be sent to you by the Commissioner of Indian Affairs.

Very respectfully,
B. F. BUTLER,
Acting Secretary of War.

To JOHN KENNEDY,
Jonesborough, Tennessee.

P. S.—You will please signify immediately your acceptance or non-acceptance of this appointment.

WAR DEPARTMENT,
Office Indian Affairs, October 27, 1836.

SIR: I have the honor to transmit, herewith, a copy of Major B. F. Currey's list of persons employed in valuing Cherokee improvements
And am, &c.,

C. A. HARRIS,
Commissioner

Major WILLIAM B. LEWIS,
Second Auditor.

WAR DEPARTMENT,
Office Indian Affairs, October 28, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, from Fort Cass.

Very respectfully,
C. A. HARRIS,
Commissioner

Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 29, 1836.

SIR: A requisition has been issued in your favor for \$8,505, being amount estimated by Major Currey to be necessary for the pay of eight valuing agents, and nine interpreters for them, under the late Cherokee treaty, for three months, with which you will stand charged under the head of appropriation "for carrying into effect the treaty with the Cherokees of December, 1835, per act 2d July, 1836."

You will disburse this sum upon Major Currey's requisitions, taking bills and receipts according to the usual forms certified by that gentleman. Major Currey being familiar with these forms, he will be able to furnish you with the proper information on the subject.

Very respectfully,
C. A. HARRIS,
Commissioner

Doctor PHILIP MINIS,
Disbursing Agent, New Echota, Geo.

WAR DEPARTMENT,
Office Indian Affairs, October 29, 1836.

SIR: A requisition for \$8,505 has been issued in favor of Doctor Philip Minis, disbursing agent, being the amount estimated in your letter of the 14th September to be necessary to pay eighteen valuing agents, and nine interpreters for them, for three months. Doctor Minis has been instructed

to disburse this sum upon your requisitions, accompanied by bills, receipts, &c., in the usual form. He has been informed that you are familiar with these forms, and will give him the proper information on the subject.

Very respectfully,

C. A. HARRIS,
Commissioner.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 31, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th inst. The letter of the 24th ult., from this office, which you say has not reached you, being an important one, I transmit, herewith, a copy of it.

Very respectfully,

C. A. HARRIS,
Commissioner.

Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 31, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant.

It is much to be regretted that General Carroll has not been able to enter upon the duties of commissioner under the Cherokee treaty. You were notified some days since of his resignation, and the appointment of Mr. Kennedy, of Jonesborough, Tennessee, in his place. Up to the day his resignation was received, every confidence was entertained that General Carroll would be present at the time fixed by Governor Lumpkin. When it was known that he would not attend, steps were promptly taken to remedy the difficulty. Convinced of the importance of the speedy commencement of the duties confided to the commissioners, I trust nothing will occur to prevent the immediate attendance of Mr. Kennedy.

Dr. P. Matis was ordered to the Cherokee country, some ten or twelve days since, to perform the duty of disbursing agent. So far as any business under the charge of this office was concerned, it is not perceived that the delay that has occurred in sending an agent has been or can be productive of injury to the Government or individuals. Until the commissioners commence their duties, he can do comparatively nothing. It is hoped that the business is now in such a condition that its successful prosecution is certain.

Very respectfully,

C. A. HARRIS,
Commissioner.

Major F. B. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs October 31, 1836

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, respecting the delegation appointed at the late council at Red Clay, to proceed to the country of the Cherokees west of the Mississippi for purposes connected with the late treaty.

The letter from this office of the 12th instant will have informed you that the course recommended by you, in the event this delegation proceeds to the Western Cherokee country, for the purpose of exciting opposition to the late treaty, has already been adopted by the President. The proper instructions have been given to the acting superintendent of the Western Territory, to carry out the views of President on the subject.

Very respectfully,

C. A. HARRIS,
Commissioner

To Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 4, 1836.

GENTLEMEN: Doctor Philip Minis, assistant surgeon in the United States army, has proceeded to New Echota, with instructions to report to you, having been selected to make the disbursements called for by the treaty with the Cherokees of December 29, 1835.

You were informed, on the 25th of July, that it was contemplated these disbursements should be made under your immediate supervision, and you were requested to give the person who should be appointed to perform this duty, instructions as to the times, places, and mode of payment.

The sum of \$4,000 was remitted to the branch of the Planters' Bank of Tennessee, at Athens, by the Commissary General of Subsistence, on the 25th October, on account of the salaries of the emigrating agents and contingent expenses. Another remittance, amounting to \$8,505, was made from this office, on the 29th, on account of the salaries of the appraising agents and interpreters. These amounts, and all others that may be remitted for similar objects, will be drawn from the bank by Doctor Minis's drafts, countersigned by Major Currey.

On the 3d instant, \$50,000 were remitted to the bank, which will be applicable to the general purposes of the treaty. Being without estimates from you, this sum was fixed upon without precise data. I will thank you to forward estimates monthly of the amount that you think should be deposited at Athens.

Other remittances will be made, from time to time, on account of the disbursements to Indians, or claimants under Indians, by virtue of any stipulation in the treaty, for any object besides those above named. Looking to the spirit of the provision in the third section of the act of Congress of July 2d, 1836, "making appropriations for fortifications," that all sums appropriated at the last session shall be drawn from the Treasury "only as the same may be required by the several objects of expenditure authorized by law," it seems to be proper that no more money should be drawn by Doctor Minis than the service may actually require. You will please,

therefore, to inform him, from time to time, of the amount you think is wanted, and he will be instructed to make his drafts accordingly. But every draft will be countersigned by one of you, and the bank will be requested to pay none, not so countersigned. I would suggest for your consideration the following mode of proceeding in making the disbursements to claimants. When the register upon which the payment is to be made is completed, exhibiting the amounts due, let corresponding numbers be prefixed to the name of each claimant upon the register, and the register of improvements or claims, according to the class to which he belongs. In addition to the receipt which you were requested to take, in the letter of July 25th, let a book of blank certificates of the enclosed form be printed. Whenever a payment is made, let the same number, the name of the payee, the amount paid, the article of the treaty authorizing the payment, and the date of the treaty, corresponding with the filling up of the certificate, be entered in the margin. Let the claimant sign another receipt on the back of the certificate in the presence of one of you, and the disbursing officer will then pay the amount. These certificates, signed by either of you, will constitute his vouchers.

If any improvement upon this plan presents itself to your minds, you will please to adopt it, and report it to this office.

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

No. _____

This certifies that \$_____ are due to _____, under the _____ article of the treaty with the Cherokee Indians of December 29, 1835, as per No. _____ on the register of payments to be made. This _____ day of _____, 183_____.

} Commissioners.

Received of the United States, by the hands of _____, disbursing agent, the above amount of \$_____.

WAR DEPARTMENT,
Office Indian Affairs, November 4, 1836.

The sum of \$50,000 will be remitted to the branch of the Planters' Bank of Tennessee, at Athens, to be subject to your drafts, as disbursing agent, under the treaty with the Cherokees of December 29, 1835.

Regarding the intent of the provision in the 3d section of the act of Congress of July 2, 1836, making appropriations for fortifications, that the sum appropriated at the last session shall be drawn from the Treasury "only as they are required by the objects authorized by law," you will make your drafts according to the wants of the service. The commissioners appointed to examine claims can best judge of these, and they have been requested to inform you, from time to time, of the amount required, for which you will draw. Every draft will be countersigned by one of those gentlemen, except those on account of emigration and the salaries of agents,

which will be countersigned by Major Currey. The bank and the proper accounting officers have been advised of this arrangement, and requested to conform to it.

The sum now remitted is applicable to the general purposes of the treaty, and will be disbursed by you under the instructions of the commissioners.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor PHILIP MINIS,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 4, 1836.

SIR: I have the honor to transmit a copy of a letter, of this date, to the cashier of the branch of the Planters' Bank of Tennessee, at Athens, respecting the payments of the drafts of Doctor Minis, disbursing agent, under the Cherokee treaty of December 29, 1835.

I beg leave to request that it may be observed by you in your official action upon the subject.

Very respectfully,

C. A. HARRIS,
Commissioner.

JOHN CAMPBELL, Esq.,
Treasurer of the United States.

Same to Hon. A. K. Parris, Second Comptroller, William B. Lewis, Second Auditor.

WAR DEPARTMENT,
Office Indian Affairs, November 5, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th ultimo.

You have already been informed of the resignation of General Carroll, and the appointment of Mr. Kennedy. This measure, on the part of the former, was entirely unexpected, and is certainly to be deeply regretted, both on account of the delay, and because the country and the Indians are deprived of his great experience. Great confidence is entertained in the sound discretion and business habits of Mr. Kennedy, and it is hoped that nothing will occur to prevent his immediate attendance, so that no further delay may take place in the prosecution of the important duties intrusted to the commissioners.

Doctor Minis, the disbursing agent, is doubtless, by this time, at New Echota. He has not, heretofore, been furnished with a large amount of funds, because it was presumed that, until the commissioners entered upon their duties, the disbursements would be small. I apprized you, in my letter of yesterday, that \$50,000 had been placed in the bank at Athens, Ten-

nessee, subject to Doctor Minis's drafts, countersigned by one of the commissioners, for the payments under the treaty generally. I infer from your letter, however, that the business is in such a state of forwardness and preparation that, as soon as Mr. Kennedy arrives, it can be prosecuted with great despatch, and consequently a larger sum be needed immediately than I had anticipated. In this view of the case, an additional sum of \$100,000 will be immediately placed at Athens for these general purposes, and the sum of \$100,000 for purposes connected with the emigration; this latter subject to the drafts of Doctor Minis, countersigned by Major Currey. These sums will, I trust, be ample to meet all demands until the estimate which you were requested, in the letter from this office of the 12th ultimo, to furnish is received, when I shall have a better view of the whole ground.

I regret that warrants on the bank at Athens cannot be furnished, that not being a deposite bank. I presume, however, that an arrangement can be made by which the Athens bank would cash Treasury drafts on the deposite bank at Augusta, Savannah, or Columbus, Georgia. If you think it advisable, you will please ascertain if I am correct in this, and then drafts on such deposite bank as may be desirable will be sent to Doctor Minis, or such other arrangement made as will meet your views on the subject.

I hope the decision made here in regard to Boudinots' house, is not attributed to any indisposition to provide for the proper accommodation of the commissioners. It seems to me that no other construction can properly be given to the provision in the 16th article of the treaty relating to the agency buildings.

Certainly, so far as you are concerned, the zeal, ability, and promptitude you have displayed in the performance of the duties committed to you, not only entitle you to high commendation, but to all the indulgence which can be given. So far as it depends on this office, your wishes shall always be gratified, when this can be done with due regard to paramount obligations.

Very respectfully,

C. A. HARRIS,

Commissioner.

Hon. WILSON LUMPKIN,

New Echota, Georgia.

WAR DEPARTMENT,

Office Indian Affairs, November 5, 1836.

In a letter addressed to the President, Major Currey has represented "that Mr. Jarnigan has erected a trading house on the agency reservation. In this he is sustained, so far as General Wool's failure to remove him, and others similarly intruding, on my application, can be considered so."

The President has directed that all intruders, who, before the late treaty, were not entitled to be thereon by existing laws, shall be removed. I am instructed to request that you will cause this order to be executed, by the removal of the persons indicated, unless they have entered the country, and resided in it, by permission of that part of the committee named in the 12th article, who have engaged in the performance of the duties confided to them.

I beg leave to refer you to the letter to Gen. Wool of the 12th ultimo, a copy of which was sent to you, for the views of the President in relation to the right of the Government to remove intruders from any part of the Cherokee country. In this case, the public and free use of the agency buildings and improvements is reserved to the United States and the Cherokee Indians, and any measure will be authorized, necessary to secure them in this.

Very respectfully,

C. A. HARRIS,
Commissary.

To WILSON LUMPKIN and
JOHN KENNEDY,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 5, 1836.

SIR: A request has this day been made that \$100,000 may be placed in the Athens Bank, subject to Dr. Minis's drafts, countersigned by yourself. This sum is intended for disbursements connected with emigration, and the amount of the remittance is predicated on the estimate in your letter to the Commissary General of Subsistence, of the 14th September.

I will thank you to furnish monthly estimates of the sums necessary to be placed at your disposal for emigrating purposes. A request has also been this day made, that \$100,000 may be placed in the Athens Bank, to be drawn on Dr. Minis's drafts, countersigned by one of the commissaries, in addition to \$50,000 yesterday requested, for general payments under the treaty.

The plan of requiring the counter-signature of one of the commissaries, or yourself, on the draft of the disbursing officer, has been adopted on your suggestion. The cashier of the bank, and the proper accounting officers, have been notified of the arrangement, and requested to conform to it.

The amounts Dr. Minis will have in his hands, at any one time, for emigrating purposes, and for pay of appraising agents, &c., will, therefore, depend on yourself, and for the general payments, on the commissary.

These gentlemen have also been notified, and it has been suggested, in accordance with the spirit of the third section of the act of Congress of the 2d July, 1836, making appropriations for fortifications, no more should be drawn at a time than "may be required by the several objects of expenditure authorized by law." To this law I also beg leave to call your attention.

Very respectfully,

C. A. HARRIS,
Commissary.

To Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 5, 1836.

SIR: I have the honor to transmit, for your information, a copy of a letter to the Commissioners, of this date.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 5, 1836.

SIR: Your letter to the President, of the 24th ult., has been referred to this office. In reply, I beg leave to enclose a copy of my letter, of this date, to the commissioners.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 10, 1836.

SIR: The 4th article of the treaty with the Cherokees east of the Mississippi, of December 29, 1835, a copy of which is enclosed, provides for the payment of \$15,000, to certain half-breeds for whom reservations were set apart in the 5th article of the treaty with the Osages, of June 2d, 1825. The individuals to whom this sum is to be paid, are named in a schedule appended to the treaty. The condition of the payment is the execution of a satisfactory conveyance of these reservations to the United States, by the persons to whom they belong, or have been assigned, or their agents or guardians.

I have to request that you will instruct the sub-agent of the Osages to procure this conveyance. If the lands have not been assigned, a copy of the assignment should be obtained by him, and transmitted to this office. If an agent or guardian has been appointed, an attested copy of the appointment should be forwarded here.

When this conveyance is received and admitted here, the amount will be remitted to Captain Brown, with instructions to cause it to be paid upon the requisitions of the sub-agent.

Very respectfully,

C. A. HARRIS,
Commissioner.

Capt. WILLIAM ARMSTRONG,
Choctaw Agency west of the Mississippi.

WAR DEPARTMENT,
Office Indian Affairs, November 11, 1836.

SIR: I have had the honor to receive your letter of the 27th ultimo, relative to the difficulty about the house occupied by the troops as a hospital, and the removal of Mr. Jarnigan and others from the agency reservation.

Upon reference to my letter of the 20th ultimo, enclosing copies of communications to General Wool, and to the commissioners, you will perceive that the latter have been invested with large discretionary powers. Upon application to them, no doubt is entertained but that a joint decision in respect to the matter complained of will be made.

A reference to the same letter, and to one of the 5th instant, enclosing copies, will make known to you that proper instructions have already been given in respect to the intrusions on the agency reservation.

Very respectfully,

C. A. HARRIS,
Commissioner

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 11, 1836.

GENTLEMEN: Your letter of the 22d ultimo, addressed to the Secretary of War, and proposing to enter into a contract for the removal of the Cherokee Indians to their lands west of the Mississippi river, has been referred to this office. I am directed by the Secretary to say, in reply, that he deems it inexpedient to enter into any contract, at present, for the object mentioned. Your letter shall be placed on file, to receive such consideration as future events may render expedient.

Very respectfully,

C. A. HARRIS,
Commissioner

MESSRS. CHRISTIAN SIMPSON & Co.,
Tuscumbia, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, November 12, 1836.

SIR: I have received your letter of the 26th ultimo. The selections made by you of additional appraising agents, and of others to fill vacancies caused by the illness of some of those first appointed, are approved.

The only other point in your letter that seems to require notice is, the injury you intimate has resulted from the non-attendance of a disbursing agent in the Cherokee country, "in due season." For any purposes under the treaty, with the execution of which this office was charged, prior to the transfer to it of the business of emigration, the appointment of such an agent, it was considered, would be unnecessary, until both the commissioners had entered upon their duties, and the time of General Carroll's

probable arrival at New Echota was unknown; and upon inquiry of the gentleman employed upon the business of emigration, I learn that no representation of the importance of an early appointment of such agent has ever been received from you. Had one been made, it would have been promptly acted upon.

Very respectfully,

C. A. HARRIS,
Commissioner.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 12, 1836.

SIR: Yours of the 28th ult., enclosing a roll of seven Cherokee emigrants, constituting one family, who had set out for their lands west of the Mississippi upon the commutation allowance for transportation, is received. Whenever advances of such commutation are made, I would have you to be careful to use proper measures to insure the accomplishment of the object of making them.

The views and suggestions of Captain J. Brown as to the most eligible mode of removing and subsisting the Cherokees, contained in a letter to this department, and already communicated to you, seem to be judicious; and I would advise that they be adopted and carried into effect, so far as circumstances may permit.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 12, 1836.

SIR: Enclosed you will receive a copy of a letter from Captain J. Brown, presenting his views as to the best mode of removing and subsisting the Cherokees about to emigrate. Mr. Currey, superintendent of the removal, has been also furnished with a copy, and instructed to carry Captain Brown's suggestions into effect, as far as circumstances may permit.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Lieut. J. VAN HORNE,
*Dispersing Agent Indian Removal,
Fort Gibson, Arkansas.*

WAR DEPARTMENT,
Office Indian Affairs, November 13, 1836.

SIR: I have had the honor to receive your letter of the 2d inst., respecting the instructions given you for the purchase of clothing and provisions, and your proceedings in the execution of them.

I cannot, of course, speak with certainty, but I think it reasonable to presume that the non-reference to the act of Congress of June 30, 1834, requiring such purchases to be made upon contracts, in the letter of the Secretary of War to you of June 20, 1834, was in consequence of his supposing that you were aware of the existence and terms of that act. That you were so, has been taken for granted in the letters from this office up to the 24th of September last, when the proposition to send an agent to New York evinced the contrary. The error is to be regretted; and its consequences will be obviated as far as practicable. When your drafts come in, they will be laid before the Secretary of War, for his decision.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 14, 1836.

SIR: I have had the honor to receive your letters of the 26th and 27th ult., with the enclosures.

I presume the discretionary and supervisory power conferred upon the commissioners will enable you satisfactorily to arrange the distribution of rations, and the payments to the chiefs for provisions delivered to the poor Cherokees. And I should think the same power sufficient to prevent improper conduct on the part of agents or officers, as it extends to the suspension from their offices and duties of any of the persons employed.

Whether the attentions shown to Mr. Ross by any of these, be of a character and tendency to justify the exercise of this power, is a question which must necessarily be left to your determination.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Hon. WILSON LUMPKIN,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 14, 1836.

SIR: Having furnished Mr. B. F. Currey and Lieutenant Van Horne each with a copy of your letter of the 28th of last August, presenting your views of the most eligible mode of removing and subsisting the Cherokees about to remove, and instructed them to carry your suggestions into effect

so far as circumstances may permit, I deem it proper to inform you, also, of my approval of your suggestions, and to request that you will act in accordance with them, so far as circumstances shall render it expedient.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Capt. J. BROWN,
Little Rock, Arkansas.

WAR DEPARTMENT,
November 16, 1836.

SIR: I have had the honor to receive your letter of the 26th ultimo; and, in respect to the various topics to which it alludes, deem it sufficient to refer to the communications addressed to yourself and General Carroll by the department, under date of the 17th ultimo; most, if not all, the points mentioned in your letter being fully anticipated in that communication and its enclosures.

The difficulties and embarrassments to which you have been subjected by the want of an associate, will soon be removed by the co-operation of the new commissioner, (Mr. Kennedy,) who, it is hoped, has already joined, or will soon join you; and the plenary powers recently conferred on the commissioners, whilst they indicate the confidence reposed in you by the President, will, I trust, enable you to accomplish the important object intrusted to your care.

Very respectfully,

B. F. BUTLER,
Secretary of War ad interim.

HON. WILSON LUMPKIN,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 17, 1836.

GENTLEMEN: I have received your letter of the 15th instant, and return the draft of General Wool of the 2d of November, 1836, for \$15,159 81, on account of clothing for poor and destitute Cherokees.

The Secretary of War regrets that he is prevented from directing the payment of this draft by an express provision in the laws. The 13th section of the act of Congress of June 30th, 1834, for organizing the Department of Indian Affairs, prescribes "that all merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of War, upon proposals to be received, to be based upon notices previously to be given." The purchase for the Cherokees not having been made in accordance with this provision, the department cannot authorize a payment on account of it.

I am instructed, however, to state, in justice to General Wool, and for your satisfaction, that he was empowered to draw for the whole amount of

the appropriation for the poorer class of Cherokees, and that his attention was not called to the section of the law above quoted, until after this office was advised by him of his intention to send an agent to New York to make purchases; it having been supposed that he was aware of its existence and character. The agent was made acquainted with it while in your city, and requested to come to this place before making any purchases, which he did not do. There being no other objection to the payment of this draft than the legal one I have stated, the matter will be submitted to Congress at an early day in the approaching session, with a strong recommendation that the department be authorized to pay it. Under these circumstances, it is presumed one of the deposit banks in your city will advance the amount.

Very respectfully,
C. A. HARRIS,
Commissioner

HUNTINGTON & BUCKINGHAM,
New York.

WAR DEPARTMENT,
Office Indian Affairs, November 18, 1838

SIR: I have the honor to transmit a copy of my letter to Messrs. Buckingham & Huntington, in answer to one from them, enclosing your draft in their favor for \$15,159 81.

It was with very great reluctance that the Secretary of War yielded to the necessity of returning this draft; and from a sincere desire to obviate embarrassments, he suggested to the holders of it an application to one of the deposit banks, which might cash it upon the assurance contained in the letter to them. You may rely upon it, that nothing but the positive terms of the law, which left to him no discretion, prevented his directing its payment.

It is much to be regretted that the agent you sent to New York did not act upon the information which was there given him, informally, from this office, of the provisions of the law of 1834, and, in conformity with the suggestion made to him, proceed to this place. I was apprized of his arrival at New York by a gentleman from that city, whom I requested, as he was to return immediately, to see your agent, and make known to him the law and the instruction that had been given to you, and say to him, that if he would come here, the proper arrangements would be made at once. Had he taken this course, no difficulty could have occurred.

The earliest opportunity will be taken to procure the necessary action of Congress.

Very respectfully,
C. A. HARRIS,
Commissioner

Brevet Brig. Gen. J. E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 18, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant.

I believe there is no point in it which requires a specific answer. But to obviate the delay in the receipt of letters from this department, I would suggest that you make some arrangement for their prompt transmission and delivery to you. Any reasonable expenditure for this purpose will be approved.

Very respectfully,
C. A. HARRIS,
Commissioner.

HON. WILSON LUMPKIN,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 18, 1836.

SIR: I acknowledge the receipt of your letter of the 26th October last, and in reply, have to observe that I have taken the decision of the Secretary of War ad interim upon the claim of the Cherokees to commutation for subsistence, at \$33 33 each. The Secretary decides that the commutation may be paid at the rate above stated; but at the same time declares that the allowance is made under the treaty of 1828, and not in pursuance of any stipulation of the final treaty of 1835.

Your employment of George W. Currey as a clerk is approved of, and you are authorized to continue his services, at the rate of three dollars per day, so long as they shall be necessary.

Very respectfully,
C. A. HARRIS,
Commissioner.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 19, 1836.

GENTLEMEN: Letters have been addressed to the President, and to this office, by Cherokees, claiming compensation for property alleged to have been taken for the army of the United States, passing through their country during the war with the Creeks. The President is of opinion that no property was taken, as alleged; certainly not by the troops under his command. If any claims of this character are presented to you, you are requested to subject them to the most rigid scrutiny.

Very respectfully,
C. A. HARRIS,
Commissioner.

WILSON LUMPKIN and
JOHN KENNEDY,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 19, 1836

SIR: I have received your letter of the 12th ultimo, addressed to the Commissary General of Subsistence; and for reply, observe, that your suggestions relative to omitting to make a contract for subsisting Cherokee emigrants, will be duly considered. I cannot, however, now determine with any certainty what measures the exigencies of the service, in removal and subsistence of those Indians, will require to be adopted.

The articles stipulated to be delivered to the emigrant Cherokee by the treaty of 1828, were provided and were to be delivered, east of the Mississippi river, and the Government are under no obligation to furnish them west. I am, however, disposed, if it can consistently be done, to provide for delivery to McNultie and Childers the treaty articles to which they were entitled, notwithstanding their neglect to apply for them at the proper time and place. You will therefore apply to Captain Stephenson for two rifles in his charge for the Creek Indians, and a corresponding number of blankets and kettles, and having obtained them, you will deliver them to Messrs. Nultie and Childers. These articles will hereafter be replaced to the stores of the Creeks.

Very respectfully,
C. A. HARRIS,
Commissary

Lieutenant J. VAN HORNE,
Dis. Agt. Cherokees, Fort Gibson, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, November 21, 1836

GENTLEMEN: It was provided in the 9th article of the treaty with the Cherokees, of December 29, 1835, that "such teachers at present among the Cherokees as this council shall select and designate, shall be removed west of the Mississippi with the Cherokee nation, and on the same terms allowed to them." The 12th article authorizes the persons therein named to "select the missionaries who shall be removed with the nation."

If the terms "teachers" and "missionaries" refer to the same persons, then the selection is committed to the council at which the treaty was negotiated, and the committee named in the 12th article. The most obvious explanation of this which occurs to me is, that the power was given to the committee for the reason that they would have time to act with more deliberation than the council; and it was through inadvertence that the authority given to the latter was not revoked. At any rate, I am not aware that the council made any selections, and presume the duty remains with the committee.

I will thank you to bring the subject before them, and at the same time show them the enclosed copy of a letter from the Cherokees west, to John Starr and others, protesting against the settlement of more missionaries among them. This protest appeals to the discretion of the committee, and I doubt not that you will advise them to adopt such a course as will tend to the promotion of friendly relations between the Eastern and Western Cherokees.

The same letter of the Western Cherokees sets up their claim to an equal participation in all the beneficial stipulations of the late treaty, in proportion to their numbers. This claim is not addressed to the department, but to the Eastern Cherokees; of course, it is unnecessary to express any opinion upon it. But as the question may eventually be referred here, I have to request that you will ascertain, in what may seem to you to be the best way, the understanding of the Eastern Cherokees upon this point, and communicate the information you may obtain, with your own views, to this department.

Very respectfully,

C. A. HARRIS,
Commissioner.

WILSON LUMPKIN and
JOHN KENNEDY,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 21, 1836.

SIR: I have received your letter of the 8th instant, and have to express my gratification with the promptitude and energy of your proceedings.

Very respectfully,

C. A. HARRIS,
Commissioner.

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 22, 1836.

SIR: I have received your letter of the 8th instant, addressed to the Commissary General of Subsistence, in which you urge the necessity of employing G. W. Currey as a clerk. In my letter of the 18th instant, I notified you that the employment of Mr. Currey and the rate of compensation were approved. I have now to inform you that when you shall present an account and vouchers for the payment of the salary of the clerk from the 14th of April, 1836, such payments will be approved.

I am gratified in learning that so respectable a party of Cherokee emigrants may be expected to remove this fall; and I presume that before you receive this, Doctor Minis will have arrived at the agency, ready to make payments.

You will please to give the earliest intimation to this office of every probable emergency to be provided for, either by transmission of funds, or appointment of additional agents, that the emigration may not be retarded by any deficiency whatever.

Very respectfully,

C. A. HARRIS,
Commissioner.

Major B. F. CURREY,
Sup. Choc. Rem. Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 22, 1836.

SIR: On the 25th ultimo, you were appointed by the President a commissioner under the late Cherokee treaty, and was requested to "signify immediately your acceptance or non-acceptance of the appointment." Nothing has yet been received from you on the subject; and as the business will not admit of further delay, I will thank you to say, in reply to this, what are your intentions.

Very respectfully,
C. A. HARRIS,
Commissioner.

JOHN KENNEDY, Esq.
Jonesborough, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, November 23, 1836.

SIR: I have received your letter of the 12th instant, addressed to the Commissary General of Subsistence, reporting your arrival at New Echota. In my letter of the 4th instant, I informed you of the remittance of \$50,000 to the branch of the Planters' Bank, at Athens, Tennessee. I have now to inform you that, on the 5th instant, a request was made for a remittance to the same bank, of \$200,000 to be drawn by you; \$100,000 of which is applicable to emigration, and the remainder to the execution of the Cherokee treaty generally. And inquiry having been made at the Second Auditor's Office, I am informed that the above mentioned sum was despatched on the same day, and I presume it will have been received before this comes to hand.

Since the letter of the Commissary General of Subsistence of the 21st ultimo, acknowledged by you, the employment of a clerk by Major Curry has been approved, to take effect from the 14th of April last, and to be paid for accordingly.

After your arrival at the head quarters of the Cherokee emigration, I shall expect regular reports from you of the progress of the business within your province as disbursing agent.

Very respectfully,
C. A. HARRIS,
Commissioner.

DR. PHILIP MINIS,
Dis. Agent, Cherokee Removal,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 25, 1836.

GENTLEMEN: Your letter of the 21st instant has been received. In reply to your inquiries, I can only state that the question respecting the payment of General Wool's draft, now held by you, will be presented to Congress as early as practicable, certainly in the second week of the

session, and that no action will be necessary on your part, nor will it be necessary for you to return the draft to this office. I would suggest, however, that it may be well for you to request the personal attention of one of the Representatives from your city to this matter.

Very respectfully,

C. A. HARRIS,
Commissioner.

MESSRS. BUCKINGHAM & HUNTINGTON,
New York.

WAR DEPARTMENT,
Office Indian Affairs, November 28, 1836.

SIR: The returns for Cherokee disbursements in the 3d quarter of this year, transmitted in your letter of the 12th October, to the Commissary General of Subsistence, have been received at this office.

Very respectfully,

C. A. HARRIS,
Commissioner.

Lieut. J. VAN HORNE,
Fort Gibson, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, November 28, 1836.

SIR: I have been informed that you learnt, on the 7th instant, from the publication in the Globe, the fact of your appointment as a commissioner, under the treaty with the Cherokees of December 29, 1835, but that you had not then received your commission.

Apprehensive that the original sent to you on the 25th ultimo may have miscarried, I transmit by this day's mail two attested copies, one addressed to you at Jonesborough, the other at New Echota. If you shall not have left the former place when this reaches you, I will thank you to use all despatch, as I understand from Governor Lumpkin that the business is delayed in consequence of the absence of his colleague.

Very respectfully,

C. A. HARRIS,
Commissioner.

JOHN KENNEY, Esq.,
Jonesborough, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, December 5, 1836.

SIR: Your letter to the President of the 19th ultimo, recommending Mr. Byers as an agent in the removal of the Cherokees, has been received.

The selections of agents to perform this business has been committed to Major B. F. Currey, to whom Mr. Byers's application should be addressed.

Very respectfully,

C. A. HARRIS,
Commissioner

WILLIAM LYON,
Knoxville, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, December 10, 1836.

SIR: I have received your letter of the 22d ultimo, with the enclosure. The appointment of Major George Waters as an appraising agent, in place of Mr. P. Hempstead, is confirmed.

Very respectfully,

C. A. HARRIS,
Commissioner

Major B. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, December 10, 1836.

SIR: I have had the honor to submit to the President your letter of the 22d ultimo, and am instructed to express his gratification at the energy, ability, and zeal with which you have engaged in the execution of the trusts confided to you.

I am unable to give you any information respecting Mr. Kennedy, as not a word has yet been heard from him. I hope he will have joined you before you receive this.

When further remittances become necessary, I will endeavor to make an arrangement by which the funds may be obtained at the bank in Athens, Georgia, as you have proposed.

Very respectfully,

C. A. HARRIS,
Commissioner

Hon. W. LUMPKIN,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 14, 1836.

SIR: A difficulty has occurred in the execution of one of the articles of the treaty with the Cherokees of December 29th, 1835, to obviate which some legislative action is necessary.

The investment of the annuities for two years, amounting to \$72,000, in goods and provisions for the benefit of the poorer class of Cherokees according to the stipulation in the eighteenth article, was committed to

General Wool, on the 20th of June last. In his instructions he was told that "the purchases, if any, will be made upon the best terms, and will be paid for in bills to be drawn upon this department." Under this authority, he purchased and issued provisions, and, in September, sent an agent to New York to purchase blankets, shoes, &c. Upon being advised of his intention to adopt this measure, he was informed that it was considered to be inexpedient, and his attention was called to the provision of the thirteenth section of the act of June 30, 1834, organizing the Department of Indian Affairs, which provides that all merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased upon proposals based on notices previously given.

Of the provisions of this section, it seems to have been supposed, up to that time, that he was aware, and they had not, therefore, been distinctly adverted to. Upon learning from a gentleman from New York that the agent was in that city preparing to make purchases, I caused him to be advised, informally, of the terms of the law, and requested him to come to this city, before proceeding further under the instructions of General Wool. Without doing this, he made purchases to the amount of \$15,159 81, for which ~~sum~~ General Wool's draft has been presented to this department, and payment declined by your direction.

The circumstances of this case do not present any reason for holding General Wool accountable for these expenditures, as his purchases of provisions and goods have been reasonable and fair; and certainly the individuals of whom they were made ought not to suffer loss by the operation of a law, of the existence of which it is not to be presumed they were aware.

I would respectfully recommend that Congress be requested to pass a law authorizing the settlement of General Wool's accounts, and the payment of his drafts, without reference to the requirement of the thirteenth section of the act of June 30, 1834, herein before quoted.

It is understood that General Wool's disbursements out of this fund do not exceed \$30,000.

Presuming it will be acceptable, I transmit the draft of a bill which will effect the object herein recommended.

Very respectfully,

G. A. HARRIS,
Commissioner.

Hon. B. F. BUTLER,
Secretary of War *ad interim*.

NOTE.—See Miscellaneous Record No. 2, page 79, for bill herewith transmitted.

WAR DEPARTMENT,
December 14, 1836.

SIR: I have the honor to transmit, herewith, a letter from the Commissioner of Indian Affairs, and an enclosure, representing the necessity of some action by Congress to remedy the difficulty specified by the commissioner in relation to a transaction of General Wool, connected with the ex-

execution of a provision in the late Cherokee treaty, and respectfully to request the necessary action of the Committee on Indian Affairs, to effect the object desired.

Very respectfully,
B. F. BUTLER,
Secretary of War ad interim

HON. JOHN BELL,
Chairman Com. on Indian Affairs, H. R.

WAR DEPARTMENT,
Office Indian Affairs, December 15, 1836.

SIR: On the 25th October you were appointed a commissioner under the Cherokee treaty, and a commission forwarded to you at Jonesborough, Tennessee, by the Secretary of War. On the same day you were requested, in a letter from this office, to join Governor Lumpkin, the other commissioner, at New Echota, without delay. On the 22d November, you were advised that your acceptance had not been received here; and you were requested to say at once whether your services could be calculated on, or not. On the 28th November, fearing that your commission had miscarried, and that this was the cause of your silence, copies were sent to you, one to Jonesborough, and the other to New Echota.

To none of these various communications has any reply been received, nor had Governor Lumpkin or Major Currey, at the latest advices from them, heard aught of you.

This delay has produced, and is producing, much injury to the public service. You are earnestly requested, immediately on the receipt of this letter, to signify your acceptance or non-acceptance of the appointment tendered you; and if you accept, to repair without delay to New Echota, where your presence is awaited with the greatest anxiety. Should nothing be heard from you within a reasonable time from this date, I shall feel it my duty to report the case, that the President may make a new appointment, if he thinks proper.

Very respectfully,
C. A. HARRIS,
Commissioner.

JOHN KENNEDY, Esq.,
Jonesborough, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, December 17, 1836.

SIR: In compliance with the request contained in your letter of the 7th instant, a remittance will be made to you of \$1,080, and one to Colonel Jackson of \$550, for services rendered, as appears by your certificates.

As these payments will be charged to you, respectively, on the books of the Auditor, it will be necessary to state formal accounts, charging thereon

for the services, and crediting the remittances made. When the accounts are rendered, they should be accompanied by certificates similar to those already received.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN,
Athens, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 20, 1836.

SIR: I respectfully recommend that the name of John Kennedy, Esq., of Jonesborough, Tennessee, be submitted to the Senate, for the office of commissioner to examine claims under the treaty with the Cherokees, of December 29, 1835, in place of General William Carroll, who has declined.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. B. F. BUTLER,
Secretary of War ad interim.

WAR DEPARTMENT,
December 20, 1836.

SIR: I respectfully submit for your sanction the accompanying recommendation of the Commissioner of Indian Affairs, that John Kennedy, Esq., of Jonesborough, Tennessee, be nominated to the Senate for office of commissioner to examine claims under the treaty with the Cherokees of December 29, 1835, in place of General William Carroll, who has declined.

Very respectfully,
B. F. BUTLER,
Secretary of War ad interim.

The PRESIDENT
of the United States.

WAR DEPARTMENT,
Office Indian Affairs, December 21, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, with the enclosed regulations respecting the issues of provisions and clothing, which appears to have been framed with caution and good judgment. I have some doubt whether the committee named in the 12th section can delegate their trust to agents selected by them, as contemplated in the first clause of the regulations. Upon this point you will please to consult with the commissioners.

The judiciousness of the purchases made by your agent in New-York has never been questioned. The measure has been at all times free from any

objection, except that arising out of the provisions of the law of 1834. It gives me pleasure to state, that it has never been intimated to this department, officially or otherwise, as you say you have understood, that you had any view to your private advantage in making this arrangement.

A project of a bill to provide for the payment of your draft, and the settlement of your accounts, has been sent to the appropriate committee.

It is presumed, from the last advices from the commissioners, that they will have arrived at New Echota before this reaches you.

You will therefore please to present to them the questions in your letter respecting John Ridge, and the removal of white persons from the ceded country. A reference to them, in all cases, will prevent the delay attendant upon applications to this department, and effect the object in view, when the general supervisory authority was intrusted to them.

Very respectfully,

C. A. HARRIS,

Commissioner

To Brevet Brig. Gen. JOHN E. WOOL,
Commanding Army, Athens, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, December 22, 1836.

SIR: Your letter of the 6th instant, directed to the Secretary of War, has been referred to this office, and it becomes my duty to give the requisite answer.

Your intention of collecting the fugitive Creek Indians who may be found in the Cherokee country, is approved, it being understood that a discrimination will be observed agreeable to the instructions on this subject from this department, in the letter of the Secretary of War to you of the 12th of October last.

The purpose for which these Indians are to be collected, is their removal to the Creek country west. With this view, Captain John Page, disbursing agent for the Creek removal at Fort Mitchell, Alabama, has this day been instructed from this office. A copy of my letter to Captain Page is herewith enclosed.

In reply to your inquiry relative to the expenses of escorts for disbursing agents, I have to remark, that no such claim can be allowed as charged upon appropriations for "removal and subsistence of Indians." If the safety of the officers employed in the duty of emigration requires escorts, it is expected they will be furnished in the ordinary process of detachment, and their subsistence and other expenses provided for according to the regulations of the Quartermaster's Department, and from the appropriate funds of that department.

Very respectfully,

C. A. HARRIS;

Commissioner

To Brevet Brig. Gen. J. E. WOOL,
Commanding Army, New Echota, Georgia.

WAR DEPARTMENT,
December 23, 1836.

SIR: In answer to your letter of the 21st instant, I beg leave to observe, that Mr. Bell must be under a misapprehension in regard to the case of Buckingham and Huntington, occasioned, perhaps, by the fact that their names do not appear in the communication to the Committee on Indian Affairs. The whole matter was submitted to that committee in a communication dated the 14th instant, together with the draft of a bill which, if passed into a law, will legalize the purchases of General Wool, and enable this department to pay his draft in favor of Buckingham and Huntington. Besides those mentioned in that communication, I am not aware of any facts, the stating of which will have any bearing on the case.

Very respectfully,
B. F. BUTLER,
Secretary of War ad interim.

HON. F. GRANGER,
House of Representatives.

WAR DEPARTMENT,
December 23, 1836.

SIR: The Commissioner of Indian Affairs has laid before me your letter of the 20th ultimo.

Whilst there is room to question the propriety of the publication inserted in the newspaper enclosed in your letter, if, as you suppose, it emanated from an officer belonging to General Wool's command, it is regretted that you should have deemed it necessary to insert in the next number of the same paper an extract from the letter of the acting Secretary of War, of the 12th of October, 1836, in reply to that publication. You were instructed to give publicity to the views expressed in that communication, for the purpose of enabling you in your intercourse with Indians and others to counteract any injurious effects which might result from the proceedings of John Ross and his associates, and to impress on all concerned the determination of the President not to allow the treaty to be called in question. The publication of an extract from that letter in the manner and under the circumstances in which it has been made, was not contemplated, and is not approved by this department.

In order to secure that unity of purpose and action among the various agents of the Government employed in the execution of the Cherokee treaty which is so essential to the public interest, the commissioners have been invested with the general supervisory powers over them and their proceedings. I have to suggest that a reference to them in cases of doubt, difficulty, or disagreement, would save much time, and relieve the department of much labor at this busy season of the year.

Very respectfully,
B. F. BUTLER,
Secretary of War ad interim.

Major BENJAMIN F. CURREY,
*Superintendent Cherokee Emigration,
Calhoun, Tennessee.*

WAR DEPARTMENT,
December 23, 1836.

SIR: I have had the honor to receive your several letters of the 15th, 20th, and 28th ultimo. Conceiving that the two former have been sufficiently anticipated by the communications of this department, addressed to you under date of the 16th and 23d of November, I deem it unnecessary to make any particular reply to them. The like observation is applicable in some respects, to your letter of the 28th.

In regard to the publication contained in the newspaper transmitted with your last letter, it is due to the department as well as to yourself to state that a copy of the letter from the acting Secretary of War, of the 12th October, 1836, was furnished by the Indian Office to the superintendent of Cherokee removal, in order to keep him advised of the measures taken and contemplated by the department on subjects connected with his official duties, and that he was instructed to give publicity to the views there expressed, for the purpose of enabling him, in his intercourse with the Indians and others, to counteract any injurious effects which might result from the proceedings of John Ross and his associates, and to impress on all concerned the determination of the President to enforce the execution of the treaty, and not to allow its validity to be called in question.

The publication of an extract from that letter in the manner and under the circumstances in which it has been made, is not approved by this department, and the superintendent has been so advised by a letter this day addressed to him. On the other hand, there is room to question the propriety of the publication previously inserted in the same newspaper, which led to the communication of the extract above referred to, if, as seems highly probable, it emanated from an officer under your command. The superintendent evidently supposed that the publication of that article made it proper to give publicity, through the same medium, to the extract selected by him from the letter of the 12th October.

Should you deem it necessary to your character and usefulness as an officer, you are at liberty to publish the whole letter of the 12th October, together with the letters of this department of the 16th and 23d of November, or either of them, and this letter, which will be included in any publication you may make. It is not perceived that any necessity exists for the publication of any other part of the correspondence.

Very respectfully,

B. F. BUTLER,
Secretary of War ad interim.

Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, December 24, 1836.

SIR: It appears by a paper filed in this office by Hon. R. M. Johnson and signed by Joel Yancey, Esq., dated April 15, 1836, that there is due from the latter to the former the sum of eighty dollars. I have every disposition to accommodate the parties as far as it can be done with propriety, and would pay the claim here at this time; but, on reference to a power

of attorney heretofore filed in the Auditors's office. it only authorizes the payment of moneys coming to Mr. Yancey as agent in the removal of the Seminoles.

The object of this letter is to ask for Colonel Johnson your attention to this business, so far as to see Mr. Yancey on the subject; and on being advised by you that he consents to the payment, it will be made here accordingly, and charged against his pay. In that event, you will instruct Doctor Minis, the disbursing agent, to debit him with it, and take his receipt as a payment made on account, as he will be charged therewith.

Very respectfully,

C. A. HARRIS,
Commissioner.

Major BENJ. F. CURREY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, December 29, 1836.

SIR: A warrant will be remitted to you from the Treasury for \$250,000, which amount you are requested to deposit to the credit of Doctor Philip Minis, disbursing agent of the Indian Department.

This deposit is to be subject to the drafts of Doctor Minis, disbursing agent, countersigned by his excellency Wilson Lumpkin, and John Kennedy, Esq., United States commissioners under the Cherokee treaty, or either of them, but not otherwise.

The commissioners, as well as Doctor Minis, have been advised of this remittance, and of the mode of making payments on account.

Very respectfully,

C. A. HARRIS,
Commissioner.

CASHIER *Bank of Augusta,*
At Augusta, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 29, 1836.

GENTLEMEN: A remittance of \$250,000 has this day been made for general purposes connected with the Cherokee treaty, to the cashier of the Bank of Augusta, Georgia, to be deposited in that bank to the credit of Doctor Minis, the disbursing agent, to be paid out on his drafts, to be countersigned by either of you, but not otherwise. The cashier of the bank, as well as Doctor Minis, have been notified of the mode to be observed in making payments. This arrangement, so far as the plan on which the draft will be sent is concerned, is in accordance with Governor Lumpkin's suggestions, contained in his letter of the 22d ultimo.

Very respectfully,

C. A. HARRIS,
Commissioner.

His excellency WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 29, 1836.

SIR: A warrant will be remitted to the cashier of the Bank of Augusta, Georgia, for \$250,000, which he has been requested to deposit to your credit, subject to your draft when countersigned by Governor Lumpkin and Mr. Kennedy, the commissioners under the Cherokee treaty, or by either of them.

The remittance is designed for general purposes connected with the treaty, and for which you will be held accountable.

Very respectfully,
C. A. HARRIS,
Commissioner.

Doctor PHILIP MINIS,
Disbursing Agent, Cherokee Removal,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 29, 1836.

GENTLEMEN: Information has reached this department of the death of Major Currey, superintendent of Cherokee emigration. A successor to him will be appointed at an early day. In the mean time, I am directed by the Secretary of War to request that you will take measures for the prosecution of the business heretofore in charge of Major Currey, in the manner which shall, under all circumstances, be considered most advisable.

An additional disbursing officer will be sent to the Cherokee country in a very short time.

Very respectfully,
C. A. HARRIS,
Commissioner.

His excellency WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 30, 1836.

GENTLEMEN: I have the honor to inform you that an additional disbursing officer will soon proceed to the Cherokee country, and report to you for duty.

I will thank you to advise me fully and frequently of the progress of the emigration. Now that the commission is full, and that the necessary funds are at your control, I hope the business in all its branches will be despatched with great rapidity. I should like to be advised of the probable time of departure of the first party, and of the succeeding ones. This office will probably make an appointment of another physician, who will be directed to report himself early in March. I will thank you to say if additional dis-

nursing officers, and how many, will not be wanted to accompany parties early in the spring.

I transmit, for your information, the copy of a letter this day written to Doctor Minis.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 30, 1836.

SIR: I have to acknowledge the receipt of your letters of the 24th ult., and 2d and 11th instant, and to remark, that an answer has been delayed by a variety of causes not necessary to be now mentioned. The subject matter of the first of these letters does not appear to require a reply.

In relation to the appointment of a wagon-master by Major Currey, as an answer to your inquiry, I have to refer you to the 2d section of the regulations, by which you will learn that all subordinate appointments and employments are made by the superintendent.

The employment of a clerk by you is not approved. I am not advised of any necessity growing out of the nature of your duties, which consist in the mere payment of money upon requisitions of the superintendent and commissioners, which can justify the employment. As it appears that you have, without waiting for the decision of this department, already employed a clerk, it becomes my duty to apprise you that no credit can be given to you for payments made to him on account of his compensation as such, the rule being to sanction no expenditure made without authority.

In determining whether an agent to issue provisions is required, the commissioners are to be consulted, and you will be governed by their direction: they being, for the present, charged with all the duties of superintendent of the Cherokee emigration. It will facilitate the public business, and relieve this office of much labor, if you will, in all doubtful cases, receive the directions either of the commissioners or superintendent, and this remark particularly applies to the question of payments on power of attorney executed by emigrant Indians.

Another disbursing officer will soon proceed to the Cherokee country, who will relieve you of part of your duties.

Very respectfully,
C. A. HARRIS,
Commissioner.

Doctor PHILIP MINIS,
*Disbursing Agent Cherokee Removal,
New Echota, Georgia.*

WAR DEPARTMENT,
Office Indian Affairs, December 30, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant to the Secretary of War, and, in reply, beg leave to inform you that, when the subject of making appointment of a successor to Major Currey is taken up for action, the claims of David Campbell, Esq., the gentleman recommended by you, shall receive respectful consideration.

Very respectfully,

C. A. HARRIS
Commissioner.

HON. LUKE LEE,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, January 2, 1837.

SIR: I have the honor to inform you that, when the question of appointing a successor to Major Currey comes up for action, your recommendation of General Smith, contained in your letter of the 31st ultimo to the Secretary of War, shall receive respectful consideration.

Very respectfully,

C. A. HARRIS
Commissioner.

HON. FELIX GRUNDY,
Senate of the United States.

WAR DEPARTMENT,
January 3, 1837.

SIR: You are hereby appointed superintendent of the Cherokee emigration, vice B. F. Currey, Esq., deceased. Your compensation will be \$2,000 per annum, which will be in full for all your services and expenses. You will receive, from the Commissioner of Indian Affairs, specific instructions in relation to your duties, and you will act under his directions, and report to him, from time to time.

You will please to inform me immediately of your acceptance or non-acceptance of this appointment.

Very respectfully,

B. F. BUTLER
Secretary of War ad interim.

Gen. NATHL. SMITH,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, January 3, 1837.

SIR: You have been appointed, by the President, superintendent of the Cherokee emigration, in the place of the late Major Currey, and informed,

by the Secretary of War, that you would receive instructions from this office. Should you think proper to accept of this appointment, you will repair, without delay, to Calhoun, Tennessee, the present head quarters of the emigration, and enter at once upon the duties of your office.

It is not considered necessary to recapitulate all the instructions heretofore given from this department in relation to the execution of the treaty with the Cherokees. These you will learn from the records, papers, and correspondence in the office of the late superintendent, and it will become your duty to see that they are fully carried into execution.

The commissioners provided for by the seventeenth article of the treaty with the Cherokees of the 29th December, 1835, have been intrusted, by this department, with a general supervision of the business of emigration in addition to the other duties required by the treaty. The gentlemen now composing the board of commissioners are the honorable Wilson Lumpkin and John Kennedy, Esq., who hold their meetings for the transaction of business at New Echota. Since the death of Major Currey, the late superintendent, these gentlemen have been requested, by this department, to discharge the appropriate duties of superintendent of emigration.

Your first business will, therefore, be to report yourself to the commissioners, and receive from them whatever properly belongs to your office.

It is hoped that you will find the execution of the treaty, and all the preliminaries for a removal, in such a state of forwardness as will secure early and large emigration, and insure the speedy and satisfactory accomplishment of the object of the Government.

Though Calhoun has been named herein as your head quarters, it is believed that it will facilitate the business of all branches connected with the execution of the treaty, if they were located at one place instead of being dispersed, as they now are, at New Echota, Calhoun, and Athens. The commissioners will be consulted by this office on this point, and unless strong objections exist, the whole business will be concentrated at one point.

Doctor Philip Minis, of the United States army, is the disbursing agent for the Cherokee removal, and his present location is at New Echota. He is amply supplied with funds, and will be prepared to make all necessary disbursements.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. NATHL. SMITH,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, January 3, 1837.

GENTLEMEN: I acknowledge the receipt of your letter of the 16th ult., the contents of which have been duly considered.

I have to inform you that General Nathaniel Smith, of Athens, Tennessee, has this day been appointed superintendent of the Cherokee removal, in place of Major Currey, deceased, and he may be expected soon to report to you for duty. On his arrival I request that you will turn over to him all the books, papers, &c. belonging to the office of the superintendent,

and give to him such aid as may be necessary to an efficient and successful discharge of his duties.

The advance of funds to emigrant Cherokees under the 9th article of the treaty, is intrusted to your discretion. Instructions have heretofore been given to the superintendent on this point, to which I refer you as containing the views of this department.

It is believed that it would much facilitate the transaction of business connected with the execution of the Cherokee treaty, if all the officers engaged in its various branches were located at one place; and I request your opinion of the expediency of selecting either New Echota, Calhoun, Athens, or some other place as general head quarters of the commissioner, superintendent, disbursing agent, and all others engaged in this service. Should you think it advisable to act upon this suggestion, you will give instructions to the officers above mentioned, to establish themselves forthwith at such place as you shall designate.

Previous to the death of Major Currey, Doctor John S. Young, who had served as valuing agent, was appointed by the superintendent as emigrating agent to go to the west with the first party of emigrants, in lieu of Mr. Millard, who has declined the service. The appointment of Doctor Young has been confirmed by this department, and it is desired that he may be employed accordingly.

Very respectfully,

C. A. HARRIS,
Commissioner

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, January 3, 1837.

SIR: I have received your letter of the 20th and 22d ult., communicating the painful intelligence of the death of your brother, the late superintendent of the Cherokee removal. The commissioners have been requested by this department to attend to the duties of superintendent, until a successor to your brother shall arrive. You will therefore receive and carry into effect such instructions in relation to your duties as the commissioner may think proper to give. General Nathaniel Smith has this day been appointed superintendent of the Cherokee removal, and he may be expected shortly to arrive, to enter upon his duties.

The appointment of Dr. John S. Young as an emigrant agent, made by your brother, previous to his death, is confirmed, and you are authorized to inform Dr. Young that his services will be continued, agreeable to the arrangements made by the late superintendent.

Very respectfully,

C. A. HARRIS,
Commissioner

GEO. W. CURREY, Esq.,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, January 4, 1837.

SIR: Your letter of the 16th ultimo, recommending Lieutenant C. S. Howe, of the United States army, for the appointment of superintendent of the Cherokee emigration, has been referred to this office by the Secretary of War *ad interim*, to whom it is addressed.

In reply, I have to inform you that, by direction of the President, General Nathaniel Smith, of Athens, Tennessee, has been appointed superintendent of emigration, in place of Major Currey, deceased.

Very respectfully,

C. A. HARRIS,
Commissioner.

Brig. Gen. J. E. Wool,
Fort Cass, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, January 4, 1837.

SIR: Your letter of the 17th ultimo, addressed to the honorable Lewis Cass, late Secretary of War, and requesting that you may be appointed superintendent of the Cherokee emigration, has been referred to this office.

In reply, I have to inform you that, by direction of the President, General Nathaniel Smith, of Athens, Tennessee, has been appointed superintendent of emigration, in place of Major Currey, deceased.

Very respectfully,

C. A. HARRIS,
Commissioner.

To A. R. TURK, Esq.,
Cathoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, January 4, 1837.

SIR: Your letter of the 18th ultimo, addressed to the President of the United States, and recommending George W. Currey as superintendent of Cherokee emigration, has been referred to this office.

In reply, I have to inform you that, by direction of the President, General Nathaniel Smith, of Athens, Tennessee, has been appointed superintendent of emigration, in place of Major Currey, deceased.

Very respectfully,

C. A. HARRIS,
Commissioner.

To JOEL YANCEY, Esq.,
Cathoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, January 4, 1837.

SIR: Your letter of the 20th ultimo, addressed to the President of the United States, recommending General Nathaniel Smith as superintendent of the Cherokee emigration, has been referred to this office.

In reply, I have to inform you that, by direction of the President General Nathaniel Smith has been appointed superintendent of emigration in place of Major Currey, deceased.

Very respectfully,

C. A. HARRIS,
Commissioner

To JOHN F. GILLESPIE, Esq.,
Madisonville, Tennessee.

WAR DEPARTMENT,
January 4, 1837

SIR: In answer to your letter of the 29th ultimo, I have the honor to inform you that, upon a full consideration of the claims of the various applicants for the office of agent for the removal of the Cherokees, vacated by the death of Major B. F. Currey, the President determined to appoint General Nathaniel Smith, of Athens, Tennessee, to the place; and this appointment will, it is hoped, prove satisfactory to those interested in the execution of the Cherokee treaty, as well as beneficial to the interests of the public and to those of the Indians.

Very respectfully,

B. F. BUTLER,
Secretary of War ad interim.

To his excellency WILLIAM SCHLEY,
Governor of Georgia,
Milledgeville, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, January 5, 1837.

SIR: Your letter of the 2d instant, addressed by you in conjunction with the honorable Mr. Grundy, to the President of the United States and recommending General Nathaniel Smith, of Athens, Tennessee, for the appointment of superintendent of the Cherokee removal, in place of Major Currey, deceased, has been referred to this office.

In reply, I have to inform you that, by direction of the President General Smith has been appointed to the office in question.

Very respectfully,

C. A. HARRIS,
Commissioner

To Hon. J. K. POLK,
Speaker of the House of Representatives
of the United States.

WAR DEPARTMENT,
Office Indian Affairs, January 5, 1837.

SIR: I have to inform you that General Nathaniel Smith, of Athens, Tennessee, has been, by the direction of the President, appointed superintendent of the Cherokee emigration, in place of Major Currey, deceased.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor PHILIP MINIS,
Disbursing Agent, Cherokee Removal,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, January 5, 1837.

SIR: Major Currey, under date of the 22d November, forwarded to this office a letter from you, and an account and other papers in support of a renewed application by you for compensation for time lost in 1834, while attending at the Cherokee agency under an appointment from the War Department.

The death of Major Currey renders it necessary that I should communicate directly to you the views of the department in relation to your claim. The Secretary of War, to whom the case has been submitted, declines interfering with the decision of his predecessor in a case where, as in yours, no new evidence or facts are adduced. Consequently, your account, which is herewith returned, cannot be allowed.

Very respectfully,

C. A. HARRIS,
Commissioner.

Captain DAVID CALDWELL,
Cherokee Agency, Calhoun, Tennessee.

WAR DEPARTMENT,
January 5, 1837.

SIR: The Commissioner of Indian Affairs has referred to me your letter of the 2d instant.

In answer to the first inquiry contained in your letter, I have the honor to inform you that there are no recommendations of Mr. Kennedy for the appointment of commissioner under the Cherokee treaty on file in this office.

In answer to the second inquiry, I have to state that the commission under which Mr. Kennedy is now acting is dated the 25th October.

In regard to the other two inquiries, no definite information can be given. The commission, owing to unforeseen causes, was not full until the 8th of December, and as the treaty requires the joint action of the commissioners, no business was finally despatched previous to that day. Governor Lumpkin had, however, devoted himself to the duties of his appointment since the latter end of August, in receiving and registering papers connect-

ed with claims, and performing such other business as could be done by one commissioner. It is understood that matters are in such a state of forwardness as to warrant the expectation that the business will hereafter be despatched with great rapidity. There is no information in this department which enables me to give even an estimate of the amount of the claims which have been, or will be, submitted to the commissioners.

Very respectfully,
B. F. BUTLER,
Secretary of War ad interim.

HON. H. L. WHITE,
Chairman Committee Indian Affairs, Senate.

WAR DEPARTMENT,
Office Indian Affairs, January 6, 1837.

SIR: In answer to your letter of January 2, recommending General Smith for the office of emigrating agent for the Cherokees, I have the honor to inform you that that gentleman has already been appointed, by direct order of the President.

Very respectfully,
C. A. HARRIS,
Commissioner.

HON. T. H. BENTON,
Senate of the United States.

Same to Hon. W. C. Dunlap, House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, January 6, 1837.

SIR: Your letter of the 3d instant, respecting Doctor Young, with the accompanying recommendations, have been referred by the Secretary of War to this office.

In reply, I have the honor to inform you that directions have been given for the employment of Doctor Young as an assistant in the Cherokee emigration.

Very respectfully,
C. A. HARRIS,
Commissioner.

HON. J. K. POLK,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, January 6, 1837.

GENTLEMEN: I have had the honor to receive your letter of the 11th ultimo, enclosing a communication signed by Messrs. Ridge and others, a portion of the committee provided for in the 12th article of the late Cherokee treaty.

I have submitted the whole case to the Secretary of War, and am instructed by him to say that the request of the committee in relation to the portion of the annuities due the Eastern Cherokees under treaties previous to that of 1835, and to the sum of \$12,600, appropriated at the last session of Congress for paying interest on an annuity under the treaty of 1804, which was not paid the Cherokees until 1824, cannot be complied with.

The portion of the annuities due to the Eastern Cherokees under the old treaties, amounted to \$5,666 66, being two-thirds of the whole. The treaty of 1835 provided that the sum of two hundred and fourteen thousand dollars should be added to the general fund of the Cherokees, and invested in stocks, and the interest paid to the Cherokees. This sum was appropriated at the last session, and has been invested, and the interest has been accruing since the 1st of August last. It is the opinion of the Secretary of War that, from the time the interest on the investment commenced accruing, the annuities under the old treaties ceased. Consequently, the Cherokees east are only entitled to \$3,888 88 of the sum appropriated at the last session to pay the old annuities for 1836, that being an amount in proportion to the time which elapsed from the first of the year to the time when the interest commenced accruing from their money invested in stocks, and in proportion to the amount to which the Cherokees east are entitled. And this cannot be paid to the committee, because the treaty of 1835 only empowers and authorizes them "to transact all business on the part of the Indians, which may arise in carrying into effect the provisions of this treaty, and settling the same with the United States;" but it must be paid in accordance with the provisions of the 11th section of the act of 30th June, 1834, reorganizing the Indian Department. In respect to the other sum in question, the Secretary is of opinion that it also must be paid by the United States in accordance with the provision of the section just alluded to, because the act of appropriation says, it "shall be paid in the same manner and in the same proportions to the Cherokees east and west of the Mississippi, that the annuity itself is payable." The annuity alluded to is that under the treaty of 1804, which forms a part of the aggregate of \$10,000, to which the Cherokees were entitled under the old treaties. The portion of this appropriation of \$12,600 due the Eastern Cherokees, is two-thirds, amounting to \$8,400.

However much it is to be regretted that the request of the committee cannot be complied with, the want of lawful authority to do so is too plain to cause a doubt. I have, therefore, to inform you, that these two sums of \$3,888 88 and \$8,400 are yet in the Treasury, and can only be paid out as the annuity money was paid out in 1835, in accordance with the requirements of the 11th section of the act of 1834, before referred to: that is, "to the chiefs or such person as the tribe shall appoint."

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echola, Georgia.

WAR DEPARTMENT,
January 9, 1837.

SIR: I have the honor to acknowledge the receipt of your several letters of the 1st, 8th, 16th and 19th ultimo.

Your request to be released from the control of the commissioners has been duly considered, but no sufficient reason is perceived for departing from the course marked out by the letter of the acting Secretary of War, of the 16th October. The instructions contained in that letter were not founded on any representations made to your prejudice, but on the general considerations explained to you in the letter itself. In our Government, it appropriately belongs to the civil authorities to determine the cases in which a resort is to be had to military force; and in time of peace, it is not only perfectly consistent with the rights of the army, but most agreeable to the spirit of our institutions, that the discretionary power to direct and control the employment of the military forces should be lodged with them. This principle is uniformly observed by this department, whenever troops are required for the execution of the revenue laws, or in the preservation of public order. When the instructions in question were issued, it was supposed that both commissioners were then present in the Cherokee country, or would be there by the time you could receive them. So far as relates to yourself, the very fact that you have been required to follow the wishes of the commissioners will be sufficient, should your judgment differ from theirs, and should any mistake be made by them, to shield you from any undue responsibility.

The communication of Governor Lumpkin, enclosed in your letter of the 1st ultimo, though it bears the appearance of a *military order*, could not, it is presumed, have been so designed by him. I am happy to learn from your subsequent letters that, notwithstanding this occurrence, a proper degree of harmony and confidence prevails between the two commissioners and yourself, and I trust that no slight causes will be allowed to interrupt it. In all branches of the public service, and especially in the performance of duties so responsible and arduous as those with which you are charged, mutual forbearance is necessary, and private feeling must be sacrificed to the public good.

The President, from out of the several candidates presented to his consideration for the office vacated by the late Mr. Currey, has selected Gen. Nathaniel Smith. This appointment, it is hoped, will be satisfactory to all concerned, and beneficial to the public.

Very respectfully,
B. F. BUTLER,
Secretary of War ad interim

Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
January 11, 1837.

SIR: I have had the honor to receive your letter of the 22d ultimo; and, in answer to your inquiries on the subject of allowances for clothing, beg leave to refer you to the accompanying copies of official opinions of the

Attorney General of the United States, which, having been approved by the President, and transmitted to this department for its guidance, will hereafter be followed by it.

It is true that great inequalities may occur, under the construction now given to the law; but that construction being believed to be unavoidable, those inequalities can only be remedied by further legislation.

In regard to that part of your general order No. 66 which required the volunteers to await at home, and *without pay*, the future call of the President or the Commanding General, I also beg leave to refer you to the accompanying copy of a communication addressed by this department to the Hon. Mr. Standefer. The correctness of the concluding opinion expressed in that communication is not doubted; and it will, accordingly, be acted on by the department.

Very respectfully,
B. F. BUTLER,
Secretary of War ad interim.

Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, January 11, 1837.

SIR: Your letter of the 7th instant, to the President of the United States, recommending Colonel William N. Bishop for the appointment of superintendent of the Cherokee removal; in place of Major B. F. Currey, deceased, has been referred to this office.

In reply, I have the honor to inform you that, by direction of the President, General Nathaniel Smith, of Athens, Tennessee, has been appointed to the office in question.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. E. C. HAYNES,
House of Representatives.

Same to Hon. Jesse F. Cleveland, House of Representatives; Hon. J. P. King, United States Senate; Hon. Holsey Hopkins, House of Representatives; Hon. S. Grantland, House of Representatives; Hon. G. W. Owens, House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, January 18, 1837.

SIR: I have to request that J. M. C. Montgomery, Esq., of Georgia, may be employed on the business relating to the valuation of Cherokee improvements, should there be any duty of that nature yet to be performed. Mr. Montgomery's experience and knowledge of the Indians and their improve-

ments, will, it is confidently believed, render his services very valuable. You will be pleased to correspond with him on the subject. His post office is "Standing Peach Tree," De Kalb county, Georgia.

Very respectfully,

C. A. HARRIS,
Commissio

Gen. NATHANIEL SMITH,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, January 18, 1837.

SIR: I have the honor to transmit for your information the copy of a letter, this day written to General Smith, superintendent of Cherokee emigration, and of the business relating to the valuation of their improvements. That letter has been written by direction of the President.

Very respectfully,

C. A. HARRIS,
Commissio

J. M. C. MONTGOMERY,
Standing Peach Tree, De Kalb county, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, January 24, 1837.

SIR: I have the honor to request that acting Paymaster Richard Bennett be assigned to duty in the Indian Department.

Very respectfully,

C. A. HARRIS,
Commissio

Hon. B. F. BUTLER,
Secretary of War ad interim.

WAR DEPARTMENT,
Office Indian Affairs, January 24, 1837.

SIR: In compliance with your directions, I have the honor to submit the following upon the subject matter of the letter of Milo Hoyt, enclosed by the honorable Mr. Bond, in his letter of the 16th instant.

Mr. Hoyt complains that he enrolled for emigration under the following assurance given to him by the agents of the Government, viz: that he was to receive for himself and family provisions for one year, or, if he preferred it, \$32 for each member of his family, consisting of fourteen persons; that on his arrival at Fort Gibson he could obtain neither subsistence in kind, nor money, and was compelled to sacrifice property to supply his wants, and that after a lapse of six months, he obtained provisions in kind to the value of not exceeding \$135. 2d. That the agents of the Government assured him that one-half of the value of his improvements east should be paid him

down, and the balance immediately on his arrival at Cantonment now Fort Gibson; that on his arrival, in lieu of the promised payment in money, he "could only obtain attested notes which passed generally at 25 per cent. discount;" and that having returned east of the Mississippi, he was compelled to make a journey to Arkansas to obtain his money. 3d. That when payment for his abandoned improvements was made, the sum of \$265 was deducted from the valuation, and for what cause is unknown to him; and he claims \$2,000 as an indemnity for losses resulting from these non-performances on the part of the Government. 4th. Mr. Hoyt claims a participation and benefit in the stipulation of the late treaty with the Cherokees.

In regard to first complaint, I have to remark that it appears from official documents on file in this office, that Milo Hoyt, a white man, married to a Cherokee woman, and residing in the State of Alabama, on the 12th April, 1834, enrolled for emigration on his own resources, with a family rated fourteen persons, under the 8th article of the treaty with the Cherokees west, concluded 6th May, 1828, and received the allowance of \$18 per head, as fixed by the Commissary General of Subsistence, agreeable to the instructions of the Secretary of War, in lieu of transportation and subsistence by the way for these fourteen persons; that he arrived in the Cherokee country west on the 16th of May, 1834, with a family of ten persons only; that before the 31st of December, 1834, he had received in kind the whole of the year's provision for his family of ten persons, and was dropped from the rolls.

It does not appear from any evidence in this office, that Mr. Hoyt was entitled to demand \$32 per head in lieu of a year's subsistence for each member of his family; but had he been so entitled, he lost all claim to it when he received the provisions in kind.

Thus it appears that Mr. Hoyt's complaint on this point is entirely unfounded, unless, indeed, there was unjustifiable delay in delivering him provisions between the time of his arrival and the 31st of December, 1834, a supposition which is not supported by any evidence in this office.

2d. As to the second item of Mr. Hoyt's complaint, I report that Mr. Hoyt's improvements abandoned by him were valued at \$3,456 25, and his debts acknowledged to be due amounted to \$1,600; leaving to be paid him in the Cherokee country west, \$1,856 25. The valuations were submitted to this department for approval in the spring, or early in the summer, of 1834, and, in consequence of complaints and alleged frauds and injustice in making them, were, by order of the President, committed to R. J. Meigs, Esq. for his investigation. Mr. Meigs made his report to this department under date of July 14, 1834, and the necessary examinations and investigations, previous to the approval of the valuations as reported by him, and the preparation of the rolls preparatory to payment, occasioned a delay until the 28th of May, 1835, when the money required for these claims payable west was remitted to Captain Brown, principal disbursing agent for emigration on the west side of the Mississippi river. This officer commenced payments on the 20th July, and continued them from day to day until the 13th August, when the last payment prior to Mr. Hoyt's was made. On the 9th of December, Mr. Hoyt was paid by Captain Brown the sum of \$1,591 25, as the balance his due for abandoned improvements. No reason appears in this office for the delay of payment to Mr. Hoyt beyond the period when the other emigrants were paid, unless it be inferred from the fact that, having returned east, that gentleman did not apply for his money, until the day on which he received it.

3d. As to the third item of Mr. Hoyt's complaint, I report that one of the items of improvements assessed as the property of Mr. Hoyt, consisted of one well valued at \$25, and forty acres of low land, valued at \$240, situated on the Chickamunga, in Tennessee; the whole valuation of this item amounting to \$265. The first assessment having been referred to Mr. Meigs for revision as above mentioned, that gentleman reported in relation to Mr. Hoyt's improvements that the above mentioned improvements, though made by him about fifteen years previous to valuation, were sold by Mr. Hoyt in 1822, to the missionary establishment at Brainard, for \$300, which sum had been paid to Mr. Hoyt; that the missionary establishment had been in peaceable possession since 1822, without any claim on the part of Mr. Hoyt, for either possession or rents and profits, and that this item of \$265 ought to be deducted from the amount of the first assessments for Mr. Hoyt. This report of Mr. Meigs was approved and confirmed by this department, and the disbursing agent directed, in paying Mr. Hoyt, to deduct the sum disallowed from the previously stated balance of \$1,856 25, which was done.

4th. The question whether the Cherokees who had removed west of the Mississippi river before the conclusion of the treaty of 29th December, 1833, with the Cherokees, are entitled to a portion of the benefits of that treaty, and, if entitled, to what extent, remains yet undecided.

Very respectfully,

C. A. HARRIS,
Commissioner

Hon. B. F. BUTLER,
Secretary of War ad interim.

P. S.—Mr. Bond's letter, and Mr. Hoyt's, are herewith returned.

WAR DEPARTMENT,
Office Indian Affairs, January 26, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th ultimo, reporting your proceedings in relation to the survey of the Cherokee lands. Under the circumstances stated by you, I do not see how more could be done than has been accomplished. I will thank you to cause operations to be resumed at as early a day in the approaching spring as is practicable, that the business may be brought to a close with as much despatch as possible.

Very respectfully,

C. A. HARRIS,
Commissioner

To Rev. ISAAC MCCOY,
West Point, Missouri.

WAR DEPARTMENT,
January 27, 1837.

SIR: I have the honor to transmit, herewith, a communication from the Office of Indian Affairs, which contains the information asked for in your

letter of the 16th instant, in relation to the matters complained of in that of Mr. Hoyt, enclosed by you. This last is herewith returned.

Very respectfully,

B. F. BUTLER,
Secretary of War ad interim.

To Hon. WILLIAM K. BOND,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, January 31, 1837.

SIR: Richard Bennett, Esq., acting Paymaster United States army, has been detailed for duty as disbursing agent for the Cherokee removal, and has been instructed from this office to repair to New Echota with all convenient despatch, to enter upon the duties assigned to him in conjunction with yourself.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Doctor PHILIP MINIS,
Dis. Agent, Cher. Rem., Calhoun, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, January 31, 1837.

GENTLEMEN: I have the honor to inform you that Richard Bennett, Esq., acting Paymaster United States army, has been detailed for service as disbursing agent for the Cherokee removal. He has been instructed from this office to repair, with all convenient despatch, to New Echota, and to report himself to you for such instructions as you may find requisite for him in the capacity in which he is to serve.

Very respectfully,

C. A. HARRIS,
Commissioner.

To Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, January 31, 1837.

SIR: I acknowledge the receipt of your letter of the 30th instant, in which you report yourself for service under the direction of this office, agreeable to the order of the Secretary of War ad interim.

You will repair, with as little delay as is consistent with convenience, to New Echota, Georgia, the present location of the commissioners under the late Cherokee treaty, and there report yourself to those commissioners, the honorable Wilson Lumpkin and John Kennedy, Esq. You will officiate as disbursing agent under the Cherokee treaty, and in the discharge of those

duties, you will be governed by such instructions as you may from time to time receive from the commissioners or the superintendent; and from these functionaries you will receive all necessary facilities either in funds, instructions, or other essential means. You will also notify General Nathaniel Smith, superintendent of the removal, and Doctor Philip Minis, the disbursing agent, now at Calhoun, of your arrival.

Very respectfully,

C. A. HARRIS,
Commissioner

RICHARD BENNETT, Esq.,
Acting Paymaster, U. S. Army, Washington.

WAR DEPARTMENT,
Office Indian Affairs, January 31, 1837.

SIR: Richard Bennett, Esq., acting paymaster United States army, has been detailed for service as disbursing agent for the Cherokee removal. He has been instructed to repair to New Echota with all convenient despatch, and to report to you and to the commissioners for duty.

Very respectfully,

C. A. HARRIS,
Commissioner

Gen. NATHANIEL SMITH,
*Superintendent Cherokee Removal,
Calhoun, Tennessee.*

WAR DEPARTMENT,
Office Indian Affairs, February 4, 1837.

SIR: Your letter of yesterday to the Secretary of War, in relation to the draft of General Wool, in favor of Messrs. Buckingham & Huntington has been referred to this office.

In reply, I beg leave to inform you that, until reference can be made to the law, to which you allude, as having passed Congress, no information can be given of the course that will be pursued in respect to this draft. If, however, the law is in the words of the bill, as reported to the House by the Committee on Indian Affairs, a presentation of the draft at this office, after the act is officially promulgated, is all that is necessary to be done to secure its immediate payment.

Very respectfully,

C. A. HARRIS,
Commissioner

Hon. F. GRANGER,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, February 6, 1837.

SIR: I have received your letter of the 20th ultimo, and in reply have to remark, that the necessity or expediency of employing a clerk in your office is not yet apparent to me. In adhering to the opinion expressed heretofore on this subject, I will remark, that the expenses of the execution of the treaty with the Cherokees are paid from funds furnished by the Indians themselves, and administered by the United States as trustees for those Indians. Great circumspection will therefore be required in incurring expenses.

In relation to your continuance as disbursing agent, I have to remark that nothing is now anticipated to prevent it; and without intending to limit this office in the power of disposing of your services as the public interest may require, I can say that you may calculate upon your continuance in your present duties, subject to all the contingencies necessarily connected with the public service. It is proper to remark, however, that Mr. Bennett, of whose appointment as a colleague with you, you will have been notified, having to perform the double duty of disbursing for the emigration and making payments for the military, will be permanently located in the nation, and should the service require a disbursing agent to accompany emigrating parties, you may be called upon for that service, thus producing a temporary absence from Georgia.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor PHILIP MINIS,
Disbursing Agent, Cherokee Removal,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, February 6, 1837.

SIR: Your letter of the 14th ultimo, addressed to the Secretary of War and interim, has been referred to this office. In reply, I have the honor to inform you that yours of the 6th ultimo, having also been referred, was duly answered on the 22d of same month. Enclosed are copies of the answer.

I also forward an extract from a letter from Captain Page, in reply to mine, of which you have a copy herewith.

Very respectfully,

C. A. HARRIS,
Commissioner.

Brevet Brig. Gen. J. E. WOOL,
Athens, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, February 7, 1837.

SIR: I have received your letter of the 23d ultimo. Your employment of Dr. John S. Young is in accordance with the pleasure of this depart-

ment, previously expressed, and is approved. I take this opportunity to remind you that previous to starting a company of emigrants, it is important that notice should be given to Captain Jacob Brown, principal disbursing agent at Little Rock, Arkansas, of the intended movement and probable arrival, that proper measures may be taken for their reception and subsistence.

Very respectfully,

C. A. HARRIS,
Commissioner

General NATHANIEL SMITH,
Sup't Cherokee Removal, Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, February 9, 1837.

SIR: Your letter of the 25th ultimo has been received with its enclosures. The proper direction will be given to the several papers transmitted by you relating to accounts, and as soon as it can be ascertained, the required information will be furnished as to the state of your late brother's accounts.

Very respectfully,

C. A. HARRIS,
Commissioner

GEORGE W. CURREY, Esq.,
Cherokee Agency, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, February 9, 1837.

SIR: A requisition has this day been issued for eighty dollars and paid to Colonel Johnson on account of Mr. Yancey, being the amount authorized with his consent to be retained for the purpose. As you are now charged with it, you will of course include the whole account of Mr. Yancey, from which you deducted this sum, in your next account, as directed in a letter to Major Currey of 24th December last, the contents of which have no doubt been communicated to you.

Very respectfully,

C. A. HARRIS,
Commissioner

Doctor PHILIP MINIS,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, February 14, 1837.

GENTLEMEN: I have received your three letters of the 23d, 30th, and 31st ultimo, the second of which has been referred to the Secretary of War for his decision upon the subjects therein mentioned, and he will doubtless give such directions and orders as the cases demand.

I am sensible that the decease of Major Currey must have produced much derangement and delay in the branch of business confided to him. It gives me pleasure, however, to learn from your reports, that the prospects of speedy and numerous emigration are so fair and encouraging. I have heretofore informed you of the appointment of Captain Bennett as disbursing agent, and he will have arrived probably before this. The presence of Captain Bennett will leave Dr. Minis at liberty to accompany the first emigrating party, and he will also be able to take some supervision of the medical department on the way. You will make such arrangements as circumstances may require for medical aid and attendance for each party. Arrangements are in progress for the appointment of another disbursing agent.

In proposing a concentration of the different branches of business under the treaty, I contemplated an arrangement and location to continue during the future period in which the treaty should be under execution. If it is in contemplation to change the location of the commissioners in the spring, it strikes me that, unless some urgent necessity exists to the contrary, the other officers had better remain as they are until that removal takes place. I leave the matter, however, to your judgment and discretion.

In relation to the payment of the compensation to the committee, I have to remark that the whole appropriation for the execution of the Cherokee treaty, constitutes a fund for the payment of any and all expenses necessarily incurred therein. You will therefore be at liberty to make the requisition for payment to the committee out of any funds in the hands of the disbursing agents. The paper addressed to you by the committee, and mentioned as having been enclosed, did not come to hand.

Your assurances of the prompt payment of all claims of the emigrants by the agents west will be fulfilled, unless are intended to be embraced therein the per capita payments, or final distribution of the balance of the funds. These payments cannot be made until the treaty is fully executed, and the balance ascertained. It ought to be observed, however, that the promptitude with which these payments will be made must depend very much upon the accuracy with which the rolls and other documents are prepared for the officers west. The earliest intelligence should be given to this office of the probable amount required west; and of the purposes to which the funds will be applied, that remittances may be seasonably made. The agents west should also be seasonably informed of any intended emigration, the probable number of the party and time of arrival, that preparations may be made for the reception and subsistence of the emigrants.

Very respectfully,

C. A. HARRIS,

Commissioner.

HON. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, February 14, 1837.

SIR: Enclosed is a copy of a letter this day addressed to the commissioners under the Cherokee treaty. I forward it to you that you may be

apprized of the views of this office, and that, so far as they affect your duties, you may conform to them.

Very respectfully,

C. A. HARRIS,

Commissioner

Gen. NATHANIEL SMITH,
Supt. Cherokee Emigration,
Cathoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, February 15, 1837.

SIR: I have received your letter of the 3d ultimo, with your returns for Cherokee disbursements in the 4th quarter of 1836.

Very respectfully,

C. A. HARRIS,

Commissioner

Lieut. J. VAN HORNE,
Fort Gibson, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, February 15, 1837.

SIR: I have received your letter of the 27th December last, requesting an order to repair to this city for the settlement of your accounts; and in reply, have to remark, that it would give me much pleasure to comply with your wishes, did the public service permit. Late advices from the officers charged with the Cherokee emigration inform that parties of that tribe will have started for the west by the first of this month, and probably they are now on their way. Your services on their arrival will be indispensable, and I should not feel myself justified in calling you from your post without the most urgent necessity, growing out of some public duty of paramount importance. As none such exists, I am obliged, for the present, to decline a compliance with your request.

Very respectfully,

C. A. HARRIS,

Commissioner

To Lieut. J. VAN HORNE,
Dis. Agent Cher., Fort Gibson, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, February 17, 1837.

SIR: I have the honor to acknowledge the receipt of your letter, enclosing one addressed to you by William H. Todd, Esq. In reply, I remark that nothing appears in this office tending to show that Major Wm. M. Davis was entitled to any pay under his last appointment under the Cherokee treaty. Though it is understood that he accepted the appointment, it does not appear that he reported himself for service, or left his ordinary par-

suits to enter upon his duties, from which period his compensation should commence.

An account, amounting to \$240, for services in the Cherokee nation, from 5th March to 4th May, 1836, was presented by Major Davis for allowance, early in July last. That account has been examined lately, and allowed, and the amount will be paid to the legal representatives of Major Davis, on the presentation of the proper vouchers. Mr. Todd's letter is herewith returned.

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. R. M. JOHNSON,
House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, February 18, 1837.

SIR: I have received your letter of the 31st ultimo, respecting your claim for provisions furnished the poor Cherokees, and as it is impracticable to give a just decision on it without further information, I have this day transmitted to General Wool a copy of your letter, and requested him to state the facts of the case.

Very respectfully,

C. A. HARRIS,
Commissioner.

Wm. H. THOMAS, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, February 18, 1837.

SIR: I have the honor to transmit, herewith, the copy of a letter from William H. Thomas, in relation to a claim for provisions furnished to poor Cherokees, and to request that you will state the facts of the case, as without other information it is impracticable to decide justly on the subject.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. J. E. WOOL,
U. S. Army, Athens, Tennessee.

WAR DEPARTMENT,
February 20, 1837.

GENTLEMEN: The Commissioner of Indian Affairs has referred to me your letter to him of the 30th ultimo.

Whilst I cannot but lament the existence of those causes of complaint to which your letter alludes, I deem it unnecessary, at the present time, to take any particular step in the matter. The general views of the department on the subject were distinctly expressed to General Wool, in a com-

munication transmitted to him under date of the 9th ultimo, a copy of which is enclosed. This letter, I presume, had not been received by him when you wrote, and I trust it will have secured that harmony and concert of action so necessary to the public service.

Very respectfully,

B. F. BUTLER,

Secretary of War ad interim

Hon. WILSON LUMPKIN, and

To the JOHN KENNEDY, Esq.,

New Echota, Georgia.

WAR DEPARTMENT,

Office Indian Affairs, February 21, 1837.

GENTLEMEN: I have received the paper addressed to you by the committee of the Cherokees, on the subject of compensation for their services. In reply I have to inform you that, in preparing estimates of appropriations required for the ensuing year, for the execution of the late Cherokee treaty, the President's views were taken as to the objects of expenditure to be provided for. He decided that expenses incurred for certain purposes of which the compensation of the committee did not constitute one, only should be embraced in the estimates, and that all others must be paid from the general Cherokee fund. No appropriation, therefore, has been required for compensation of the committee, and the general fund must consequently defray that expense.

Very respectfully,

C. A. HARRIS,

Commissioner

Hon. WILSON LUMPKIN, and

JOHN KENNEDY, Esq.,

New Echota, Georgia.

WAR DEPARTMENT,

February 24, 1837.

GENTLEMEN: In answer to your letters of the 13th and 22d instant, I have the honor to inform you that, as the President does not recognize you in any such official capacity as that described in your communications, no interview can be had with you in that character, either by him or the department. Should you think proper, as individuals, to call at the department, it will give me pleasure to meet you; and any suggestions you may make in that character, and which it may be proper for the department to consider, will receive due consideration.

Very respectfully,

B. F. BUTLER,

Secretary of War ad interim

Messrs. JOHN ROSS,

JOHN LOONEY, and others;

Washington city.

WAR DEPARTMENT,
Office Indian Affairs, February 24, 1837.

SIR: Upon receiving the instructions to your predecessor, it appears that no specific instructions have been given for valuing the missionary establishments in the Cherokee country, which, it is provided in the 9th article of the treaty with the Cherokees, of December 29, 1835, shall be appraised, and the proceeds paid over to the treasurer of the respective societies by whom the establishments were instituted.

I have to request that you will instruct some of the appraising agents to perform this duty, and transmit his report, made out and certified in the manner prescribed in the original instructions to Major Currey, of 25th July, 1836, relative to the valuation of other improvements, so far as they are applicable.

Very respectfully,
C. A. HARRIS,
Commissioner.

General NATHANIEL SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, February 27, 1837.

SIR: I have the honor to return the letter of the honorable Mr. Crittenden, of the 22d instant, and to report that Major Davis was appointed an appraising agent, after the conclusion of the last treaty with the Cherokees, but did not enter upon the duties of the office. The selection of the other agents was committed to Major Currey, then the superintendent of the migration; and if others should now be required, it would be made by his successor, General Smith. But, from information recently received, it is presumed that the business of valuing improvements is nearly completed. I am not aware that there is any other office, connected with the execution of the treaty, which could be tendered to Doctor Roberts.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. B. F. BUTLER,
Secretary of War ad interim.

WAR DEPARTMENT,
Office Indian Affairs, February 27, 1837.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 13th instant. In requesting you to investigate the claims of Messrs. Coody and others, which accompanied my communication of the 20th of January, it was not my intention or wish to divert your attention from other business of more importance, and more strictly within the line of your duties; but that you would avail yourselves of a moment of comparative leisure to make an examination which would aid me in forming correct conclusions. I hardly know in what terms, stronger than those

heretofore used, to convey to you the assurance, that the arduousness of your duties, and the diligence and ability with which they have been performed, are fully appreciated. But you will allow me to correct an evident misapprehension on your part, that you have been restricted to the assistance of a secretary. It is true that a specific appropriation has been made but for one secretary, and this officer was selected for the execution, under your direction, of the more difficult branch of the business. But this by no means precluded the employment of clerks, and the general authority vested in you has been, and is, sufficient to warrant the engagement of any number you might think proper. I would also remark, in this connexion, that the place at which the agents of the Government should be stationed is designated in the treaty, in such terms, as you have been advised, as to prevent any change by the department; but you have been empowered to make any repairs necessary for your comfort and accommodation. The inconveniences arising from the crowds that assemble around you are, for the very reasons you have stated, obviously beyond the reach of this department. In respect to your compensation, I have only to repeat what was said in my letter to you of the 14th instant, in regard to the pay of the committee; that the whole appropriation for the execution of the treaty constitutes but one fund, and is as applicable to the payments for your services as to any other object. If it will be more convenient to you, therefore, you can make your requisitions quarterly upon the disbursing agent for your compensation as it becomes due.

An answer to the renewed complaint of the Commanding General is considered unnecessary, as it is not doubted that the letter from the department to that officer of January 20th, will have insured harmonious co-operation.

The letter of the 14th instant, above referred to, notified you of the appointment of Captain Bennett as disbursing agent, which would "leave Doctor Minis at liberty to accompany the first emigrating party." A copy of that letter was sent to General Smith, and, to prevent doubt or difficulty, he will be written to again on this subject.

As from the tone of your communication it might be inferred that there had been a want of prompt attention to your representations, and a withholding of proper facilities, it becomes my duty to remind you, that the powers confided to you have been all but unlimited in their character; and to observe, further, that, in no instance, has there been a remissness in acting upon every suggestion you have made, always favorably when the laws and the treaty permitted.

Very respectfully,

C. A. HARRIS,

Commissioner

Hon. WILSON LUMPKIN, and

JOHN KENNEDY, Esq.,

New Echota, Georgia.

WAR DEPARTMENT,

Office Indian Affairs, March 2, 1837.

SIR: I have received your two letters of the 8th ultimo, informing me of your arrangements for subsisting Cherokees at Ross's and Gunter's landing, and of the appointment of valuing agents and interpreters. These are

arrangements, as well as the appointments mentioned, are approved by this department.

I am gratified in learning from your report that the business of emigration is progressing so favorably. In order that every preparation may be made, depending upon this office, the earliest intelligence should be given of what may be required. At present, the arrangements which you will act upon are as follows: Doctor Minis will attend the first party as disbursing agent, and also superintend the medical department of the party. Doctor Reynolds, of the army, has been detailed, and will join you at an early day. He will attend the second party, in the same capacities as Doctor Minis. Such number of physicians as may be requisite for each and every detachment, you will employ from citizens of that profession. In case of a third party, you will give to this office the earliest possible intelligence of what will be required, and you will be particular to inform whether a third disbursing agent will be wanted, so that an officer can be detailed in season.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. NATHANIEL SMITH,
Superintendent Cherokee Removal,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, March 10, 1837.

SIR: I acknowledge the receipt of your letter of the 13th ultimo, enclosing your account for expenses, &c., in purchasing medicines at Knoxville.

This account is regular in every respect, and having received the approbation of the superintendent, and his requisition for payment, should have been paid by the disbursing agent, without the trouble of a reference to this office. The account is herewith returned, and the disbursing agent, by referring to his instructions contained in the circular of the Commissary General of Subsistence of 28th February, 1835, will perceive that it is his duty to pay it without further delay.

Very respectfully,

C. A. HARRIS,
Commissioner.

Dr. C. LILLYBRIDGE,
Physician Creek Removal,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, March 11, 1837.

SIR: You will proceed forthwith to Calhoun, Tennessee, and report yourself to General Nathaniel Smith, superintendent of the Cherokee emigration, for duty as disbursing agent for that service. Herewith you will receive copies of the regulations for the "removal and subsistence of In-

dians," and for keeping and rendering accounts of disbursements. A proper attention to these guides, by which you will be governed, will enable you clearly to understand your powers and duties, and a strict adherence to them will be expected. You will receive funds from time to time, as the progress of the service may require, from Captain Bennett, or Doctor Minis, who will turn over to you on the requisition of the superintendent.

Herewith are blank forms of accounts for your use.

You will report your arrival at Calhoun for this service to this office.

Very respectfully,

C. A. HARRIS,
Commissioner

Capt. J. P. SIMONTON,
*Disbursing Agent, Indian Department,
Washington, D. C.*

WAR DEPARTMENT,
Office Indian Affairs, March 11, 1837.

SIR: Unexpected emergencies in the public service have required the employment of Doctor John C. Reynolds in other duties than the Cherokee emigration, for a short time. So soon as he has completed the service in which he is now engaged, and which will be shortly, he will report to you. Captain J. P. Simonton, of the United States army, has this day been instructed to repair forthwith to Calhoun, and report to you for duty as disbursing agent for the Cherokee removal, and may be expected to join you soon.

Captain Bennett or Doctor Minis will turn over funds to Captain Simonton on your requisition, from time to time, as the progress of the service may require.

Very respectfully,

C. A. HARRIS,
Commissioner

Gen. NATHANIEL SMITH,
*Superintendent Cherokee Removal,
Calhoun, Tennessee.*

WAR DEPARTMENT,
Office Indian Affairs, March 11, 1837.

SIR: Captain J. P. Simonton, of the United States army, has this day been instructed to repair to Calhoun forthwith, and report himself to General Smith for duty, as disbursing agent for the Cherokee removal, and he may be expected to join soon. You will turn over to him, from time to time, upon the requisition of the superintendent of the Cherokee emigration, such portion of the funds in your hands as the progress of that business may require.

Very respectfully,

C. A. HARRIS,
Commissioner

Doctor PHILIP MINIS,
*Disbursing Agent Cherokee Removal,
New Echota, Georgia.*

WAR DEPARTMENT,
Office Indian Affairs, March 11, 1837.

SIR: Captain J. P. Simonton, United States army, has this day been instructed to repair to Calhoun forthwith, and report himself to General Smith for duty, as disbursing agent of the Cherokee removal, and he may be expected to join soon. You will turn over to him, from time to time, such portion of the funds in your hands, upon the requisition of the superintendent of the Cherokee emigration, as the progress of that business may require.

Very respectfully,
C. A. HARRIS,
Commissioner.

Captain RICHARD BENNETT,
Disbursing Agent, Indian Department,
New Echota, Georgia.

WAR DEPARTMENT,
March 11, 1837.

GENTLEMEN: The press of business connected with the termination of the session of Congress, has prevented an earlier reply to your letter of the 28th ultimo.

In your letters of the 13th and 22d ultimo, you described yourselves as a delegation duly authorized by, and representing, "the Cherokee nation east and west of the Mississippi." The official character thus claimed, the President could not recognise, for the following reasons:

1. All the relations existing between the United States and the Cherokee nation east of the Mississippi, are defined and settled by the treaty made with that part of the nation, and ratified by the President and Senate, in May, 1836, and the provisions of previous treaties not inconsistent therewith. Since the conclusion of that treaty, nothing remains for discussion with that part of the nation, except such matters as belong to the execution of the treaty; and in regard to all such matters, the twelfth article of the treaty appoints a committee of twelve persons to transact the same on the part of the Indians.

2d. The relations existing between the United States and the Cherokee nation west of the Mississippi, are also defined and settled by certain treaty provisions; and though delegations may, from time to time, be authorized to act for that part of the nation, yet, in the present posture of affairs, no such delegation as yours was described to be, (that is, a delegation professing to represent the nation on both sides of the Mississippi, to the exclusion of the committee above referred to,) can be recognised.

3d. The claim to the official authority described in your letter, when taken in connexion with the fact, that some of your number have denied the fairness and validity of the late treaty, and have taken measures to defeat its execution, made it improper, in the judgment of the President, to recognise you in such character, unless he was willing to re-open the discussions settled by the treaty. This, as you well know, he had previously decided could not be done. In order, therefore, to avoid useless and irritating discussions, as well as from a deliberate sense of duty, he was constrained to give me the direction stated in my letter.

I forbear to enlarge on topics the discussion of which cannot be productive of any good; and will, therefore, merely repeat the assurance, that any suggestion you may have occasion to make as individuals, or any business you may be authorized to transact, consistently with the treaty stipulations existing between the United States and the Cherokee people, will receive a prompt and liberal consideration.

Very respectfully,

B. F. BUTLER,
Secretary of War ad interim

Messrs. JOHN ROSS and others,
Washington, D. C.

WAR DEPARTMENT,
Office Indian Affairs, March 13, 1837.

SIR: I have received your letter of the 31st January last, in which you refer to this office the claims of sixty Cherokee emigrants to commutation for transportation and year's subsistence under the late Cherokee treaty.

Before these claims can be decided, it is necessary that the facts attending them should be made known to this office. If the claimants have recently emigrated from the Cherokee country east, they should have been supplied with papers from the superintendent, which would have established their claim. No decision can now be made for want of the necessary information as to the time and circumstances of the removal.

Very respectfully,

C. A. HARRIS,
Commissioner

Lieut. J. VAN HORNE, *Disbursing Agent,*
Indian Department, Fort Gibson.

WAR DEPARTMENT,
Office Indian Affairs, March 17, 1837.

SIR: I have the honor to inform you, that after Captain J. P. Simontal of the 1st dragoons, shall have accompanied a party of Cherokee Indians to their country west of the Mississippi, his services will not be required in the Indian Department.

Very respectfully,

C. A. HARRIS,
Commissioner

Gen. ROGER JONES,
Adjutant General, U. S. Army.

WAR DEPARTMENT,
Office Indian Affairs, March 18, 1837.

SIR: I have received your letter of February 3d, communicating the circumstances that prevented your execution of the order for the arrest of Ross and his party.

Very respectfully,

C. A. HARRIS,

Commissioner.

Captain WM. ARMSTRONG,
Chōctaw Agency, west of the Mississippi.

WAR DEPARTMENT,
Office Indian Affairs, March 18, 1837.

SIR: You are appointed physician for the Cherokee emigration now in progress. Should you accept this appointment, you will proceed forthwith to Calhoun, Tennessee, and report yourself to General Nathaniel Smith, superintendent of the Cherokee removal, from whom you will receive such instructions as the nature of your duties may require. Your compensation will be \$6 per day, with such other allowances, if any, as have been usually made to physicians engaged in the removal of Indians; which compensation will commence on the day of your arrival at Calhoun, and report to General Smith; and will continue until you are notified of your discharge from further duty.

You will please to signify to this office your acceptance or non-acceptance of this appointment; as speedily as possible.

Very respectfully,

G. A. HARRIS,

Commissioner.

Doctor G. S. TOWNSEND,
Washington, D. C.

WAR DEPARTMENT,
Office Indian Affairs, March 18, 1837.

SIR: Doctor Granville S. Townsend, of Cecil county, Maryland, has been appointed physician to the Cherokee emigration now in progress under your superintendence; and having accepted of his appointment, may be expected to report to you for duty by the middle of April next.

His compensation is fixed by this department at \$6 per day, and such other allowances, if any, as have been usually made to physicians in the emigration of Indians, to commence on the day he shall report to you, and to continue until he shall be regularly discharged from further duty.

Very respectfully,

C. A. HARRIS,

Commissioner.

Gen. NATHANIEL SMITH,
Supt. Cherokee Removal, Calhoun, Tenn.

WAR DEPARTMENT,
March 20, 1837.

SIR: I have the honor to transmit a commission from the President of the United States, constituting you a commissioner to examine all claims arising under or provided for in the treaty with the Cherokee Indians of December 29th, 1835. Your compensation will continue to be the same as stated in the letter from this department, of October 25, 1836, your appointment under which terminated at the close of the session of Congress.

Very respectfully,
J. R. POINSETT.

JOHN KENNEDY, Esq.,
New Echota Georgia.

WAR DEPARTMENT,
Office Indian Affairs, March 21, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, in which, in the name of your colleague and in your own, you recommend to the favor of the department the suggestion made by Mr. Denning in the communication which you enclosed, that the funds required for the execution of the Cherokee treaty might be deposited in the Railroad Bank, at Athens, Georgia.

The expediency of this measure was brought to the notice of the department by Governor Lumpkin, on the 20th of October, and he was advised, on the 5th of November, that warrants on that bank could not be furnished, as it had not been selected by the Treasury Department as a deposit bank; and he was requested to inquire whether an arrangement could not be made with it, to cash Treasury drafts on the deposit bank at Augusta, Savannah, or Columbus, Georgia. On the 22d of November, he reported that he had effected such an arrangement for warrants on the bank at the former place; and he was informed, in reply, on the 10th of December, that when further remittances were required, this office would endeavor to give effect to the arrangement he had made; and warrants have since been issued in the manner indicated by it.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. JOHN P. KING,
Savannah, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, March 23, 1837.

SIR: I have the honor to return the letter of Messrs. Lumpkin and Kennedy, Cherokee commissioners, of the 21st ultimo, referred to this office, and respectfully suggest, that, as the questions put by them seem to be of a legal

character, the opinion of the Attorney General be taken upon them. The points to be decided seem to be stated in the letter with sufficient explicitness.

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. J. R. POINSETT,
Secretary of War.

WAR DEPARTMENT,
March 23, 1837.

SIR: I have the honor to enclose you a letter from the Commissioner of Indian Affairs, accompanied by one from Messrs. Lumpkin and Kennedy, Cherokee commissioners, and to ask your opinion on the points presented in the latter communication.

Very respectfully,

J. R. POINSETT.

Hon. B. F. BUTLER,
Attorney General United States.

WAR DEPARTMENT,
March 23, 1837.

SIR: Enclosed are copies of a letter from this department to the Governor of North Carolina, and of the document to which it is a reply. I have to invite your attention to the complaint respecting the conduct of the troops in the United States service stationed in North Carolina, and to request that you will take the proper measures to prevent its repetition.

J. R. POINSETT,
Secretary of War.

Brigadier General JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
March 24, 1837.

GENTLEMEN: Your memorial of the 16th instant, addressed to the President of the United States, has been laid before him, and I now proceed to communicate to you his decision upon the propositions you have submitted.

The treaty concluded at New Echota on the 29th of December, 1835, has been ratified according to the forms prescribed by the constitution, and it is the duty of the Executive to carry into effect all its stipulations in a spirit of liberal justice. The considerations to which you have invited the attention of the President, were brought to the notice of the Senate before they advised its confirmation, and of the House of Representatives before they made the appropriations therein provided for. Their final action

must be regarded as the judgment of these branches of the Government upon the degree of weight to which they were entitled. It remains for the Executive to fulfil the treaty as the supreme law of the land.

Your second and third propositions, therefore, it is considered cannot be acceded to, as they involve an admission that the treaty of 1835 is an incomplete instrument. To your first proposition, I can only answer, as the department has already assured you, that any measures suggested by you will receive a candid examination, if it be not inconsistent with, or in contravention of, the provisions of the existing treaty.

Very respectfully,

J. R. POINSETT

Messrs. JOHN ROSS and others

Of the Eastern and Western Cherokees,

Washington, D. C.

WAR DEPARTMENT,

Office Indian Affairs, March 29, 1837.

SIR: A party of the Cherokee Indians residing east of the Mississippi river, consisting of John Ross, Richard Taylor, Samuel Gunter, George Sanders, Walter S. Adair, John Benge, Stephen Foreman, and James Brown, have presented their credentials, which purport to have been given by "the chiefs, national committee and council, and the people of the Cherokee nation," assembled in general council at Red Clay, on the 28th day of September, 1836, and to constitute them a delegation of said nation. They are therein authorized, "under the direction of John Martin, the treasurer of the Cherokee nation, to apply to the Government of the United States, or to the proper officers thereof, and to receive all sums of money due to said Cherokee nation east of the Mississippi, from the United States, and to receipt for the same, for and on account of the said Cherokee nation." They have also presented a letter, signed "John Martin, national treasurer," dated September 29, 1836, and addressed to the Secretary of War, requesting him to pay over to the order of the above named persons the sum of \$16,418 17, and notifying him that their receipt will be in full. Of this sum, a part, \$6,666 67, is the annuity for 1836. To the payment of this to them upon the papers they have presented, certain objections exist upon which I respectfully ask your decision.

1. The 11th section of the act of June 30, 1834, organizing the Indian Department, prescribes that annuities shall be paid to the chiefs, or to such person as the tribe shall appoint. The regulations approved by the President in July, 1834, direct that previously to the payment, the agent shall convene the Indians, and ascertain from them in what manner they desire the annuity to be paid. This regulation contemplates the assembling of a tribe for the express purpose of receiving their annuities, and that they shall then decide to whom they shall be paid. As the council at which those persons received the credentials they have exhibited was not so assembled, the regulation precludes a payment to them.

2. The 11th article of the treaty with the Cherokees of December 29, 1835, provides for a commutation of their annuities, the investment of the amount of the commutation, and the payment of the interest thereon. It

may be considered that the annuity ceased at the time the interest began to accrue. If this be so decided, only a part of the former could be paid to the persons now claiming it.

The first objection applies to another part of the amount claimed by them, \$8,400, appropriated in 1836, as interest upon annuities entitled to be paid, and which, by the terms of the law, is to be paid in the same manner with the annuities.

I have stated that the sum of \$6,666 67 is the annuity for 1836. It is proper for me to remark, that the letter of the treasurer refers to an appended account as showing the sum, and in that account this sum is called "the last year's annuity appropriated by Congress;" which means the annuity for 1835. The annuity for that year has been paid to them, and it may be doubtful whether the letter of the treasurer will authorize the payment of the annuity for any other year. If it be thought advisable to give them the benefit of this doubt, and the Cherokees believe the annuity for 1835 is still due them, it can be stipulated that their receipt of the above sum as the annuity for 1836, shall not effect that question.

There can be no question as to the power of the Secretary of War, with the sanction of the President, to suspend or change any Executive regulations to induce such a proceeding. In the present instance, the persons appearing for the Cherokees, and who are known to possess great influence, might be conciliated, and forego their opposition to the execution of the treaty of December 29, 1835. Harmony between the different portions might be, to a considerable extent; restored, and the removal of all from the States, an object of primary importance to them and to our own citizens, might be peaceably effected. In view of these possible results, I would suggest whether true policy does not dictate that the payments should be made according to the request in the letter of the treasurer.

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. J. R. POINSETT,
Secretary of War.

MARCH 30, 1837.

Let the money be paid according to the suggestion.

J. R. POINSETT.

WAR DEPARTMENT,
Office Indian Affairs, March 30, 1837.

SIR: I have to call your attention to the 5th article of the 2d section of the regulations for the removal and subsistence of Indians. From this you will perceive that "special agents" are required to communicate to this department every occurrence the knowledge of which can be useful. They will "make weekly reports of their progress and operations," &c., &c.

I am led to remind you of this duty by the great deficiency of the information in this office, relative to the progress and present condition of the execution of the late Cherokee treaty, and particularly in that branch of it relating to emigration. From the commencement of this business, this office has not been

distinctly and fully advised of the plan of operations, or the progress from time to time in the work. I have therefore to request that you will immediately report definitely in relation to the following points, viz: the number now enrolled for emigration; the prospect of further enrolment; and all circumstances affecting this part of the operation; the number constituting a party; the place or places of assembling prior to removal; the time between assembling and starting the parties; the measures taken to supply subsistence while assembling and on the route; the means and mode of transportation provided, both east and west of the Mississippi, and the measures taken to secure both subsistence and transportation after crossing that river, and the route adopted. Has a party started? and, if so, what is the number of emigrants composing it? What officer conducts it? What physician attends upon it? When did it start, and when will it probably arrive at its destination? When will other parties probably start, and do you maintain communications with the principal disbursing agent west, relative to your operations, so as to give him seasonable notice in which to make his arrangements for receiving the parties? Will the disbursing officers and physicians now employed be sufficient to answer all the purposes of the service, or must additional ones be furnished? Are additional funds required, and, if so, how much?

The foregoing are some of the points upon which this department requires information, and, in addition thereto, any and every fact necessary to give a clear and full understanding of what is going on, and what may be expected relative to the emigration of the Cherokees; and this to be continued from week to week. The date of your last communication received in this office is the 21st ultimo.

Very respectfully,

C. A. HARRIS,

Comm.

General NATHANIEL SMITH,

Supt Cherokee Removal, Calhoun, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, April 3, 1837.

SIR: I have to acknowledge the receipt of your letter of the 16th February, enclosing a certificate of the judges appointed by you to ascertain the sense of the Cherokees east, in relation to the payment of their annuity, by which it appears George Lowry was appointed to receive the same.

Mr. John Ross and others, of the nation east, presented an authority, signed by Mr. Martin as treasurer, requesting the amount of the undrawn annuities to be paid to them; and also a general authority, signed by Mr. Lowry and others, to transact the business of the Eastern Cherokees, which, on being submitted to the Secretary of War, were, under the circumstances, recognised as sufficient, and therefore the payment was made accordingly.

Very respectfully,

C. A. HARRIS,

Comm.

General NATHANIEL SMITH,

Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, April 3, 1837.

SIR: Your letter of the 20th ultimo has been received in this office. Any reasonable expense which you shall necessarily incur for transportation to Calhoun, will be allowed.

On your arrival at Calhoun, you will report yourself to General Nathaniel Smith, superintendent of the Cherokee emigration, and will, under his directions, perform the duties of disbursing agent. These duties, you will find clearly pointed out in the "regulations for the removal and subsistence of Indians," and circular copies of which are forwarded herewith, and will be found to require you merely to make such payments as the superintendent shall authorize and require, and to render your accounts in the manner therein specified. A strict attention and conformity to these regulations in the rendition of your accounts is required, and will be insisted on by this office.

Previous to starting a party for the west, notice will be given to the principal disbursing agent, at Little Rock, of the intended movement, of the day of departure, the route, the number of the party, and the probable time of arrival on the Mississippi, and at Little Rock; and you will make it your duty, whenever you accompany a party of emigrants, from time to time, to report to that officer your progress on the route, so that proper preparations may be made for the reception of the emigrants, the necessary transportation and subsistence provided, and a full co-operation of the officers of the Government west, secured. A proper forecast and precaution in these respects will prevent much inconvenience, if not distress and suffering, to emigrants, and contribute to the economy of the removal.

Herewith, blanks are forwarded for your use.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor J. C. REYNOLDS,
*Disbursing Agent Cherokees,
Calhoun, Tennessee.*

WAR DEPARTMENT,
April 12, 1837.

GENTLEMEN: It is desirable that the Tennessee volunteers furloughed by General Wool's "general order 66" of the 1st of November last, should be at once discharged, unless their services are necessary to repress any hostile spirit on the part of the Indians; and, by the enclosed copy of a letter this day addressed to General Wool, you will perceive that he has been instructed to discharge them, unless, in your opinion, their services are requisite for that purpose. I have to request that you will communicate with that officer on this subject; in accordance with the last sentence of the letter to him.

J. R. POINSETT,
Secretary of War.

MESSTRS. LUMPKIN and KENNEDY,
*Cherokee Commissioners,
New Echota, Georgia.*

WAR DEPARTMENT,
April 12, 1837.

SIR: Your letter of the 3d instant has been submitted to the President, and he directs me to say, that in his interview with Colonel Ross, he distinctly stated to him that he could hold out to him no expectation of any alteration or modification being made in the late treaty between the United States and the Cherokees nation. And in my several conferences with him, I gave him and his friends to understand that the treaty would be executed; and that no further time would be allowed to the Cherokees to remain in the country beyond the period fixed by the treaty.

In my last interview with Colonel Ross, I urged him to advise the Cherokees to submit quietly, and to fulfil their treaty stipulations; that opposition would only lead to further expense, and produce results injurious to the true interests of the Cherokees. He avowed his intention of advising them to be peaceable, to submit to superior force, and if they could not obtain any modification of the treaty, to emigrate without further resistance. And I again repeated, that no modification of the treaty would be made, but all its stipulations be carried into effect; that to hold out any expectation of the contrary would be to deceive his countrymen, and prove ruinous to them, inasmuch as they ought to make preparations to remove to their new homes at the period indicated by the treaty.

A copy of my letter to Colonel Ross and others, of the 24th ultimo, is herewith enclosed.

Very respectfully,
J. R. POINSE

Brevet Brig. Gen. J. E. Wool,
U. S. Army, Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, April 17, 1837.

SIR: I have received your letter of the 29th ultimo, from which I learn that, in consequence of the absence of Doctor Minis, the number of the emigrating party was much less than had been expected. It appears that he was absent one month on his tour to Augusta. You will please to explain the cause of this absence and the nature of the business which called him, for this time, from his post, and the authority upon which he left it.

It appears that from various causes, in starting the party reported by you, a pecuniary sacrifice of about \$2,500 has occurred. This circumstance is little calculated to sustain the reputation of the Government, or its officers, and requires explanation. Why was five days' demurrage paid, when it appears you arrived at the point assigned on the day fixed by the contract with the boats?

This office will expect from you a weekly report of all your operations.

Very respectfully,
C. A. HARRIS,

Commissioner

Gen. NATHANIEL SMITH,
Superintendent Cherokee Removal,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, April 17, 1837.

SIR: This office is informed that a contract was made, on behalf of the Government, for the transportation of a party of Cherokee emigrants to Fort Gibson, to consist of not more than 1,000, nor less than 600; that, in consequence of your absence from your post, on a journey to Augusta, and the inability of the Cherokees who would have emigrated to obtain money from you which was their due, owing to your absence, the emigrating party fell short of the 600, and that the Government have been compelled to pay for the transportation of 466, the same price that was to have been given for 600 emigrants. You are requested to explain these circumstances, and particularly the reason of your absence from your post from the 6th February to the 6th March, and the authority upon which you were absent.

You are also required to explain the causes of the demurrage in getting off the boat hired for the party. So far as this office is informed, it would seem to be owing to your neglect in not keeping with the emigrants. The necessity for so great a pecuniary sacrifice, viz: about \$2,500, as has occurred in getting off this small party, is not at once apparent, supposing there had been a prompt and faithful attention to duty on the part of the officers of the Government. It is hoped that a satisfactory explanation can be made.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor PHILIP MINIS,
Disb'g Agent, Cherokee Removal,
Little Rock, Arkansas.

WAR DEPARTMENT,
April 18, 1837.

SIR: Your letter of the 31st ultimo is received. Your proposed tour through the Cherokee country is approved, and will, I trust, be attended with favorable results. The presence of the regular troops being deemed important elsewhere, your application for a regiment of infantry cannot now be complied with, unless you have reason to apprehend difficulties with the Indians, which your present force might not enable you to terminate. But these difficulties you do not seem to anticipate, until the period arrives for the removal of the Indians.

The discharge of the Tennessee volunteers is approved.

J. R. POINSETT.

Brigadier General JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, April 20, 1837.

SIR: A remittance will be made from the Treasury, of \$200,000, to the cashier of the Branch of the Planter's Bank of Tennessee, at

Athens, also one of \$200,000, to the cashier of the Bank of Augusta, Georgia, to be deposited in said banks, respectively, to your credit, and subject to your orders, when countersigned by his excellency W. Lumpkin, and John Kennedy, commissioners, or by either of them.

You will be charged with, and held accountable for, the sums now remitted, under the head of account "for carrying into effect the treaty with the Cherokees," per act 2d July, 1835.

Very respectfully,

C. A. HARRIS,
Commissioner

Capt. RICHARD BENNETT,
Disbursing Agent,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, April 20, 1837.

SIR: A warrant will be transmitted to you from the Treasury for \$200,000, which sum you are requested to deposit in your bank to the credit of Lieutenant Richard Bennett, disbursing agent Indian Department, to be paid on his orders only, when countersigned by his excellency Wilson Lumpkin and John Kennedy, Esq., commissioners, or either of them.

Very respectfully,

C. A. HARRIS,
Commissioner

CASHIER of the Bank of Augusta,
Augusta, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, April 20, 1837.

SIR: A warrant will be remitted to you from the Treasury for \$200,000, which sum you are requested to deposit in your bank to the credit of Lieutenant Richard Bennett, disbursing agent Indian Department, to be paid on his orders only, when countersigned by his excellency Wilson Lumpkin and John Kennedy, Esq., commissioners, or either of them.

Very respectfully,

C. A. HARRIS,
Commissioner

CASHIER of the Branch of the Planters' Bank
of Tennessee, Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, April 29, 1837.

SIR: I have the honor to inform you that, after Doctor Philip Minis shall have completed the duty now assigned him, viz: attending a party of Cherokee emigrants to their country west of Arkansas, as disbursing agent, this office will have no further occasion for his services.

I have also to inform you, that the continued indisposition of Lieutenant J. W. Harris deprives this office of his valuable services, and that, at his request, he is discharged from any further duty under the direction of the Department of Indian Affairs.

Very respectfully,
C. A. HARRIS,
Commissioner.

Brig. Gen. R. JONES,
Adj. Gen. United States Army.

WAR DEPARTMENT,
Office Indian Affairs, April 20, 1837.

GENTLEMEN: I have to acknowledge the receipt of your letter of the 23d March, reporting the progress and prospects of the emigration of the Cherokees under the late treaty, and the course pursued by the commissioners, which all exhibit a commendable zeal, and are duly appreciated by the Department.

Measures have been taken for remitting the sum, estimated by you to be required now in Tennessee and Georgia, by causing the sum of \$200,000 to be deposited in the Branch of the Planters Bank of Tennessee, at Athens, and a like sum in the Bank of Augusta, Georgia, to the credit of Lieutenant Richard Bennett, disbursing agent Cherokee removal, to be paid on his order only, when countersigned by you, or either of you.

The Secretary of the Treasury, having been advised of the wants for this branch of the service, informs me that ample arrangements for the supply of funds have been made. I cannot see, therefore, how the delay you seem to anticipate in sending to Nashville for funds can occur, as it is the duty of the bank at Athens to be always ready to meet the demands made upon it.

As advised in my letter of the 5th of November last, drafts cannot be made on the bank at Athens, Georgia, there being no public money at that place, because there is no deposit bank there. If that bank wishes to become the depository of the money needed in Georgia in executing the Cherokee treaty, it must first be selected by the Secretary of the Treasury as one of the deposit banks. I understood, however, from your letter of the 22d November, that drafts on Augusta could be cashed at Athens, and thus all the objects in view could be accomplished. I am not informed of the reason why this course was not pursued, and why Doctor Minis absented himself for so long a time on a trip to Augusta, to the great detriment of the public interests. That officer and General Smith have been called on for explanations in this regard, and I will thank you to give me any information you possess on the subject, which will tend to elucidate this apparently strange conduct of Doctor Minis. I hope you will be able

in regard to the sum now remitted, to make such arrangements at Athens as will promote the public service.

So much of your letter as suggests a remittance to be made west, will, in due time, receive attention.

Very respectfully,

C. A. HARRIS,

Commissioner

HON. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,

April 21, 1837.

SIR: Your letter of the 18th ultimo has been received.

A recent examination of the 18th article of the treaty with the Cherokees of December 29, 1835, has resulted in the conclusion, that the Western Cherokees are entitled to one-third of the amount therein stipulated to be advanced for the benefit of the poorer class of the nation. While, therefore, your draft for \$25,000 will be duly honored, I have to request that your entire expenditure, under your instructions of 20th June, 1836, be limited to two-thirds of the sum advanced, (\$72,040,) or to \$48,053 34, and that you place the balance to the credit of the Treasurer of the United States, in the nearest deposite bank; and I take occasion to remark, that the expenditure should be so made as to insure its application, during all the time of their remaining east, to the most deserving objects.

The department approves of the measures you propose to take to procure interviews with the Indians, and promote their removal.

Very respectfully,

J. R. POINSETT

Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,

April 21, 1837.

SIR: As the force now required in the Cherokee country is so small that the command can, with safety and propriety, be intrusted to an officer lower in rank than yourself, and as that force will probably not need increasing till the near approach of the period for the removal of the whole of the Indians west, the department is now willing to comply with the applications you have heretofore made to be relieved, and have accordingly given directions for Colonel William Lindsay to be ordered to the Cherokee country for that purpose. But till that officer arrives there to assume the command, you will continue to exercise it; and when you turn it over to him, I have to request that you will furnish him with such documents, and with copies of such of your instructions, as will enable him to understand fully his position, as the commanding officer of the troops, his connexion with the commissioners, and the views of the department in reference to the execution of the treaty with the Cherokees.

J. R. POINSETT

To Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, April 24, 1837.

SIR: The commissioners on the part of the United States in the Cherokee country, to whom has been referred the execution of the several stipulations of the treaty of December 29th, 1835, have requested that they might be furnished with "whatever evidence the records at Washington can afford, to aid in coming to a just conclusion on the subject of reservations," as a great effort will be made by interested persons to impose upon the commissioners.

The claims for reservations before the commissioners are those provided for in the 13th article of the treaty. I respectfully request that the papers in your office may be examined, and copies of such as will be useful to these gentlemen transmitted to this office.

Very respectfully,
C. A. HARRIS,
Commissioner.

JAMES WHITCOMB, Esq.,
Commissioner of the General Land Office.

WAR DEPARTMENT,
Office Indian Affairs, April 24, 1837.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 9th ultimo. In reference to that part which relates to the conduct of Ross, I enclose copies of letters addressed to him and to General Wool, which will enable you to correct misrepresentations, should he make any, respecting his relations and intercourse with the Executive branch of the Government.

I learn that some evidence respecting reservations under former treaties can probably be procured at the General Land Office, and have made the necessary application to the commissioner.

Very respectfully,
C. A. HARRIS,
Commissioner.

HON. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, April 24, 1837.

SIR: Your letter of the 1st instant, addressed to the Secretary of War, and offering your services as attending physician in the Cherokee emigration, has been referred to this office.

In reply, I have to inform you that it is not now known that any additional number of physicians will be required in that service. Should it become necessary to make a further appointment, upon making your

application to General Smith, the superintendent, who has power to make such appointments, your claims will doubtless be respectfully considered.

Very respectfully,

C. A. HARRIS,
Commissioner

DOCTOR CHAS. E. ISAACS,

Asst. Surg. E. Tenn. Vol., Culhoun, Tennessee.

WAR DEPARTMENT,

April 25, 1837.

SIR: I am induced to call your attention to your order of March 22d, respecting the sale of spirituous liquors, and request that you will cause it to be so modified as to prevent any infringement of the rights of the citizens of Alabama or Georgia. You have no right forcibly to prohibit within the States such retailing as is licenced and authorized by their laws, and can only prevent the sale of spirituous liquors to any Indian, or to any soldier in the United States service.

J. R. POINSETT

Brig. Gen. J. E. WOOL,

Commanding, &c., Athens, Tennessee.

WAR DEPARTMENT,

Office Indian Affairs, April 25, 1837.

GENTLEMEN: Your letter of the 21st of February to the Secretary of War was received, and the question in relation to the proper construction of that part of the treaty of 1835 with the Cherokees, relative to the claims of citizens of the United States for services rendered the Cherokee nation, was referred to the Attorney General for his opinion, a copy of which I have the honor herewith to transmit you.

Very respectfully,

C. A. HARRIS,
Commissioner

HON. WILSON LUMPKIN, and

JOHN KENNEDY, Esq.,

New Echota, Georgia.

WAR DEPARTMENT,

Office Indian Affairs, April 25, 1837.

SIR: A warrant will be remitted to you from the Treasury for \$100,000, which you are requested to deposite in your bank, to the credit and subject to the order of Captain J. P. Simonton, disbursing agent Indian Department, who has been advised accordingly.

Very respectfully,

C. A. HARRIS,
Commissioner

CASHIER *branch Planters' Bank of Tennessee,*

Athens, Tennessee.

WAR DEPARTMENT,
Office of Indian Affairs, April 25, 1837.

SIR: A remittance of \$100,000 has this day been made to the cashier of the branch of the Planters' Bank of Tennessee, at Athens, with directions to pass the amount to your credit in that bank.

You will pay the amount thus placed to your credit, on the requisitions of General Nathaniel Smith, superintendent of Cherokee removal, as it may be required by him, and account for the same under the head of account "for carrying into effect the treaty with the Cherokees."

Very respectfully,
C. A. HARRIS,
Commissioner.

Capt. J. P. SIMONTON,
Calkoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, April 25, 1837.

GENTLEMEN: In compliance with the requisition contained in your letter of the 23d ultimo, a further remittance has this day been made of \$150,000, to be placed in the hands of Lieutenant Van Horne, at Fort Gibson, for the purpose of paying claims under the Cherokee treaty. This course has been deemed necessary, in order that no delays may occur for want of funds; but, as in your letter you have not stated the kind of claim to be paid, I have not been able to give to the disbursing agent any instructions other than to pay such sums as may be required on requisitions to be drawn by the commissioners; thus unavoidably throwing upon you responsibilities which, under other circumstances, would have been assumed here.

I have therefore to request that, keeping former instructions before you, you will, without delay, notify Lieutenant Van Horne when and where you will expect him to be prepared to make the required payments, and the authority you may consider sufficient, with the form of the receipt he is to take, &c., so as to prevent any difficulties hereafter in the settlement of the accounts.

You will be pleased to transmit a copy of such instructions as you may give to the disbursing agent to this office, for its information and future government, and give timely notice of such further sums as may be required, that early remittances may be made.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.

WAR DEPARTMENT,
Office Indian Affairs, April 25, 1837.

SIR: A requisition has been issued in your favor for \$150,000, for which a warrant will be remitted to you from the Treasury.

As this money is to be disbursed in the nation west, under the direction of Governor Lumpkin and Mr. Kennedy, commissioners under the Cherokee treaty, you will be pleased to pay it over in suitable funds to Lieutenant Van Horne, who is the disbursing agent for that tribe.

Very respectfully,

C. A. HARRIS,

Commissioner.

Capt. R. D. C. COLLINS,
Little Rock, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, April 25, 1837.

SIR: I transmit, herewith, a copy of a letter of this date, addressed to Messrs. Lumpkin and Kenneky, commissioners under the Cherokee treaty, by which you will see, that the sum of \$150,000 will be placed in your hands for disbursement, to be accounted for under the head of account "for carrying into effect the treaty with the Cherokees."

The warrant will be sent to Captain Collins, at Little Rock, with instructions to pay over the amount to you.

Very respectfully,

C. A. HARRIS,

Commissioner.

Lieut. J. VAN HORNE,
Fort Gibson, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, April 25, 1837.

SIR: I have received your letter of the 8th instant, informing of your purchase of provisions for the Cherokees. The measure seems to me judicious. \$50,000 will be remitted to the cashier of the bank at Athens, Tennessee, to be deposited to the credit of Captain Simonton, as requested by you, to which I have added \$50,000, in order that there may be an amount sufficient to meet all circumstances provided.

Very respectfully,

C. A. HARRIS,

Commissioner.

Gen. NATHANIEL SMITH,
*Superintendent Cherokee Removal,
Calhoun, Tennessee.*

WAR DEPARTMENT,
Office Indian Affairs, April 25, 1837.

SIR: I have received your letter of the 14th instant, and am gratified with the very satisfactory account given of your operations in the Cherokee removal. I desire that you will continue your reports from week to week.

I have heretofore inadvertently omitted to acknowledge the receipt of the muster rolls of the last party, accompanying your letter of the 29th ultimo.

There can be no objection to your appointing Doctor Isaacs as a physician to the Cherokees when another is wanted.

Very respectfully,

C. A. HARRIS,

Commissioner.

Gen. NATHANIEL SMITH,

*Superintendent Cherokee Removal,
Calhoun, Tennessee.*

WAR DEPARTMENT,

Office Indian Affairs, April 25, 1837.

SIR: In reply to your letter of the 27th December last, which was duly received, I have to state, that the transactions complained of by the Cherokee chiefs in relation to their annuities, have, at length been fully and finally settled, up to, and including, the year 1836, by the payment of the undrawn funds, to Mr. Coody and others, on the authority of the chiefs in writing filed by them, and to these gentlemen you will please refer the Indians for explanation.

The commutation money stipulated for in the 11th article of the late treaty has been invested in State stocks, yielding a great interest, which will be collected as fast as it becomes payable, and annually remitted for distribution. The proportion to be paid over to the Western Cherokees will be one-third of the amount, and will hereafter be transmitted in lieu of the annuities, which, under the treaty, ceased with the payment in 1836.

This communication, like the former, is forwarded through the superintendent, for his information.

Very respectfully,

C. A. HARRIS,

Commissioner.

Gen. M. STOKES,

Fort Gibson, Arkansas.

WAR DEPARTMENT,

Office Indian Affairs, April 25, 1837.

SIR: In conformity with the expressed views of the department relative to the mode of conducting the correspondence with its agents through the superintendent, when practicable, and without detriment to the same, I transmit a communication to General Stokes, in reply to one from him, which, after you have perused, you will forward.

Very respectfully,

C. A. HARRIS,

Commissioner.

Captain WILLIAM ARMSTRONG,

Choctaw Agency, west of the Mississippi.

WAR DEPARTMENT,
Office Indian Affairs, April 26, 1837.

SIR: Your letter of the 8th instant, accompanied by your account current, with vouchers, return, abstracts, and rolls, for the 1st quarter of 1837, has been received.

Very respectfully,
C. A. HARRIS,
Commissi

To Brevet Brig. Gen. J. E. Wool,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, April 29, 1837.

SIR: I have the honor to transmit, herewith, for your information, a copy of a letter from Captain Armstrong, of the 3d instant, to the statement and suggestions of which your attention is requested.

Very respectfully,
C. A. HARRIS,
Commissi

General NATHANIEL SMITH,
Sup't Cherokee Removal, Calhoun, Tennessee.

Same to Hon. Wilson Lumpkin, and John Kennedy, Esq., New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, April 29, 1837.

SIR: Copies of yours of the 3d instant, (in relation to Cherokee emigrants,) the receipt of which is acknowledged, have been sent to Messrs. Lumpkin and Kennedy, commissioners under the Cherokee treaty, and to General Nathaniel Smith, superintendent Cherokee emigration, and their attention requested to the statements and suggestions which it contains.

Very respectfully,
C. A. HARRIS,
Commissi

Captain WILLIAM ARMSTRONG,
Choctaw Agency, west of the Mississippi.

WAR DEPARTMENT,
Office Indian Affairs, May 3, 1837.

SIR: I acknowledge the receipt of your letter of the 28th March last, reporting the arrival at Fort Coffee of a party of Cherokee emigrants, attended by you as disbursing agent. I have to inform you that the Office of Indian Affairs has no further occasion for your services, and that the General-in-Chief has this day been notified thereof.

You will turn over to Doctor Reynolds such funds and property of every description as you may have in your hands as disbursing agent for the Cherokee removal, and will forward your accounts and vouchers to this office for settlement.

Very respectfully,

C. A. HARRIS,

Commissioner.

Doctor PHILIP MINIS,
U. S. Army, Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, May 3, 1837.

SIR: Agreeable to the intimation given in my letter to you of the 20th ultimo, addressed to the Adjutant General, I have the honor to inform you that, as Doctor Philip Minis has completed the service on which he was engaged as disbursing agent to a party of Cherokee emigrants, this office has no further occasion for his services. Notice of this fact has been given to Doctor Minis from this office, addressed to him at Calhoun, Tennessee.

Very respectfully,

C. A. HARRIS,

Commissioner.

Major Gen. A. MACOMB,
General-in-Chief U. S. Army.

WAR DEPARTMENT,
Office Indian Affairs, May 3, 1837.

SIR: Doctor Philip Minis has this day been relieved from further service in the Indian Department by notice from this office, and instructed to turn over to you such funds and property of every description as he may have in his hands appertaining to the removal of the Cherokees. You will please to receive the same, and thereupon execute to Doctor Minis the proper vouchers therefor.

Very respectfully,

C. A. HARRIS,

Commissioner.

Doctor J. C. REYNOLDS,
Dis. Agent Cher. Rem., Calhoun, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, May 3, 1837.

SIR: I have received your letter of the 20th ultimo, enclosing a quarterly statement of agents employed in the emigration of the Cherokees. By reference to the form for this return, annexed to the regulations, and which constitute a part of the same, you will perceive that there is a column for

compensation allowed to the different persons employed, although the article requiring the return to be made does not specially require the compensation to be stated. This information is important to this office, and I therefore enclose your return that it may be corrected.

Your views in relation to the removal of the Cherokees, so as to insure their comfort and good feelings, meet the entire concurrence of this department; and the very successful accomplishment of your first effort is highly gratifying, and evinces that your arrangements have been made with skill and judgment.

A remittance of \$100,000 was made a few days since to Captain Simonton, for emigrating purposes, under the supposition that he would be directed to remain with you. Should he, however, be assigned to duty with the commissioners, he can turn over the amount to Doctor Reynolds.

Doctor Minis has this day been notified from this office that the Indian Department has no further occasion for his service.

Very respectfully,

C. A. HARRIS,
Commiss[ioner]

General N. SMITH,
Sup. Cher. Rem., Calhoun, Tenn.

WAR DEPARTMENT,
May 6, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, bringing to my view certain acts regarded by the Cherokees as oppressive and unjust, and of which they complain; and asking to be furnished with a copy of the instructions to Col. Lindsay, who is about to proceed to the nation to relieve General Wool.

The acts of which you complain will be strictly inquired into, and Col. Lindsay will be instructed to examine and report to this department all the circumstances connected with them.

With regard to the instructions to be given to Colonel Lindsay, it is not the usage of this department to furnish any copies of similar documents.

The Cherokee nation may be assured they will be framed in a spirit of kindness towards them, and that every indulgence will be extended to them consistent with the settled determination of the Government faithfully to execute the treaty of 29th December, 1835.

Very respectfully,

J. R. POINSETT.

Colonel JOHN ROSS,
Washington, D. C.

WAR DEPARTMENT,
May 11, 1837.

SIR: I have to request that all your drafts for funds be, without exception, made payable in Tennessee.

Very respectfully,

J. R. POINSETT.

Brig. Gen. JOHN E. WOOL,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, May 12, 1837.

MADAM: Your letter of the 2d instant, enclosing an attested copy of the last will of your late husband, William M. Davis, Esq., has been received; and, in reply, I beg leave to inform you that his account against the Government for \$240 has been placed with the Second Auditor, who will cause the amount found due on settlement to be remitted to you from the Treasury.

Very respectfully,

C. A. HARRIS,
Commissioner.

Mrs. ARABELLA DAVIS,
Frankfort, Kentucky.

WAR DEPARTMENT,
Office Indian Affairs, May 13, 1837.

GENTLEMEN: In accordance with the intimation in my letter of the 24th ultimo, I now transmit the original papers procured from the General Land Office, relative to the alleged abandonment of reservations by the under named individuals, for whom they were provided in the treaties with the Cherokees of 1817 and 1819. As these are original papers, you are specially requested to give such directions as will insure their safe keeping and return to this office.

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
May 18, 1837.

SIR: You will proceed without unnecessary delay to the Cherokee country, and relieve General Wool of the command now exercised by him. That officer has been informed that this measure would be taken by the department, and you will, without doubt, find him prepared to turn over the command to you, and, in obedience to his instructions, to furnish you with all the documentary information necessary to give you a full view of his powers as military commanding officer, and of his relationship, in the execution of his duties in that capacity, to the commissioners, Messrs. Lumpkin and Carroll. Your powers and your connexion with those gentlemen will be the same as those of General Wool, and this department hopes there will be perfect harmony and co-operation between you and them. To meet the contingency, however, of General Wool not being able to furnish you with the necessary documents, copies of such of the correspondence with that officer as may seem requisite fully to inform you on the two points alluded to, will be made out without delay, and forwarded to your address at New Echota, Georgia, at which place you will probably find General Wool,

or best be able to ascertain where he is, and to which, therefore, you will first proceed.

John Ross and the Cherokees who were with him in this city, expressed themselves previously to their recent departure for the north in conciliatory and peaceable language; but as the former has, since his return, changed his tone, you will jealously watch his conduct, and if, in your opinion, it be calculated to excite the Cherokees to hostilities, you will cause him to be arrested and delivered over to the civil authority, to be dealt with according to law. Herewith, you will receive copies of a letter addressed to me by John Ross, and of my reply. In reference to the matters complained of in the former, you will, at the earliest practicable period, pursue the course pointed out in the second paragraph of the letter.

I also enclose you a copy of a letter from General Wool, dated 20th ultimo, in which he calls the attention of the department to a request for a regiment of regular troops made by him in a former communication. In reply to that communication, he was informed that the presence of those troops being necessary elsewhere, his request could not be complied with, unless he had reason to apprehend difficulties with the Indians, which he could not terminate with the force now under his command. Such a contingency did not, however, seem to be anticipated by him till the near approach of the period prescribed by the treaty with the Cherokees for the removal of the whole of that tribe west of the Mississippi. General Wool states, in the same letter, that "many, if not all," of the volunteers now under his command, whose term of service will expire in July next, will be willing to re-engage themselves to the United States; and he enters at length into considerations of preference to be given to them over new troops. These considerations are satisfactory to the department, and you are authorized to receive such of those troops as you may deem requisite again into the service, to serve for six months, unless sooner discharged. Of the number of these, you will, as soon as your other engagements will permit, prepare an estimate and transmit it to the department. In the event of your being compelled to employ a further militia force, either to prevent or suppress Indian hostilities, at the period of the removal of the Cherokees, it is deemed proper that drafts should be made for this species of force from other States, or from a part of the same State distant from the place where hostilities are likely to occur, in order to avoid injustice and violence being inflicted upon the Indians by individuals who have been injured in their persons or property by the tribe.

Very respectfully,
J. R. POINSETT.

Col. WILLIAM LINDSAY,
Athens, Tennessee.

WAR DEPARTMENT,
May 20, 1837.

GENTLEMEN: I have had the honor to receive your letter of the 6th instant, communicating certain resolutions adopted by the "Georgia volunteers in the service of the United States," all of which are highly complimentary of General Wool, and one of which opposes his recall from the command now exercised by him.

Of the confidence reposed by the department in General Wool, and of the dissatisfaction given by his general conduct, in the important and trying situation in which he has for some time been placed, he has, on more than one occasion, been fully assured; and its gratifying to the department, as well as a high testimonial in its favor, that he has gained the confidence of the citizens of that part of the country where he has been acting, and of the troops under his command. But his recall has been in conformity with his expressed wishes, and because his services are required in the performance of his own peculiar duties, and cannot, therefore, be reversed. Colonel Lindsey, who has been selected to succeed him, is an officer of much intelligence and experience, and from his well tried character and his knowledge of the people and of the country, the department feels assured that he will be able to secure the peace and tranquillity of the district confided to his care, and to satisfy its inhabitants, who may confidently rely that every proper measure for their protection will be taken by the department.

Very respectfully,
J. R. POINSETT.

Capt. WM. E. DERRICK, and others,
*Officers of the Georgia Volunteers
in the service of the United States,
Dahlonaga, Georgia.*

WAR DEPARTMENT,
Office Indian Affairs, May 20, 1837.

SIR: I have received your several letters of the following dates, viz: of the 24th ultimo, reporting the prospect as to making another party of Cherokee emigrants this season; of the 26th ultimo, stating the result of the last emigration; and of the 6th instant, remarking upon the absence of Dr. Minis, and the causes of demurrage paid to the steamboat company. The views of this department in relation to the last subject may be inferred from its having dispensed with the further services of Dr. Minis as a disbursing agent in the Indian Department.

Enclosed I forward copies of two letters received from Lieut. J. Van Horne, disbursing agent for the Cherokees west, dated 7th and 11th of April, and an extract from a letter to this office from Dr. Minis, dated April 8, 1837. My object in forwarding copies of Lieut. Van Horne's letters, is to call your attention to the irregularities in the last removal mentioned by him. Dr. Young should not have left the party, nor suffered it to disperse until it had been mustered in his presence by Lieut. Van Horne, who was the proper agent to receive it; and he should, furthermore, have obtained from the latter officer a receipt for the number of Indians appearing on the rolls to have been present. You will perceive, by attention to the regulations, that a roll should have been made of all who remove on commutation. The practice of paying the year's subsistence east of the Mississippi is irregular, and must be abandoned. This business belongs to the agents west.

You will perceive the difficulties which are experienced by Lieut. Van Horne, and will remove them by immediately furnishing him with the ne-

cessary information. You will also enable him to correct the mistakes in enrolling persons or families, so far as you have the means.

In regard to your course relative to Dr. Minis, it is approved, and I refer you to the extracts from his letter, only to call your attention to the necessity of preparing the account for the provisions issued and sold, and the money returned into your hands.

Very respectfully,
C. A. HARRIS,
Commissioner

Gen. NATHANIEL SMITH,
Supt. Cherokee Removal,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, May 20, 1837.

SIR: I have received your letter of the 6th instant, enclosing Captain Simonton's receipt for \$50, the proceeds of sales of hospital stores sold by you in Arkansas. It will be necessary, when you make up your account, to furnish a statement of the articles sold, and an extract from the superintendent's instructions which you considered as authority for disposing of the stores. In the mean time, the receipt will be transmitted to the 2d Auditor, to be entered upon his books.

Very respectfully,
C. A. HARRIS,
Commissioner

Doctor C. LILLYBRIDGE,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, May 23, 1837.

SIR: Your letter of the 1st instant, respecting a claim of Peter Johnson to a reservation under the treaties with the Cherokees of 1817 and 1818, has been received. The original papers in possession of the Government relative to these claims have been sent to Messrs. Lumpkin and Kennedy, commissioners on the part of the United States, and any facts connected with them will properly be communicated to them at New Echota.

Very respectfully,
D. KURTZ,
Acting Commissioner

CHARLES S. JONES, Esq.,
Bolivar, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, May 23, 1837.

SIR: I have had the honor to receive your letter of the 12th instant, and, by direction of the Secretary of War, enclose to you, in reply, a copy

of a letter from the department to Captain Derrick and others, which explains the reasons for relieving General Wool from the command in the Cherokee country.

Very respectfully,
D. KURTZ,
Acting Commissioner.

Hon. JAMES STANDEFER,
Mount Airy, Bledso county, Tennessee.

Same to Messrs. Rodgers, Johnson, and others, New Echota, Georgia, inserting 7th in place of "12th instant."

Same to Gen. Nathaniel Smith, Calhoun, Tennessee, inserting 10th in place of "12th instant."

WAR DEPARTMENT,
Office Indian Affairs, May 25, 1837.

SIR: I acknowledge the receipt of your two letters of the 7th and 11th ultimo. Enclosed I forward an extract from my letter to General Smith, superintendent Cherokee removal, dated the 20th instant, which will apprise you of the views entertained and the measures adopted by this office in relation to the subject matter of your letters.

On the 25th ultimo, a remittance of \$150,000 was made to Captain Collins for the payments to Cherokees, on account of abandoned improvements.

Very respectfully,
D. KURTZ,
Acting Commissioner.

Lieut. J. VAN HORNE,
*Disbursing Agent Indian Department,
Fort Gibson, Western Territory.*

WAR DEPARTMENT,
Office Indian Affairs, May 31, 1837.

SIR: I acknowledge the receipt of your letters of the 28th March last, with the report of the health of the emigrating party attended by you, and one without any other date than 1837, with your journal of occurrences on the route with the same party.

Very respectfully,
C. A. HARRIS,
Commissioner.

Doctor C. LILLYBRIDGE,
*Physician Cherokee Emigration,
Calhoun, Tennessee.*

WAR DEPARTMENT,
Office Indian Affairs, June 2, 1837.

SIR: Your letter of the 12th ultimo, to the Secretary of War, requesting a "copy of the correspondence of Colonel John Ross with the President and the War Department," has been referred to this office; and, in compliance with your request, I have the honor, herewith, to enclose to you the copies desired.

Very respectfully,
C. A. HARRIS,
Commissioner.

JOHN RIDGE, Esq.,
President Cherokee Committee,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, June 6, 1837.

SIR: I have the honor to refer to you for your consideration the enclosed letter from Doctor P. Minis, of the army; and I take the liberty to remark that it is highly important for the interest of both Doctor Minis and the Government, that his accounts should be rendered to this office for adjustment without delay.

I therefore respectfully recommend that the request of that officer be so far granted as to enable him to go to New Echota for the purpose of obtaining possession of his papers, and that he be permitted there to remain for such period as may be requisite for making out his accounts, which can be forwarded to this office from that place.

Very respectfully,
D. KURTZ,
Acting Commissioner.

Major General ALEX. MACOMB,
General-in-Chief U. S. Army.

WAR DEPARTMENT,
Office Indian Affairs, June 6, 1837.

SIR: I acknowledge the receipt of your letter of the 5th instant, and in reply remark, that your having been relieved from duty in the Indian Department, this office has no power to regulate your movements, and that to grant your request for leave to repair to New Echota is within the province of the General-in-Chief. Your letter has therefore been referred to that officer.

Very respectfully,
D. KURTZ,
Acting Commissioner.

Doctor PHILIP MINIS,
Washington, D. C.

WAR DEPARTMENT,
Office Indian Affairs, June 14, 1837.

SIR: Your letter of the 18th instant, in relation to the claim of Major John Kerr against Elijah Hicks, has been referred by the Secretary of War to this office, with the following endorsement: "The commissioners in this case ought to apply the same rule as would obtain in Georgia in intestate estates; and if the laws of that State extended over the lands and improvements of Hicks, the debtor, the same law ought to govern in the distribution of his estate among his creditors. The commissioners to ascertain and apply the law."

A copy of your communication, with the Secretary's endorsement, has this day been transmitted to the commissioners, and Major Kerr has been notified of the action of the department thereon, as you requested.

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. JOHN P. KING,
Augusta, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, June 14, 1837.

GENTLEMEN: Enclosed is transmitted for your information and guidance a copy of a letter from the Hon. John P. King, dated June 8th, to the Secretary of War, and by him referred to this office with the following endorsement: "The commissioners in this case ought to apply the same rule as would obtain in Georgia in intestate estates; and if the laws of that State extended over the lands and improvements of Hicks, the debtor, the same law ought to govern in the distribution of his estate among his creditors. The commissioners to ascertain and apply the law."

Very respectfully,

C. A. HARRIS,
Commissioner.

His excellency WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, June 14, 1837.

SIR: The letter of the 8th instant from the Hon. John P. King, in relation to your claim against Elijah Hicks, a Cherokee Indian, has been referred by the Secretary of War to this office, with the following endorsement: "The commissioners in this case ought to apply the same rule as would obtain in Georgia in intestate estates; and if the laws of that State extend over the lands and improvements of Hicks, the debtor, the same law ought

to govern in the distribution of his estate among his creditors. The commissioners to ascertain and apply the law."

A copy of the letter and endorsement of the Secretary has this day been forwarded to the commissioners.

Very respectfully,

C. A. HARRIS,
Commissioner

Major JOHN KERR,
Augusta, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, June 14, 1837.

SIR: I acknowledge the receipt of your letter of the 8th ultimo, an answer to which has been necessarily delayed to this period.

In regard to your duties as disbursing agent for the execution of the Cherokee treaty, they may be summed up in a few words. You are to pay all claims which are sanctioned by the commissioners, and which they make a requisition upon you for, if within the scope of their powers, as fixed by the regulations, and also to meet all such requisitions as the superintendent may make, within his proper sphere, to the extent of the funds in your hands.

In abstracting your accounts, if you will refer to the 55th article of the revised regulations and onward; I think you will not be at a loss how to do it. Payments on account of commutation of removal west will come under the head of transportation.

Payments for abandoned improvements will be abstracted as such.

In relation to the debts of John L. McCoy, which you say you are required to pay by the superintendent, I can give you no instructions for want of necessary information. If they are debts due from him, which have been examined and approved by the commissioners, the requisition should proceed from that board, as the powers of the superintendent are confined to expenditures in the immediate business of emigration.

Very respectfully,

C. A. HARRIS,
Commissioner.

Capt. J. P. SIMONTON,
Disbursing Agent Indian Department,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, June 14, 1837.

SIR: I have received a letter from the honorable John Blair, dated the 30th ultimo, addressed to the Secretary of War and referred to this office with a copy of a letter from B. F. Currey, late superintendent Cherokee emigration, to you, subjoined.

The claims mentioned by Mr. Blair, having accrued in pursuance of the suggestions of Major Currey's letter, must, for aught which now appears, be considered as debts against the individual Indians who received the sum-

plies; and may be secured and paid under the stipulations of the late treaty with the Cherokee Indians, provided those debtors have any means growing out of abandoned improvements, &c. The process by which this is to be effected is, to present the claims and the evidence to support them, before the commissioners for the execution of the treaty, and, if allowed and certified by them, a deduction will be made from the sum awarded to each debtor for his improvements, &c., and the amount paid to the creditors of the Indians.

Very respectfully,

C. A. HARRIS,
Commissioner.

MR. GEORGE MOUNTCASTLE,
*Cherokee Agency East,
Calhoun, Tennessee.*

WAR DEPARTMENT,
Office Indian Affairs, June 15, 1837.

SIR: Herewith I have the honor to transmit copies of letters received in this office from Doctor J. C. Reynolds, dated 27th ultimo, from honorable Wilson Lumpkin and John Kennedy, Esq., dated 30th ultimo, and from Captain Richard Bennett, dated 3d instant.

From these letters, it will be perceived that the Branch of the Planters' Bank, at Athens, Tennessee, by their refusal to pay the draft of Captain Bennett, a deposition in that bank, as a disbursing officer of the Government, has subjected the public service to great embarrassment.

My object in presenting this subject to you is, respectfully to request that the interposition of the Treasury Department, to remedy the evil now existing, by an exercise of such powers as it may possess for that purpose.

Very respectfully,

C. A. HARRIS,
Commissioner.

HON. LEVI WOODBURY,
Secretary of the Treasury.

WAR DEPARTMENT,
Office Indian Affairs, June 15, 1837.

SIR: I have received your letter of the 3d instant, in relation to the refusal of the Planters' Bank, at Athens, to pay your draft for \$200,000, presented by Doctor Reynolds, the holder, as the agent of the Government. In reply, I have to inform you that this subject, with all the correspondence in relation to it, has been laid before the Secretary of the Treasury, for the purpose of invoking the interposition of that department; and it is hoped that means will be devised by which the amount of the draft will be realized, in funds available for the service for which it was intended.

The remittance to the bank at Augusta was made to the cashier of the Planters' Bank, at Athens, to be passed to your credit; and the cashier of the bank at Augusta may not have deemed it necessary to advise you of its receipt. It is presumed that the funds are now in the bank at Augusta.

subject to your draft; and I entertain a hope that the amount will be realized, so as to prevent any embarrassments to the public service from the conduct of the bank at Athens.

I deem it due to you to remark that, should you incur any expense for the purchase of specie; by paying a premium for it, the amount of such premium will not be allowed in settling your accounts; and, therefore, such expense will fall upon you.

Very respectfully,
C. A. HARRIS,
Commissioner.

Capt. RICHARD BENNETT,
*Disbursing Agent Indian Department,
New Echota, Georgia.*

WAR DEPARTMENT,
Office Indian Affairs, June 15, 1837.

GENTLEMEN: I have received your letter of the 30th ultimo, in relation to the refusal of the Planters' Bank, at Athens, to pay a draft drawn by Captain Bennett on that bank, to Doctor Reynolds, the holder, in behalf of the Government.

In reply, I have to inform you that this subject has been laid before the Secretary of the Treasury, with copies of the correspondence in relation to it, for the purpose of invoking the interposition of that department; and it is hoped that means will be advised by which the amount of the draft will be realized, in funds available for the public service, for which the draft was designed.

As to the funds which may be reasonably required from the deposit banks, I have to remark, that the Government expect and may reasonably require that they should pay such as will answer the purposes of the public service, and no other funds will be received from them; and in no case will a premium be paid for specie or other currency at the expense of the Government.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
Commissioners, &c., New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, June 15, 1837.

SIR: I have received your two letters dated 24th and 27th ultimo, the first enclosing an account of John A. M. Jarnigan; the other informing of the refusal of the Planters' Bank to pay Captain Bennett's draft.

In relation to the account of Mr. Jarnigan, I have to remark, that it is unusual to employ laborers to attend upon emigrating parties, except on particular emergencies. It is not understood that that class of persons are

necessary as attendants upon parties, and therefore no provision is made for them in the regulations. The employment in this case was irregular, inasmuch as the approbation of this office was not previously obtained. At present, I decline authorizing the payment of the account, until I shall have such explanations from General Smith as shall satisfy me of its propriety, and of the necessity for Mr. Jarnigan's services.

In relation to the employment of a laborer and police officer in future, I have to remark, that I am not at present aware of its necessity. It has been believed that the agents now provided for to attend upon parties are sufficient for all duties required; and a further increase appears, as at present advised, to be inconsistent with the economy which should be observed.

In relation to the draft on the Planters' Bank at Athens, payment of which has been refused, I have to remark, that the subject has been laid before the Secretary of the Treasury for the purpose of invoking the interposition of that department, and it is hoped that through that means, the amount of the draft may be realized in funds available for the service.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor JOHN C. REYNOLDS,
*Disbursing Agent Indian Department,
Calhoun, Tennessee.*

WAR DEPARTMENT,
Office Indian Affairs, June 16, 1837.

SIR: I have now before me your several letters of the following dates, viz: 10th ultimo, enclosing the report of the medical director, and suggesting a change in the Indian ration; of the 17th ultimo, reporting the progress of enrolment; of the 24th ultimo, acknowledging mine of the 25th of April last, with a copy of a letter from Captain Armstrong; of the 26th ultimo, reporting the progress of enrolment and prospect of emigration this fall; of the 28th ultimo, requesting that Doctor Young's services may be confined to the Cherokee nation east, and his compensation increased; of the 29th ultimo, enclosing the account of expenditures in removing five Creek Indians with the last party of Cherokees; and of the 31st ultimo, enclosing a connected statement of agents for the 1st quarter of 1837.

For answer to so much of the above letters as seem to require it, I have to remark, as to the services of Doctor Young, that no instructions from this office are necessary. You have, by the regulations, now the power of employing that gentleman in any capacity which the good of the service requires; and should you think that that consideration should keep him in the Cherokee country east as an assistant superintendent, you are at liberty so to order. But you will understand that his compensation must be that of an assistant, which, having been fixed by the Secretary of War, this office has no power to change without his approbation. In this case, I see no reason for making such change, the compensation being esteemed to be sufficiently liberal, amounting to \$1,460 per annum, especially when the requisite qualifications and the nature of the duties are considered.

The suggestions of Doctor Lyde, as to a change in the component parts of the Indian ration, have been maturely considered by this department.

Though the reasons assigned for the change have great weight, yet it has not been thought expedient to make it, as it is believed that more important considerations are opposed to the alterations.

The compensation of Doctor Hétzel, as clerk, at \$4 per day, is not approved. Three dollars per day is the highest amount paid to a clerk in the emigrating service, and is considered, as it amounts to \$1,095 per annum, amply sufficient to secure the service of a competent person; and I am not able to see that the additional labor in assisting Captain Simont will render the task of the clerk disproportioned to the compensation; and it ought to be borne in mind that the Government are entitled to the whole service of the clerk, as well as other agents, while they are in public employment.

On examination of the muster roll, which has been forwarded to this office, of the party lately despatched by you, it is found that you have not certified that it is correct, agreeable to paragraph 32, of the revised regulations, and article 12 of section 2 of the old regulations. The muster roll is an important document, in conducting the business of emigration, and should be made up with great care and accuracy. That which has been forwarded to this office is certified by Doctor Young as conductor. Now, a conductor is not a *mustering officer*, and his certificate can give no validity to that document. The regulations require that you should *personally* attend the muster, and see that every individual borne upon the roll is present for emigration. Your certificate upon the roll assures this office and all others concerned of these facts. The muster west is equally important, and should be made and certified by the agent *receiving the party*, and not by the conductor. I return the roll to you for the purpose of enabling you to make any corrections, as it is suggested by Lieutenant Van Horne in his letter, (a copy of which has been sent to you,) there are many which have occurred, and that you may add your certificate to it. I suggest to you, also, the importance of great caution in making up the roll and mustering future parties.

Enclosed with the muster roll are blank quarterly statements of agents, quarterly abstracts of provisions issued, statements of treaty articles issued and received, and some paper of the largest size contained in this office which is forwarded agreeable to your request.

The account of expenditures in removing the five Creeks has been examined in this office, and is approved.

Measures will be taken to reimburse the Cherokee fund for this expenditure.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. NATHL. SMITH,
Sup. Cher. Rem.; Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, June 20, 1837.

SIR: Enclosed, I forward the account of J. A. M. Jarnigan and memorandum of his expenses while attending upon the late party of Cherokee

emigrants, which papers were inadvertently omitted in forwarding my letter of the 15th instant.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor J. C. REYNOLDS,
*Disbursing Agent Indian Department,
Calhoun, Tennessee.*

WAR DEPARTMENT,
Office Indian Affairs, June 20, 1837.

SIR: I have received your several letters, viz: of the 3d and two of the 5th instant.

As the supply of funds by transmission from the mint or otherwise, this Department has no control over the subject. I do not hesitate, however, to assure you that every practicable method will be taken by the Treasury Department to supply such funds as will answer for the discharge of the obligations of the Government.

The certificate which you give in cases where Cherokees remove themselves on commutation is correct. There ought, however, to be kept and forwarded to the agent west, a roll of all such as remove in this manner, that he may be properly informed, and a similar roll should be transmitted to this office. Too much care cannot be taken to give to this office and the agents west every information in relation to the progress of this business.

The copies of the letters from Doctor Minis and Lieutenant Van Horne were forwarded to you, in order that you might be informed of the alleged inaccuracies and mistakes in the last removal. I have been pleased to find that your explanation is satisfactory. As I have forwarded the roll, you will have an opportunity of making it perfect, by such entries as truth will permit. You will understand that the same corrections ought to be forwarded to Lieutenant Van Horne. This is important, as the muster roll is the document upon which all his disbursements are forwarded; and unless this is correct, he can have no safety in his payments.

On examination of your quarterly statement of agents, names are found which are not known to have been submitted to this department for approval. You are desired, in this respect, to conform to the regulations, which require that before you employ any one in the business of emigration, except temporarily and from necessity, the approbation of this office should be obtained.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. NATHANIEL SMITH,
*Superintendent Cherokee Removal,
Calhoun, Tennessee.*

WAR DEPARTMENT,
June 28, 1837.

SIR: I have had the honor to receive your letter of the 12th instant. I deem it proper to advise you against prematurely or unnecessarily increasing your force in the Cherokee country, by calls on the Governments of the adjoining States for volunteers, as no movements on the part of the Cherokees are probably to be apprehended, till Ross shall have visited this city and failed in the application, which he has declared it to be his intention to make, to Congress, for the purpose of procuring a modification of the treaty with that tribe.

I enclose for your information offers of sundry volunteers, and a copy also of the law authorizing the President to accept the services of these species of troops.

J. R. POINSETT.

Colonel WILLIAM LINDSAY,
Athens, Tennessee.

N. B.—You will be considered as entitled to double rations from the time you enter upon your new duties.

WAR DEPARTMENT,
Office Indian Affairs, June 30, 1837.

SIR: I have received your letter of the 24th instant, inquiring as to your duties as physician to the Cherokee emigration.

In reply, I have to remark, that you were appointed in pursuance of the 8th article of the treaty with the Cherokees, of the 29th December, 1836, which provides that a "physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government." It will follow, of course, that your services will be confined to emigrants; and, that there may be no misapprehension as to what circumstances constitute an emigrant within the meaning of the clause of the treaty above quoted, I have to inform you that he must not only have enrolled, but be in rendezvous under the appointment of the superintendent, for the purpose of emigration, or on the march. Indians under these circumstances constitute a detachment of emigrants who are entitled to your professional services. Any other attendance as a physician, consistent with your duties to the Government, will depend upon your own pleasure.

General Smith has been furnished with a copy of this letter.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor C. LILLYBRIDGE,
Physician Cherokee Removal,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, June 30, 1837.

SIR: Enclosed, I transmit for your information a copy of a letter this day addressed to Doctor C. Lillybridge, from this office.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. NATHANIEL SMITH,
Superintendent Cherokee Removal,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, June 30, 1837.

SIR: I have received your letters of May 22d and June 13th, respecting the draft in your favor for \$150,000, for Cherokees.

In answer, I have to inform you that Captain Joseph Hook, jr. has this day been engaged as an agent of this department to proceed at once to Louisville and other points on the Ohio river, and procure \$150,000 in specie, and to transport it to Little Rock and deliver it to you, taking your receipt. He will leave this city as soon as the necessary papers can be prepared. This amount, it is intended shall be applied to the payment of the claims of the Cherokee emigrants under the instructions heretofore given, in place of the professed warrant, which you will please to return to this office.

I have to request that you will afford Captain Hook, who has been instructed to correspond with you, all the aid in your power.

Very respectfully,

C. A. HARRIS,
Commissioner.

Captain R. D. C. COLLINS,
Little Rock, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, July 5, 1837.

SIR: You are hereby appointed an assistant to Captain Joseph H. Hook, jr., of Baltimore, who is about to proceed to the west as an agent of the Indian Department, to convey \$150,000 in specie from certain points on the Ohio river, to Little Rock, Arkansas. You will report yourself to that gentleman, and perform your duties under his direction.

You will be allowed five dollars per day for each day actually and necessarily engaged in this service, to be paid on your certificate, and your actual travelling expenses, to be paid on an account supported by vouchers, or, in the absence of these, on your certificate as to the amount expended, accompanied by a statement that you could not conveniently procure receipts.

Very respectfully,

C. A. HARRIS,
Commissioner.

JOHN H. DORSEY, Esq.,
Baltimore, Maryland.

WAR DEPARTMENT,
Office Indian Affairs, July 5, 1837.

SIR: You are hereby appointed a special agent of the Indian Department, to receive, transport, and deliver to Captain R. D. Collins, at Little Rock, Arkansas, the sum of \$150,000 in specie. Drafts on receivers and banks on the Ohio river will be furnished you by the Treasury Department. I have to request that you will enter upon your duties at the earliest practicable moment, and press forward in their execution as fast as possible. The route and mode of transportation are left to your discretion. Captain Collins has been notified of your appointment, and requested to give you all the facilities in his power. The sum of \$5,000 will be furnished you to pay transportation and incidental expenses; in the disbursement of which you will observe all possible economy, consistent with the proper performance of the duty. You will be charged with, and will account for, both this sum and the specie, under the head of "carrying into effect the Cherokee treaty, per act of 2d July, 1836." Enclosed is a copy of the regulations for the emigration of Indians, from which you may derive useful information, more particularly in regard to the manner and form of keeping and stating your accounts.

Messrs. John H. Dorsey and H. W. Tilley have been appointed your assistants. Enclosed is a copy of their letters of appointment. Should you deem additional assistance necessary and proper, you can employ them at the same compensation and on the same conditions. You will be allowed eight dollars per day for each day actually and necessarily engaged in this service, to be paid on your certificate, and your actual travelling expenses, to be paid on an account supported by vouchers, or, in the absence of these, on your certificate as to the amount expended, accompanied by a statement that you could not conveniently procure receipts.

Very respectfully,
C. A. HARRIS,

Commissioner.

Capt. J. H. Hook, Jr.,
Baltimore, Maryland.

WAR DEPARTMENT,
Office Indian Affairs, July 7, 1837.

SIR: I have received your letter of the 6th ultimo, enclosing several papers connected with the refusal of the bank at Athens, Tennessee, to pay Captain Bennett's drafts. It is hoped that the measures taken by the Secretary of the Treasury will have produced a course of conduct on the part of the bank which will be satisfactory to all.

Upon reference to Captain Bennett's instructions, it will be seen that the warrants were in favor of the cashiers of the banks at Athens and Augusta, to be by them placed to Captain Bennett's credit. This will account for the non-reception at New Echota of the warrant on Augusta. Doubtless the amount has been standing to Captain Bennett's credit for two months past. I hope that, long ere this, such funds have been realized as will enable the commissioners and disbursing officers to proceed with their business without further interruption.

The order from the Adjutant General's office, to which you allude, is, of course, in operation, until you are notified from this office that your services are no longer required in the Indian Department. Until such notice is given you, and the Adjutant General is informed of it, you will continue to perform such duty as may be indicated by this office.

Very respectfully,

G. A. HARRIS,
Commissioner.

Capt. J. P. SIMONTON,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, July 8, 1837.

GENTLEMEN: I have the honor to acknowledge the receipt of your letters of the 31st May and 16th June.

It seems to me that your instructions to Lieutenant Van Horne, a copy of which, and of the roll of emigrants entitled to payments, with the amount each is entitled to, you have transmitted for the information of this department, are very proper, and sufficiently explicit and ample for the government of that officer, and to insure the satisfactory and safe performance of his duty.

Owing to inadvertence, no instructions respecting the valuation of the missionary establishments were given until the 24th of February last, when a letter, a copy of which is herewith enclosed, was sent to General Smith. If, however, Major Currey caused the valuations to be made, so much has been gained; and I have to request that you will continue to make such settlements as you allude to, granting to the agents of the boards certificates of the amounts due for each. These certificates will be, by the holder, presented at this office for payment, it being deemed best that they should be paid here instead of in the Cherokee country. You will be pleased, however, to give this office full information of the amounts allowed, and of such other particulars as may be useful here. A copy of this paragraph will be sent to General Smith, for his information.

I entertain the hope that the measures taken by the Secretary of the Treasury will have produced such results at Athens, Tennessee, as will enable you to realize the money on deposit there; and that you have, also, rendered available that at Augusta, and thus have surmounted all the difficulties respecting funds. If, however, this is not the case, this office will, upon being so informed, use all the efforts in its power to supply funds that will be satisfactory to all.

That part of your letter of the 16th, relating to Ross and the military operations, will be laid before the Secretary of War.

Very respectfully,

C. A. HARRIS,
Commissioner.

W. LUMPKIN and
J. KENNEDY, Esqrs.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, July 8, 1837.

SIR: I have to acknowledge the receipt of your letter of the 21st ult., and, this morning, I received one from D. Thompson, cashier of the Bank of America, stating that the bond referred to in yours had arrived, &c. In reply, I beg leave to refer you to mine of the 28th ultimo, a copy of which has been sent to the cashier of the above named bank.

Very respectfully,
C. A. HARRIS,
Commissio

JOHN SMITH, Esq.,
President Bank of the State of Missouri,
St. Louis, Missouri.

WAR DEPARTMENT,
Office Indian Affairs, July 8, 1837.

SIR: I have received your letter of the 22d ultimo, with your abstract of issues of provisions for the 1st quarter of 1837, and vouchers accompanying the same.

Very respectfully,
C. A. HARRIS,
Commissio

Gen. NATH'L SMITH,
Sup. Cher. Emigration, Cathoun, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, July 12, 1837.

GENTLEMEN: It is understood that a council of the Cherokees is to assemble on the 31st instant. The Secretary of War has determined that to this proceeding the Government will offer no opposition. He will, however, despatch a special agent, who will be present at the council, and who will be amply instructed as to the views and intentions of the Executive, which he will make fully known to the Indians in council.

It is the desire of the Secretary that you shall attend this council, if you can do so, with due regard to other duties, and that you will co-operate with the special agent and others in promoting the objects in view. The special agent will be informed that you will co-operate with him as far as possible.

Very respectfully,
C. A. HARRIS,
Commissio

W. LUMPKIN and
J. KENNEDY, Esqrs.,
New Echota, Georgia.

WAR DEPARTMENT,
July 12, 1837.

SIR: I have to acknowledge the receipt of your letters of the 20th and 26th ultimo, and to request that you will withdraw your prohibition of the assembling of the Cherokee council on the 31st instant. You will personally attend the council, in order that you may fully inform yourself of its proceedings. An agent will be specially sent from this place, who will also be present on that occasion, and communicate to you fully the views of the Government in relation to this matter.

Very respectfully,
J. R. POINSETT.

Col. WM. LINDSAY,
New Echota, Georgia.

A duplicate of the above was sent to Colonel Lindsay, and the following postscript added:

P. S.—John Mason, jr., Esq., has been appointed agent on the part of the Government, and you are requested to address a letter to him at Athens, Georgia, informing him of the place where the council will be held.

WAR DEPARTMENT,
Office Indian Affairs, July 12, 1837.

SIR: I have the honor to inform you that the Secretary of War has determined that no opposition shall be made to the assembling of the Cherokee council, which it is understood is to be held on the 31st instant. A special agent will be despatched at an early day to make known the views and intentions of the Government, of which he will be fully possessed.

I have to request that you will also be present, and give all the aid in your power, in forwarding these views and intentions. The special agent will be notified that you have been instructed to co-operate with him.

Very respectfully,
C. A. HARRIS,
Commissioner.

General N. SMITH,
Cathoun, Tennessee.

WAR DEPARTMENT,
July 15, 1837.

SIR: You will seek an interview with the commissioners, for the purpose of conferring with them upon the subject of the measures which ought to be adopted in order to produce unity and concert of action among all the officers and agents of the Government connected with the execution of the treaty, and to effect the peaceable removal of the Cherokees.

They are of opinion, that if their advice had prevailed, and their plans been followed, this work might have been triumphantly accomplished, and complain that the supervisory care confided to them has been rather productive of evil than good; that the military stationed there to secure the

peace of the country have been worse than useless ; and that the commissioners and their authority have been contemned. The Government is desirous of having some explanation of the manner in which these evils have been produced, and of profiting as far as practicable by the knowledge and experience of the commissioners to remedy them. As the communications made by the commissioners were oral, the Government is ignorant of the plans proposed by them to promote the emigration of the Indians, and cannot, therefore, until made acquainted with what they were, form any opinion as to their propriety, or co-operate in any manner in their execution. You will endeavor to obtain from them a full development of their views, and an explanation of the causes which have embarrassed their proceedings.

They think that the kind treatment Mr. Ross received at the hands of the Government has added to his means of doing mischief. He was received with civility both by the President and at this office, but assured undisguisedly of the fixed purpose of the Government to carry out the treaty. He was not considered politic or proper to treat him or his followers harshly, so long as their deportment was respectful, but certainly the conferences he had with the public officers while at Washington were not calculated to leave a doubt on his mind of the determination of the Executive fully and faithfully to execute the treaty. While that determination is expressed and rigidly adhered to, it is important to the character of the Government, that the Cherokees should have no just cause of complaints. They ought to be treated with uniform kindness and forbearance until the moment arrives when their resistance to the execution of the treaty may place the Executive under the painful necessity of coercing them. Above all, the illegal exercise of power must be avoided both by the civil and military agents of Government, as such a course would be more likely than any other to bring odium on the Government, and to receive the sympathies of deluded fanatics, as well as to excite the indignation of the people generally. With this view of the subject, the council has been permitted to be held, and it has been thought to afford a fitting opportunity to impress upon the Cherokee nation the views of the Government towards them. You will assure the commissioners that upon receiving information of the plans they have proposed to adopt in order to secure the peaceable execution of the treaty, they shall be carefully considered and adopted, as far as they may be found consistent with the settled policy of the Government. You will urge them to explain to you the subjects of complaint, and to point out what they deem the proper remedy ; and you will frankly expose to them the views of the Government, with regard to the present treatment of the Cherokees, and the future conduct which will be observed towards them. With respect to Mr. Ross, the military commander has been instructed to watch his actions rigidly, and to take prompt and efficient measures against him, should his conduct justify such proceedings. Any illegal act against this man would not only be unjustifiable and contrary to the spirit of our institutions, but would give him an advantage over the Government, and elevate him into importance.

I have the honor to be, sir,

Your obedient servant,

J. R. POINSENELOTT

JOHN MASON, jr., Esq.

WAR DEPARTMENT,
July 15, 1837.

SIR: You will proceed with all possible despatch to New Echota, in order to be present at the council of the Cherokee nation to be assembled there on the 31st of this month.

It is understood that this council has been called by Mr. John Ross and his friends, who were lately in this city, in order to give to the nation an account of their proceedings here; and the object of the President in desiring that you should be present there is that the conduct and declarations and final determination of the Government should be fairly stated and fully explained to the Cherokee people, as they were to their chiefs.

It has long been an object of anxious solicitude with this Government to remove the Cherokees beyond the baneful and fatal influences which now surround them, and which, if they had been suffered to remain in their present position, must soon have destroyed them. In pursuance of this humane policy, a treaty has been made with them, which has received the sanction of the Senate of the United States, and of the Cherokee nation. Notwithstanding the very liberal terms of this treaty, by which the United States have made provisions for the future comfort, quiet, and happiness of their red brethren, and have agreed to pay largely and liberally for the land and improvements the Cherokees will abandon, Mr. Ross and his immediate friends and followers are dissatisfied with that compact, and seek a modification of many of its provisions. They have been assured by the Executive that this instrument is now become, by mutual acts of ratification, the law of the land, and cannot be altered at the will of either party; that the President has no power over it, and that the constitution of the United States makes it his imperative duty to cause it to be executed. In all the interviews had by Mr. Ross and his party with the President and the Secretary of War, this language was held to them and this declaration solemnly repeated: you will take care, therefore, to have this view of the subject fully explained to the council. Although the treaty itself might be defended on its own merits, and be proved to have been concluded in the most generous spirit on our part, and to contain the most liberal provisions for the Cherokees, still it is worse than useless to discuss it now; it has been concluded and solemnly ratified, and must be executed; and the chiefs who should advise the people to attempt to resist or to delay its execution, would exhibit a factious spirit, and show an utter disregard of the interests of the nation.

The people of the United States and the Government have hitherto regarded the condition of the Cherokees with great interest and deep sympathy. They saw them surrounded and pressed upon by a white population, which, for their own preservation, were compelled to extend their laws over the Indians as well as over their own people; yielding gradually to the pressure and falling to decay; encompassed by evils moral and physical, and those fearfully increasing; their condition, to use the language of General Jackson in his feeling address to them in 1835, was becoming worse and worse, and they were about to disappear, as so many tribes had done before them. A few of the chiefs might have survived the general fall of the nation, but no doubt can reasonably be entertained that the mass of the people would soon have fulfilled this terrible prophecy. Entertaining these views, and anxiously solicitous to avert so great an evil, the Government sought to remove this people beyond the reach of moral and physical causes which

were rapidly, certainly, and evidently working their destruction. Misled by pernicious counsels, the nation for a long time obstinately refused to listen to the proposals of the Government, and resisted all our efforts to ameliorate their condition. Instead of being a prosperous and united people established in a fertile region, independent of the rule of the white men, which is foreign to their customs and abhorrent to their notions of freedom, they still linger in the territory of the States, a divided people, harassed by the encroachments of the white inhabitants, and subject to laws they cannot understand. Instead of roaming unrestrained over lands abounding in game, they are pent up by the improvements of their neighbors, and, in their suffering, are driven to excess, which would soon terminate in their ruin and utter extinction. Those who seek to withdraw them from such a state are their friends, and those who would mislead them, by urging them to resist the benevolent designs of the Government, are their enemies, and worthy the severest punishment.

You will, in your communications with the council, expose the wickedness of such attempts to deceive the people, and place in the strongest light the inevitable results of any further resistance to the prompt execution of the treaty, and impress upon them the earnest desire of the Government to see them submit to their removal peaceably and cheerfully, and that they wish to contribute by all the means in its power to their happiness and prosperity. At the same time you will assure them that if they listen to the pernicious counsels of artful and designing men, and oppose the execution of the laws, the sympathy now felt for their condition by the Government and people of the United States will be lost in the indignation such conduct will excite, and that they will be compelled reluctantly to put forth their strength to enforce submission to the laws, and compliance with the solemn pledge given by the nation.

In the mean time every indulgence will be extended to them consistent with the peace of the country, and every facility afforded to those who desire to anticipate the period fixed by the treaty for the removal of the whole nation.

You will avoid in your talk even the appearance of threatening the chiefs or the people, but will use the kindest terms, seeking rather to persuade them to abide by the terms of the treaty, and showing the utter fallacy of listening to the hopes entertained by some of the chiefs of obtaining any modification of that instrument. And you will mildly but firmly express to them the settled purpose of the Government to carry into effect all the provisions of the compact at the period fixed by law, and point out to them the wide spread ruin which will follow any attempts to postpone its execution; consequences which would be more immediately felt and be more fatal to the wealthy chiefs, but which would fall heavily upon the whole nation, and involve them in one general ruin, for the expense attending any prolongation of the term or any movement of troops to enforce obedience to the laws would be chargeable to their rash conduct, and be deducted from the sums so liberally granted to them by the treaty.

After the very full conversations we have had upon this subject, it appears unnecessary to extend these instructions any further. The Government feels a deep interest in the success of your agency in this matter, and places the utmost reliance upon your prudence and firmness to produce the most beneficial impressions upon chiefs and people of the Cherokee nation. You will meet with the efficient and cordial co-operation of Colonel Lind-

say, military commander, and General Smith, the superintendent of Indian emigration, who are fully instructed to meet you; you will communicate freely with them on the views of the Government, and report to this department such information as you may derive from them.

If the commissioners are able to attend, as they have been requested to do, you will likewise communicate with them with equal frankness, and explain to them the views of the Government in permitting this council to be held, and in their treatment of Mr. Ross and his immediate friends. If you should not meet them at the council, you will seek an interview with them when that is concluded, and tender such explanations as it is hoped will be satisfactory to them.

Very respectfully,

J. R. POINSETT.

[No address to this letter.]

WAR DEPARTMENT,

Washington, July 15, 1837.

SIR: The reply to your letter of the 4th of May was mailed to your address in Washington, and I hope has been received.

Colonel Lindsay has been directed by this department to allow the council you have called to be assembled; and Mr. Mason, who will deliver you this letter, will, it is hoped, be present and explain to the people the views of the Government in relation to the Cherokee nation.

I am, sir, respectfully,

Your obedient servant,

J. R. POINSETT.

Mr. JOHN ROSS,

Cherokee Agency.

WAR DEPARTMENT,

July 17, 1837.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 3d instant, accompanying the preamble and joint resolutions of the Senate and House of Representatives of the State of Alabama, in relation to certain transactions of the military force of the United States, employed in the Cherokee country, within the limits of that State.

You do but justice to the President and to this department when you express your conviction that the exercise of arbitrary power, of which they complain, has not the sanction of his authority, nor that of the Secretary of War; on the contrary, the President has learnt with great regret that General Wool is accused of having so far transcended his powers, and departed from his instructions, as to bring into collision the troops under his command and the citizens of the State of Alabama, and has directed that an immediate and strict investigation shall be made into the conduct of that officer, and of all others concerned in the violation of the laws of that State. Peremptory orders will likewise be immediately given to the officer now in command of the military forces in the service of the United States, in the Cherokee country, to respect the rights of the States within whose limits it

may be his duty to operate, and not to assume nor exercise, in any case whatsoever, a power paramount to the laws; but when they are violated, to apply to the civil authorities for redress, and to aid in their execution only under the direction of the civil tribunals of the country; and if, in his opinion and that of the commissioners for the Cherokees, the forces can be withdrawn from the State of Alabama, without endangering the safety of the people for whose protection they were placed there, he will be instructed to retire beyond its limits.

J. R. POINSETT,
Secretary of War.

His excellency C. C. CLAY,
Gov. of Alabama, Tuscaloosa, Ala.

WAR DEPARTMENT,
Office Indian Affairs, July 17, 1837.

SIR: I have to acknowledge the receipt of your letter of the 22d of March last, with its enclosures, which would have been answered sooner but for the press of business in this office.

In regard to the provisions for the Osages, I find that the usual sum allowed, viz: \$150, was remitted last year to Captain Brown for disbursement; and on the 16th July the sub-agent was notified of the same; who ought to have made his requisitions upon the pay officer for the amount required.

An examination has been made of the several accounts, to ascertain as nearly as could be, the state of the presents stipulated by the 10th article of the treaty with the Senecas and Shawnees of 1831; the result of which is, that it appears 18 bridles, 8 pair of traces, and 20 backbands are yet due as part of 20 sets of gears, estimating the sets as single only; that \$10 50 have been expended for extra harness and collars; and that, by your accounts rendered, \$39 70 remain in your hands applicable to the purchase of presents under the treaty.

A sub-agent having been appointed to reside among the Senecas and Shawnees, the subject of the presents shall be further examined into, under the direction of Captain Armstrong, the acting superintendent; as shall also the complaints of the interpreter and smith for the Osages, and miller for the Senecas, respecting their pay.

The subject of so much of your letter as relates to the emigrants arriving without muster rolls or certificates of identity, has been noticed by communications to the superintendent of emigration.

Very respectfully,

C. A. HARRIS,
Commissioner.

Lieutenant J. VAN HORNE,
Fort Gibson.

WAR DEPARTMENT,
Office Indian Affairs, July 18, 1837.

SIR: Your letter of the 3d instant has been referred by the Secretary of War to this office, and you will learn from the enclosed copy of my letter to General Smith of this date the disposition of the department to redress any injury you may have sustained, so far as it has the power.

Very respectfully,

C. A. HARRIS,
Commissioner.

THOMAS GIBSON, Esq.,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, July 18, 1837.

SIR: Mr. Thomas Gibson has represented to the department that he has been removed from his possession by some agent of the Government, whose name he does not mention. He states, as you will perceive from the enclosed copy of his letter; that he applied to you, and ascertained that it had not been done by your authority.

It is the wish of the department that you will institute an investigation and report the facts, that justice may be done in the premises.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
July 20, 1837

SIR: It is of great importance that the accompanying package to Colonel Lindsay should reach him before or by the 31st instant; and as it is believed that there would not be sufficient time for its transmission, if sent in any of the ordinary conveyances, I take the liberty of enclosing it to you, and to ask you to confer upon the department the favor of procuring an express to convey it to him at Calhoun, Tennessee, with the least possible delay. I have to request the further favor of your providing for the expense of the express, for which you will please make out your account, and transmit it, accompanied by the proper vouchers, to this department, and the amount will be remitted to you without delay.

J. R. POINSETT,
Secretary of War.

To the POSTMASTER at
Milledgerille, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, July 20, 1837.

SIR: You will perceive from the enclosed copy of a letter to Captain Bennett, that he is instructed to turn over to you all the funds in his hands applicable to the branch of the Indian service under the charge of Messrs. Lumpkin and Kennedy. It is contemplated that you shall in future disburse for this service alone, and remittances will hereafter be generally made to you. I hope you will immediately realize proper money from the deposits at Augusta, alluded to in my letter to Captain Bennett, and that the Athens bank will also supply you with satisfactory funds for the amount therein to Captain Bennett's credit, so that no more difficulties will occur in making payments.

It being uncertain, however, whether the just expectations of this office in this regard will be realized, a requisition has been this day made in your favor from the sum of \$200,000, with which you will be charged and for which you will account under the head of "carrying into effect the treaty, per act 2d July, 1836." Upon this requisition the Treasury Department will give the drafts, which you will find described in the accompanying statements.

For those on the receivers at Augusta, Mississippi, and Montgomery, Alabama, and upon the Insurance Bank at Columbus, you can doubtless procure, at a moderate expense for transportation &c., and in seasonable time, specie or its equivalent. For the others, it is hoped that available funds may in some way be procured. Enclosed I transmit five copies of a circular of the Secretary of the Treasury, dated the 17th of May last, from which you will learn the process by which these drafts may be made receivable for customs, or for public lands. It is believed that with the advantage held out by this process, you will be able to sell the drafts for good money, or to pass them off to the claimants, or to dispose of them otherwise, so as that the objects in view may be effected. I cannot doubt but that this measure will enable you to procure such funds as will place it in your power to meet the requisitions of the commissioners, in such manner as will be satisfactory to all claimants. I recommend that you consult with the commissioners, as to the best mode of converting these drafts into such funds as will be available.

It is left to the commissioners to decide upon the course proper to prevent the dissatisfaction which may arise from paying funds of unequal value. It is to be understood, however, that the reception of anything but specie is optional with the recipient.

I also enclose, for your information and government, the copy of an order of the President relative to the deposits of disbursing officers, and the form of a bond, which it is supposed will be proper in carrying out the 2d clause of the directions of that functionary.

Very respectfully,

C. A. HARRIS,

Commissioner

Capt. J. P. SIMONTON,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, July 20, 1837.

SIR: Messrs. Lumpkin and Kennedy have informed this office that, in order to procure funds required for the immediate prosecution of their duties, they requested Captain Simonton to see you and procure from you authority to draw the sum of \$200,000, which you were advised, on the 20th of April last, would be placed to your credit in the bank at Augusta but that you declined a compliance, on the ground that you must first ascertain that the money was actually there, and subject to your draft. I must confess my surprise that you should have refused at once to conform to the wishes of the commissioners under whose directions you were instructed to act, especially for a reason so slight. The notice to you of April 20th was a sufficient authority for you to issue drafts on the Bank of Augusta at any time when required by the commissioners, in payment of ordinary claims of individuals, and this, although the bank might refuse to honor them. There was still less objection to your transferring your authority to draw the whole amount to Captain Simonton, as a disbursing agent of the Government, who could, as well as yourself, if the commissioners thought it necessary, ascertain if the money was in the bank and liable to be drawn out, before making any drafts upon it. You seem to have lost sight of this consideration, and also of the serious inconveniences to the commissioners that might result from the delay consequent on the course you adopted. To remedy the injuries sustained, and prevent the occurrence of others, I have to instruct you immediately to turn over to Captain Simonton all the money remitted to the Planters' Bank at Athens, and the Bank of Augusta, to your credit, or otherwise at your disposal, yet unexpended, applicable to the objects confided to the commissioners.

Very respectfully,

C. A. HARRIS,

Commissioner.

Capt. R. BENNETT,
Acting Paymaster, U. S. Army,
Athens, Tennessee.

WAR DEPARTMENT,
July 20, 1837.

SIR: Lest some casualty should prevent the person who you were informed, in my letter of the 12th instant, would be despatched from this place to be present at the Cherokee council soon to be held from arriving in proper time, I herewith transmit you a copy of the instructions to that gentleman, and have to request that, should he not make his appearance at the commencement of the council, you will proceed to execute the duties imposed upon him by these instructions, and so continue to do, till his arrival.

Very respectfully,

J. R. POINSETT.

Col. WM. LINDSAY,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, July 20, 1837.

SIR: Captain J. P. Simonton has been this day instructed to disburse solely under the directions of the commissioners, Messrs. Lumpkin and Kennedy. You will be pleased to keep this in mind in making your calculations in regard to future operations.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, July 25, 1837.

SIR: I have the honor to transmit, herewith, for your information, the copy of a letter just received by the Secretary of the Treasury from the president of the Planters' Bank of Tennessee, at Nashville. It is hoped that all difficulties in respect to the deposit at Athens are now removed, and that the Cherokee business will meet with no further interruptions for want of funds.

Very respectfully,

C. A. HARRIS,
Commissioner.

Capt. J. P. SIMONTON,
New Echota, Georgia.

Dr. J. C. REYNOLDS,
Calhoun, Tennessee.

Same to Messrs. Lumpkin and Kennedy, New Echota, Georgia, substituting "gentlemen" for "sir."

WAR DEPARTMENT,
Office Indian Affairs, July 26, 1837.

SIR: I have to acknowledge the receipt of your letter of the 25th instant, also, of the papers enumerated therein. Understanding that you have no duplicates of some of those papers, I deem it proper to enclose a certified copy of your letter.

You omit to notice voucher No. 11, in abstract of disbursement per account, 28th June, 1834, being the note of E. B. McLaughlin to Wm. McDaniel, the receipt of which is also acknowledged.

Very respectfully,

C. A. HARRIS,
Commissioner.

Dr. PHILIP MINIS,
Tivoli, Dutchess county, New York.

WAR DEPARTMENT,
Office Indian Affairs, July 26, 1837.

SIR: I have now before me your letter of the 25th ultimo, in which you explain the circumstances which prevented the delivery to, and re-muster by, Lieutenant Van Horne, of the party of Cherokee emigrants lately conducted by you to their new country west, and also yours of the 4th instant, in which you exculpate yourself from any errors in the muster roll of that detachment.

The muster roll forwarded to this office by General Smith being in unbound sheets, was accidentally mislaid; and the one received from you subsequently, as it purported to exhibit a muster both east and west by you, was supposed to be the original roll, and finding it was not certified by the superintendent, it was forwarded to General Smith for that purpose. Much misapprehension and confusion would have been prevented had you, in making your communications to this office, given the explanations contained in your letter of the 25th ultimo and 4th instant. Though this office has not at any time been disposed to doubt either your zeal or ability, it was supposed that you might have inadvertantly omitted to conform to the regulations in delivering the party. Your explanations on that point are satisfactory, and exculpate you from any imputation whatever.

Very respectfully,

C. A. HARRIS,

Commissioner.

Doctor J. S. YOUNG,

Assistant Supt Cherokee Removal,

Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, July 26, 1837.

SIR: I have received your letter of the 25th ultimo, reporting your want of funds to pay the claims of the Cherokees, certified by the commissioners. Herewith, I transmit a copy of a letter from this office to Captain Collins, dated 30th June last, from which you will learn the steps taken to supply the means for payment of those claims.

Very respectfully,

C. A. HARRIS,

Commissioner.

Lieut. J. VAN HORNE,

Disbursing Agent Indian Department,

Fort Gibson, West Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, July 26, 1837.

SIR: I have received your letter of the 1st inst., informing me that you have not received the revised regulations. Herewith I transmit five copies of them, together with blanks for agents' accounts.

The roll of the last detachment of Cherokee emigrants, forwarded by

you to this office, being in unbound sheets, was accidentally mislaid, and on subsequently receiving the roll transmitted by Doctor Young, as it purported to exhibit a muster both east and west, certified by him, it was considered in this office as the original roll. This document, under this erroneous impression, was returned to you for your certificate, according to the regulations. Explanations since received from Doctor Young have corrected this error, and your roll having been found, is discovered to be duly authenticated by you. On this point, therefore, you will give yourself no further trouble.

From the enclosed extract of a letter from Lieutenant Van Horne, dated 25th ultimo, it appears that he had not then received from you any rolls, or other information to enable him to discharge the dues to the emigrants for transportation and subsistence. It was one of the objects of my letter to you of the 20th May last, communicating the copies of letters from Lieutenant Van Horne, to call your attention to this deficiency, and to request that you would, without delay, forward to that officer every information necessary to enable him to make the requisite payments. I trust that this has been done, and that by this time he has discharged those dues to the emigrants.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. NATHANIEL SMITH,
Superintendent Cherokee Emigration,
Calhoun, Tennessee.

WAR DEPARTMENT,
July 27, 1837.

SIR: I have attentively considered your letter of the 19th instant, and after mature reflection, feel myself constrained to refuse your request to extend the inquiries of the court, which, at the instance of the State of Alabama, had been previously ordered, so as to embrace a general investigation of the whole of your conduct as Commanding General in the Cherokee country, from the time you entered it until you relinquished the command to Colonel Lindsay. Such a course is unusual, and, as a precedent, might be prejudicial to the service. No accusation has been made against you with regard to any other part of your conduct while in command in the Cherokee country; nor was it intended by this department, in any orders given to Colonel Lindsay, to convey any censure of your proceedings. By the laws, regulations, and usage of the service, every officer, who is accused, is entitled to a court of inquiry; but in the entire absence of all charges against him, it is unusual to ask, and is deemed inexpedient to grant, a court to inquire generally in relation to his conduct during the period of his particular service.

Very respectfully,

J. R. POINSETT,
Secretary of War.

Brevet Brig. Gen. J. E. WOOL,
Nassau, New York.

WAR DEPARTMENT,
July 29, 1837.

SIR: I have had the honor to receive your letter of the 17th ultimo, recommending John F. Gillespie for appointment as third commissioner under the Cherokee treaty, in the event of its being determined to adopt such a measure.

Such a measure has been in contemplation for some time past, and I was instructed by the President to ascertain whether a person he designated would accept the appointment; should he decline, the claims of Mr. Gillespie will receive due consideration.

Very respectfully,

J. R. POINSETT,
Secretary of War.

Hon. FELIX GRUNDY,
Nashville, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, July 30, 1837.

GENTLEMEN: I have had the honor to receive your letter of the 3d instant.

In regard to funds, I have to remark that it seems to me as extraordinary as unfortunate, that the ample arrangements made by this office for keeping an amount of funds sufficient for all purposes connected with the execution of the Cherokee treaty, have, by one unlucky circumstance or another, proved unavailing.

On the 20th April last, a remittance of \$400,000, based on your estimate, was made to Captain Bennett, one-half to be deposited to his credit in the bank at Athens, Tennessee, and the other half in the bank at Augusta, Georgia. When it was ascertained that the bank at Athens would not pay over satisfactory funds, it was confidently believed that at Augusta better success would attend the efforts of the disbursing officer, and, consequently, no remittance has since been made. From some strange misapprehension on the part of Captain Bennett, however, it seems that in this there has been a disappointment. Enclosed I transmit the copy of a letter to that officer, which will, I trust, put matters right, and secure the realization of proper funds. From this you will learn how little reason Captain Bennett is considered to have had for his refusal to turn over the funds at Augusta to Captain Simonton, and that he is now directed to do so, without further delay. I also enclose for your information copies of letters to and from the Secretary of the Treasury, showing the measures adopted to produce a satisfactory payment of the \$200,000, at Athens, Tennessee.

From the enclosed copy of a letter from Captain Simonton, you will perceive that he has been instructed to disburse under your direction alone, and to him, in future, remittances for objects under your charge will be made. This measure will, I trust, obviate all cause of complaint on your part respecting the want of a disbursing officer in your own branch of the business. It is due to this office to remark, that this is the first intimation ever received here, that the disbursements for objects under your care were not satisfactorily made, for the want of the services of an officer under your

exclusive direction. It has always been supposed that the arrangements heretofore existing were sufficient for all purposes, especially as Captain Bennett's disbursements for the army could occupy but a small portion of his time. From the remittances first made to Captain Simonton, of \$200,000, in drafts on receivers and on banks, as explained in the letter to him, no doubt is entertained that funds that will be satisfactory to all claimants will be realized, and thus enable you to proceed without further difficulty in the arduous and perplexing duties committed to you.

As specie will doubtless be procured for some of the drafts, it is left to you to decide on the course proper to be taken to prevent the dissatisfaction which may arise from paying funds of unequal value. It is to be understood, however, that the reception of anything but specie is optional with the recipient.

Very respectfully,
C. A. HARRIS,
Commissioner

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, August 2, 1837.

SIR: In answer to your letter of the 15th instant, I have the honor to transmit, herewith, the copy of a letter this day written to General Smith.

Very respectfully,
C. A. HARRIS,
Commissioner

WILLIAM J. TARVIN, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, August 2, 1837.

SIR: I have the honor to transmit, herewith, the copy of a letter from William J. Tarvin, Esq., and of an account for \$18.30 for ferrying Cherokee emigrants, and to request that you will take such measures in regard to it as may seem to you to be just. If the services were rendered, and the compensation has not been paid, it does not seem to me that the absence of a written contract should prevent the payment of the account.

Very respectfully,
C. A. HARRIS,
Commissioner

General N. SMITH,
Calhoan, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 2, 1837.

SIR: I have the honor to acknowledge the receipt of your two letters of the 30th June.

My letter of the 1st ultimo will have informed you of the measures taken here to supply you with available funds, in lieu of the warrant for \$150,000 which the bank at Natchez has failed to pay.

A remittance of \$90,000, on account of the removal and subsistence of Creek Indians, and \$10,000 on account of Seminoles, having been made, it is not deemed necessary to send you the whole of the sum estimated for by you.

The sum of \$102,500 will be remitted to you, with which you will be charged, and for which you will account on the following heads, viz:

Fulfilling treaties with the Creeks, per act 3d March 1837	-	\$100,000
Repairs of houses	-	2,500
The first item being for objects connected with removal and subsistence of Creeks, and the last for the erection of sheds, &c., at Fort Coffee, included in your Chickasaw estimate, but which does not properly belong there.		
For this sum the Treasury Department will transmit—		
For 1 draft on the receiver at Jackson, Missouri, for	-	\$21,000
Do. do. do. Springfield, Missouri, for	-	4,500
Do. do. do. Batesville, Arkansas, for	-	19,000
Do. do. do. Fayetteville, Arkansas, for	-	8,000
For 30 drafts on banks in New Orleans, for \$1000	-	30,000
For 40 do. do. do. do. \$500	-	20,000
		<hr/>
		\$102,500

Referring you to my letter of the 1st ultimo for information as to how these drafts are to be collected and used, I express the hope that you will be able to use them in a manner which will enable you to give satisfaction to all claimants.

It is not known here that any funds besides those heretofore and now sent will be required for emigrating purposes in your district. As far as this office is able to anticipate, due provision will be made; but for objects in your quarter, you must be depended on for timely information.

Very respectfully,

C. A. HARRIS,

Commissioner.

Captain R. D. C. COLLINS,
Little Rock, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, August 4, 1837.

SIR: Your letter of the 25th instant, postmarked the 14th July, to the President of the United States, suggesting the propriety of surveying the

Cherokee lands the present year, has been referred to this office, with the remark that it is thought inexpedient to cause the survey to be made at present.

Very respectfully,

C. A. HARRIS,
Commissioner

R. HATCH, Esq.,
Claysville, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, August 4, 1837.

SIR: Your letter of the 31st ultimo, to the Secretary of War, enclosing one from the president of the Planters' Bank, Tennessee, of the 22d ultimo, accompanied by copies of certain letters to and from the cashier of the branch of that bank, at Athens, has been referred to this office.

As verbally requested by you, I now return the letter of the president of the bank, having retained a copy of it, and the other papers. It is proper to be observed, that the difficulties alluded to in this correspondence arose partly from a mistake in the office of the Second Auditor, and partly from a misapprehension on the part of one of the disbursing officers, and that they have, as I learn from a gentleman just from that quarter, been all removed, and the matter properly adjusted. I think it also proper to observe, that I have yet received no advices justifying the belief that the Athens branch is discharging its acknowledged obligations to the agents of this department in a satisfactory manner.

Very respectfully,

C. A. HARRIS,
Commissioner

Hon. LEVI WOODBURY,
Secretary of the Treasury.

WAR DEPARTMENT,
August 4, 1837.

SIR: I have to acknowledge the receipt of your letter of the 7th ultimo.

You are permitted to retain Major Payne as acting inspector, and are allowed to employ a clerk, to be paid at the rate of two dollars per day.

Very respectfully,

J. R. POINSETT,
Secretary of War

Col. WILLIAM LINDSAY,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, August 5, 1837.

SIR: I have had the honor to receive your letter of the 7th July. You will perceive from mine of the 26th ultimo, that it is not necessary that you should take any further measures in respect to the roll of Cherokee emigrants, about which this office labored under a mistake.

You will perceive from the enclosed extract of a letter from Lieutenant Van Horne, that as late as the 12th of July, that officer was not possessed of the information requisite to enable him to settle with those emigrants who have claims for transportation and subsistence. I beg your early attention to this subject.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 10, 1837.

SIR: Upon the letter of the Surgeon General of the 8th instant, respecting Doctor Reynolds, I have the honor to remark, that that gentleman is now engaged in disbursing for the Cherokee removal, and is accountable for heavy sums of money and for much property; that his services in that business are considered to be for the present indispensable, both on account of getting another army officer, and on account of his experience, energy, and business habits and talents. Whether Doctor Reynolds should or should not, upon the completion of his present duties, be directed to return to the line of his profession, is a question not for my determination, but until these are completed, it is obvious that it would neither be just to him or to the Indian Department to relieve him. In regard to that portion of the Surgeon General's letter which relates to the mode in which officers for the Indian service have been supplied, I have to state, that in February last the subject was elaborately argued by the Major General and acting Surgeon General in reference to the case of this very officer and others, and that after much consideration, and after consultation with the President and General-in-Chief, the Secretary of War decided, in substance, that officers for Indian duty should be selected and not detailed. This decision will be found on the letter of the Adjutant General of the 17th February last, referring one from the Surgeon General, and by it I had supposed that this question was put to rest forever. I cannot, therefore, think it necessary, in the present case, to say more than that if the doctrine contended for by the Surgeon General, respecting details, should be practised upon, it would, in my opinion, be destructive to the public interests connected with the Indian business.

The letter of the Surgeon General, and its enclosures, are herewith returned.

Very respectfully,

C. A. HARRIS,
Commissioner.

HON. JOEL R. POINSETT,
Secretary of War.

WAR DEPARTMENT,
Office Indian Affairs, August 10, 1837.

SIR: A warrant will be remitted to you from the Treasury for \$40,000, with which you will be charged under the head of accounts for carrying into effect the treaty with the Cherokees, per act 2d, July, 1836.

The superintendent of Cherokee removal will be advised of this remittance, and authorized to make his requisitions on you for the amount, as it may be required in the progress of emigration.

Very respectfully,

C. A. HARRIS,
Commissioner

Dr. J. C. REYNOLDS,
Present.

WAR DEPARTMENT,
Office Indian Affairs, August 11, 1837.

SIR: A requisition has been issued in favor of Doctor J. C. Reynolds, disbursing agent for Cherokee removal, of \$40,000, which sum he is instructed to pay out, on your regulations, as the same may be required in the progress of emigration.

Very respectfully,

C. A. HARRIS,
Commissioner

Gen. N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
August 11, 1837.

SIR: I have received your letter of the 6th instant.

Your application for a general inquiry into your conduct while commanding in the Cherokee country, has been re-considered; but the President still sees no reasons for changing the determination already communicated to you.

There is no charge brought against you, and the mere circumstances of your recall from the command, and the appointment of a successor, though your junior, does not furnish any ground either for complaint, or for a right to call for a court of inquiry. No censure was intended by this measure, nor by the order to Colonel Lindsay to report the facts in a matter in which this department desired information.

Very respectfully,

J. R. POINSETT,
Secretary of War.

Brig. Gen. JOHN E. WOOL,
City of New York.

WAR DEPARTMENT,
Washington, August 12, 1837.

SIR: Mr. Sherbourne, who will deliver you this letter, having manifested a wish to confer with you on the important subject of the execution of the treaty and peaceable removal of the Cherokees to their new homes, with the assent of this department, in the belief, from his intimacy with you and knowledge of your character, that his interview with you will tend to smooth the difficulties which now exist, and lead to the happiest results, was informed that the President regards himself as having no control over the treaty, and no alternative but its enforcement. Aware, however, of the disposition of the President, and of all who act by his orders, to extend every indulgence compatible with the provisions of the treaty, to those who are willing to comply with its stipulations in good faith, and still anticipating the most favorable result from his interview with you, Mr. Sherbourne has reiterated his desire to be permitted to visit you, and the department has consented to grant his request. He is aware that, from your superior education and intelligence, you possess great influence over the Cherokee nation, and argues, from his knowledge of your character, that you will be disposed to exert it in such a manner as to avert from that people the calamities which they would inevitably bring upon themselves by resisting the execution of the laws. The department coincides in this opinion, and yields to this gentleman's wishes to confer personally with you, in the persuasion that you will exert your influence to maintain the peace of the country. You are too well acquainted with the character of the white population by which the Cherokee nation is surrounded, to desire or expect them to remain where they now are, and too well aware of the power of this Government, not to be convinced of the utter hopelessness of that nation being able, for any length of time, to evade the execution of the treaty. Every consideration of policy and humanity calls upon all who possess influence to exert it, in order to induce the Indians to remove peaceably to the west. On our part there exists every disposition to respect the feelings and the rights of the red men, and to carry out the objects of the treaty with the utmost kindness and indulgence. In this spirit the department has yielded to the solicitations of Mr. Sherbourne, and will rejoice if his expectations shall be realized, and the Cherokees induced, through the influence of their chiefs, peaceably to remove to the lands set apart for them by treaty for their future and permanent residence, and will be happy to receive, through him, any suggestions you may think proper to make, which may enable them, in a manner consistently with pre-existing engagements, to contribute to the future welfare and prosperity of that people.

I am, sir, very respectfully,

Your obedient servant,

J. R. POINSETT.

JOHN ROSS, Esq.,
Red Clay, Cherokee Nation.

WAR DEPARTMENT,
August 12, 1837.

SIR: I have perused the letter you submitted to me from Mr. Ross, on the subject of the Seminole war. It is certainly desirable that peace should

be restored to that country, and the Indians be induced peaceably to comply with their treaty stipulations; but the late conduct of our Florida Indians forbids our taking any steps to renew negotiations with them. If they will submit quietly to the laws, and agree to carry out the provisions of the treaty, every indulgence will be extended to them in the power of the Executive to grant; but the Government of the United States has been too often deceived to seek to renew negotiations with chiefs who appear to have no control over their people except for mischief.

It is true that this Government ardently desires to terminate this contest without farther effusion of blood. All harsh measures are repugnant to the spirit of our institutions, and it would be gratifying to all who are animated by kind feelings towards their red brethren, to see them return to the path of peace. The Government has lately given a convincing proof of this desire, and still will not shut the door to reformation, but cannot consent to take any steps which may be interpreted into an act of weakness. If the Seminoles sue for peace it will be granted to them, and every kindness and indulgence in the power of the Government be exercised towards them. But if they persist in their hostile attitude, they will be coerced by the strong arm, and ultimately compelled to submit to the superior force which will be brought against them.

I am, sir, very respectfully,

J. R. POINSETT.

Mr. J. H. SHERBOURNE.

WAR DEPARTMENT,
Office Indian Affairs, August 16, 1837.

SIR: By the last returns on file at this office, it appears that there are in store 392 rifles, purchased by the department, and in your care, for the Cherokees. As these rifles are wanted immediately for the military service, I request that you will give the necessary directions for the delivery of them, or as many of them as will answer the same to the Ordnance Department.

Very respectfully,

C. A. HARRIS,
Commissioner.

General N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 17, 1837.

SIR: Herewith, I transmit Dr. P. Minis's accounts, as disbursing agent for the removal of Cherokees, for the 4th quarter of 1836, and 1st and 2d quarters of 1837.

Very respectfully,

C. A. HARRIS,
Commissioner.

Wm. B. LEWIS, Esq.,
Second Auditor, Treasury Department.

WAR DEPARTMENT,
Office Indian Affairs, August 18, 1837.

SIR: Your letter of the 16th ultimo, with the accompanying accounts for the quarter ending the 30th June last, have been received.

Very respectfully,

D. KURTZ,
Acting Commissioner.

Lieutenant J. VAN HORNE,
Fort Gibson.

WAR DEPARTMENT,
August 22, 1837.

SIR: I have to request that, at the earliest practicable period, you will make a particular examination of the Cherokee country; and especially of that part of it which would probably be the scene of hostilities by those Indians, should the enforcement of the treaty with them unfortunately lead to such a result, and furnish this department, with as little delay as possible, the best topographical sketches in your power of the country. Colonel Abert has been directed to furnish you with the best aid in this matter that he now can, and to communicate with you on the subject.

J. R. POINSETT,
Secretary of War.

Col. WILLIAM LINDSAY,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 22, 1837.

SIR: I presume that the general character of provisions of the treaty with the Cherokees of December 29, 1836, will be made known extensively at the council, and afterwards by those who attended it. Still, however, it seems essential that all the agents of the Government should be specially instructed to avail themselves of every opportunity to disseminate a knowledge of them, and to explain them fully. You are therefore requested to give particular directions to all persons acting under you upon this point. The portion of the Cherokees inhabiting the mountainous region in North Carolina, and living in a great measure distinct from their brethren in the other States, should not be overlooked. If you find it necessary, you can employ one or two special agents to visit them, to make them acquainted with the terms of the treaty, its obligations on them and the Government, and the determination of the latter to carry it into effect in a spirit of liberality and kindness. The agents will embrace the opportunity to observe the topography of the country, its resources for subsistence, and its capabilities and facilities for offensive and defensive operations. Their reports should be accurate and in detail, and transmitted as early as practicable.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 23, 1837.

SIR: In answer to your note of this date, I have to remark, that Mr. John H. Dorsey received from this office, on the 5th of July, an appointment as assistant to Captain J. H. Hook, jr., who was charged with the transportation of specie to Little Rock, Arkansas. The performance of this duty will probably occupy him fifty or sixty days; for every day of actual service he will be allowed five dollars, with his actual travelling expenses. As he has not resigned this appointment, he is still in the receipt of this compensation.

Very respectfully,
C. A. HARRIS,
Commissioner

McC. YOUNG, Esq.,
Treasury Department.

WAR DEPARTMENT,
Office Indian Affairs, August 23, 1837.

SIR: Herewith I transmit the account of John C. Reynolds, assistant surgeon United States army, for disbursements during the 2d quarter of the present year, on account of the removal and subsistence of Cherokee.

Very respectfully,
C. A. HARRIS,
Commissioner

WILLIAM B. LEWIS, Esq.,
Second Auditor, Treasury Department.

WAR DEPARTMENT,
Office Indian Affairs, August 24, 1837.

SIR: I have had the honor to receive your letter of the 1st instant. Since my letter to you of the 20th ultimo, I have become aware of the mistake made in the Second Auditor's Office, to which you allude, which has been the cause of so much embarrassment and delay in the Cherokee disbursements; a mistake which I should deem an ample justification of the course pursued by you, were it not that my letter of the 20th April to you explicitly informed you that the warrant would be issued in favor of the cashier of the Bank of Augusta, and that he would place the same to your credit. I do not entertain the slightest doubt of your having acted throughout according to your own sense of propriety.

You will perceive, from the enclosed copy of a letter to General Macomb, that you are to be relieved from Indian duty.

Very respectfully,
C. A. HARRIS,
Commissioner

Captain R. BENNETT,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 24, 1837.

SIR: I have the honor to state that Lieutenant R. Bennett, acting paymaster, is unable, from the pressure of his duties in the pay department, to render any service as disbursing officer in the Indian business, and that, therefore, and in compliance with his request, he may be relieved from duty in the latter.

Very respectfully,
C. A. HARRIS,
Commissioner.

General A. MACOMB,
General-in-Chief.

WAR DEPARTMENT,
Office Indian Affairs, August 24, 1837.

SIR: I have the honor to transmit, for your information and government, order No. 63, issued by the Adjutant General on the 18th instant.

Very respectfully,
C. A. HARRIS,
Commissioner.

Doctor J. C. REYNOLDS,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 25, 1837.

SIR: Your letter of the 23d, with the enclosure, was duly received.

I have written to the commissioners respecting the payment to David Carter, as this office had received no advice that they had awarded to him the value of the improvements appraised in the name of Ann Fields.

Very respectfully,
C. A. HARRIS,
Commissioner.

General N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 25, 1837.

SIR: Your letter of the 11th instant, transmitting your account for removal and subsistence of Cherokees, made up to the 10th of July, has been received.

Very respectfully,
D. KURTZ,
Acting Commissioner.

Doctor J. C. REYNOLDS,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, August 25, 1837.

SIR: Messrs. Lumpkin and Kennedy, the commissioners under the late Cherokee treaty, have this day been authorized to draw on you in favor of David Carter for \$4,049 92, the balance in your hands of the \$87,030 18 remitted to you on the 14th May, 1835, to pay for improvements relinquished by the Cherokees under the treaty of May 6, 1828.

Very respectfully,
C. A. HARRIS,
Commissioner.

Captain JACOB BROWN,
U. S. Army, Little Rock, Arkansas.

WAR DEPARTMENT,
Office Indian Affairs, August 25, 1837.

GENTLEMEN: General Smith has informed this office that you have examined the conflicting claims to the improvements valued in the name of Ann Fields, under the Cherokee treaty of May 6, 1828, and have adjudged them to be the property of David Carter. He has also represented it to be the wish of Carter to remove immediately, and receive the amount of the valuation, which he states to be \$4,250 50. If these statements are accurate, and you know of no objection to the course, you are authorized to give him a draft on Capt. Jacob Brown, Little Rock, Arkansas, for \$4,049 92, the balance in his hands applicable to this object. The residue of the sum due Carter will be paid, in some other way, as soon as it can be done.

Very respectfully,
C. A. HARRIS,
Commissioner.

MESSRS. WILSON LUMPKIN and
JOHN KENNEDY,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, August 26, 1837.

SIR: Your letter of the 10th instant is before me. My communication of the 20th and 25th ultimo will have apprized you of the measures taken to place suitable funds in your hands. It is the opinion of this department that the certificates of the commissioner are not negotiable, but must be paid to the persons to whom they are first given.

Very respectfully,
C. A. HARRIS,
Commissioner.

Captain J. P. SIMONTON,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, September 1, 1837.

SIR: The Secretary of War has referred to this office your letter of the 14th ultimo. In answer, I have the honor to state, that the claim of Doctor Hetzel is not considered to be properly chargeable on the poor fund provided in the Cherokee treaty, and there is no other fund out of which it can be paid.

The law gives this department no power to interfere to procure the restoration to its mother of the child taken from her by her husband.

Very respectfully,
C. A. HARRIS,
Commissioner.

Colonel WILLIAM LINDSAY,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 7, 1837.

SIR: Your letter of the 23d ultimo is before me, with the account of witnesses in the suit against Foreman, which I return. Major Currey was advised, on the 20th December, 1834, that all the expenses of these witnesses must be paid by the State, as the State instituted the prosecution.

Your letter of May 23d was answered on the 25th ultimo.

The general subject of payments for abandoned improvements will be adverted to in my answer to your letter of the 24th ultimo, respecting the claim of Mary Dougherty, which is now under investigation.

Very respectfully,
C. A. HARRIS,
Commissioner.

General N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 8, 1837.

SIR: In conformity with the stipulation in the 18th article of the treaty with the Cherokees, the amount which it was estimated would accrue under it, as annuities, for two years, has been advanced to them. Since, a portion of the interest on the sum invested under the 10th article has become due, and stands to my credit in the following banks, viz:

Phoenix Bank, New York, (deposited before suspension of			
specie payments)	-	-	\$18,787 01
Do. do. in specie	-	-	7,100 00
Union Bank, Nashville, in specie	-	-	6,250 00

Making a total of \$32,137 01, of which I am prepared to reimburse to the Treasury, in any manner you may point out.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

WAR DEPARTMENT,
Office Indian Affairs, September 9, 1837.

SIR: The following appointments reported by you, in your letter of the 25th ultimo, are approved, viz:

Preston Sturrett, as conductor.

S. A. Kincannon, as assistant agent.

Jno. W. Webb, as agent to collect Indians.

Mary Moore,

Betsy Downing, } as hospital matrons, &c.

The appointment of Doctor Townsend has, heretofore, received the sanction of the department.

Very respectfully,
C. A. HARRIS,

Commissary

General NATHANIEL SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
September 9, 1837.

SIR: In reply to your letter of the 29th ultimo, on the subject of receiving into the service of the United States the company of volunteers commanded by you, I have the honor to inform you that your application has been referred to Colonel Lindsay, whose duty it is to decide whether the force now under his command is sufficient for present purposes. Should he deem his present force ample, as it appears from your letter he does, he has been instructed to accept your offer at the earliest period when any exigency requires that his command should be increased.

J. R. POINSETT,
Secretary of War.

Captain NATHANIEL KELSEY,
Burnsville, North Carolina.

WAR DEPARTMENT,
September 9, 1837.

SIR: I transmit you a letter from Captain Kelsey, addressed to this department; and, for your government, a copy of my reply thereto.

J. R. POINSETT,
Secretary of War.

Colonel WILLIAM LINDSAY,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 11, 1837.

SIR: The enclosed receipted bill of George M. Lavender, against James Liddle, (of \$4,) for books for registering Cherokee valuations, and for other

stationery, and the separate price of paper, apparently an envelop, with your address thereon, were received some time since, and were intended, no doubt, to be handed over to you.

Very respectfully,

C. A. HARRIS,
Commissioner.

DOCTOR PHILIP MINIS,
Tivoli, Dutchess county, New York.

WAR DEPARTMENT,
Office Indian Affairs, September 12, 1837.

SIR: Your letter of July 18th is before me. Instructions have been given to the acting superintendent, and principal disbursing agent, and measures taken to correct the errors in the remittances to which you have adverted, and you will receive from them the necessary information.

General Smith, superintendent of the Cherokee emigration, has been repeatedly directed to send you rolls of the emigrants, and such data as he can collect respecting the claims of such Indians as may have removed without having been enrolled. He will be again written to on the subject.

I do not find that you have at any time inquired "whether all who emigrated since May, 1834, are to receive the allowances provided for under the treaty of 29th December, 1835," nor do I perceive why that date is assumed. The only stipulation in the treaty, in regard to this matter, is contained in the 15th article: "and such Cherokees as have removed west since June, 1833, who are entitled by the terms of this enrolment and removal, to all the benefits resulting from the final treaty between the United States and the Cherokees east, they shall also be paid for their improvements," &c. This stipulation was based, I presume, on the instructions given to Major Currey on the 22d June, 1833, from which I quote the following: "Enrolling books must be prepared on the following plan: A memorandum, or entry, must be inserted, purporting that the subscribers assent to a treaty with the United States upon the terms heretofore offered by the President to their people. And that if no treaty should be made during the next fall, or early in the winter, then the subscribers will cede to the United States all their right and interest in Cherokee lands east of the Mississippi, upon the following conditions: that they shall receive, so fast as Congress shall make the necessary appropriations, the ascertained value of their improvements, on their arrival west; that they shall be removed and subsisted for one year at the expense of the United States; that they shall be entitled to all such stipulations as may be hereafter made in favor of those who do not now remove, excepting so far as such stipulations may depend on the cession of rights or improvements, for which the subscribers have been previously allowed a compensation; that they shall have their full share of the three years' annuity, now remaining unpaid; and that they shall also be entitled to their just proportion of the Cherokee school reservation under the treaty of 1819."

None of the rolls transmitted to this office by Major Currey have such a memorandum appended to them. And I am apprehensive that it will be difficult, if not impossible, to procure the information required to be embodied in it. I shall write to General Smith, and request him to ascertain

whether such a roll and memorandum were ever prepared by Major Currey; and, if they can be found, to send copies to you and this office. If this information cannot be obtained, it will be necessary to consider what other evidence of rights required under the clause of the treaty above quoted shall be received.

Very respectfully,
C. A. HARRIS,
Commissioner

Lieut. J. VAN HORNE,
U. S. A., Fort Gibson.

P. S.—The requisition for \$150,000 was issued on the 30th June, and I presume you will be in receipt of the amount before this reaches you.

WAR DEPARTMENT,
Office Indian Affairs, September 12, 1837.

SIR: I transmit an extract from a letter of this date to Lieutenant Van Horne, upon the subject of claims of emigrants under the 15th article of the Cherokee treaty of December, 1835. The correspondence with Major Currey has been examined, but no evidence has been discovered that he ever acted upon the part of the instructions of June, 1833, quoted in the letter to Lieutenant Van Horne. It is important that the matter should be investigated. I have to request that you will examine the papers left by Major Currey, and make the necessary inquiries of his clerk, the enrolling agents, and of the Cherokee committee; and whatever information you may collect, communicate to this office and Lieutenant Van Horne.

I would again urge your attention to the instructions heretofore given, to furnish Lieutenant Van Horne with perfect rolls of the emigrants, showing who have commuted their transportation, and who are entitled to commutation for subsistence.

Very respectfully,
C. A. HARRIS,
Commissioner

Gen. N. SMITH,
Superintendent, &c.,
Calhoun, Tennessee.

WAR DEPARTMENT,
September 15, 1837.

SIR: Complaints have been made from North Carolina of insults having been offered by the Tennessee volunteers under your command, to the citizens of Macon county. Captain Powell is alluded to as having used boastful and insulting language in his intercourse with the people of North Carolina. It is advisable to avoid such collisions wherever it may be done,

and you are advised of the complaints, that the cause may be removed, and Captain Powell kept from that frontier, and a more discreet officer sent there in his stead.

J. R. POINSETT,
Secretary of War.

Colonel WILLIAM LINDSAY,
Athens, Tennessee.

WAR DEPARTMENT,
September 20, 1837.

SIR: In reply to your letter of the 9th instant, the President has instructed me to say, that he has attentively considered your proposal to raise two regiments of militia, early in the ensuing year, for the purpose of protecting the citizens of Georgia from apprehended hostilities of the Cherokees, and at the same time to urge forward the execution of the treaty by which that people are bound to evacuate the territory of Georgia, in May, 1838, and cannot perceive the propriety of sanctioning the measure at this time. The term of service of draughted militia called into the field at the period designated by you would expire before that which is fixed upon by the treaty for the removal of the Indians arrives, and the President cannot allow that they should be urged to anticipate that period otherwise than by persuasion. Nor does he regard the present situation of affairs on the borders of the Cherokee country to be such as will justify any immediate augmentation of force in that quarter. The greatest vigilance is exercised by the Government over the movements of the Cherokees; an officer, in whose talents and activity the utmost confidence is reposed, is stationed in the territory, with a sufficient force to command the respect of the Indians, and agents are scattered over it, whose duty it is to give notice of any hostile disposition they may manifest, as well as to urge forward the work of migration, by holding out such inducements as we can offer them to remove before the period fixed by law for the final execution of the treaty.

It is believed that these precautions, and the further measures to be adopted in due season, will secure to the citizens of Georgia, inhabiting that region of country, the seasonable and efficient protection of the Government. Besides, the force your excellency proposes to call into the service is not of a description which it is considered desirable to employ upon this occasion. If danger is to be apprehended, the term of service of draughted militia is too short to be effectually to guard against or to avert it, and if compulsory measures are to be resorted to in the execution of the treaty, the Government will not employ those who reside in the immediate vicinity of the Indians to aid in that task. Independently of the extreme impolicy of drawing off that population from their farms and dwellings, where they ought to be encouraged to remain, in order to be in readiness to protect their own hearths against such straggling bands of hostile Indians as might escape the vigilance of the main army, it is deemed inexpedient in a case where war is to be avoided, and all just causes of complaint removed, to surround the Indian territory, and enforce the treaty by those who, from a variety of untoward events, have been rendered hostile to the Indians in their vicinity.

The Cherokees have been repeatedly informed of the settled purpose of the Government to execute the treaty; and in all the communications held

with their chiefs, care has been taken to impress upon their minds this determination. It is but a few weeks since, that an agent was sent from hence to meet the nation in council, who, on that occasion, repeated to the assembled people, that they must expect no change in the determination of the Government to insist upon the fulfilment of the treaty, and urged every argument to persuade them to anticipate the period fixed by that instrument for their final removal. A body of twelve hundred are now on their way to their western homes, and hopes are entertained that another band will soon be assembled with the same intent; and whenever the time arrives for removing the remainder of the nation, precautions will be taken, and all necessary measures adopted by the Government, to preserve the tranquillity of the country, and to enforce the execution of the laws.

While the President is compelled at present to withhold his sanction to the measure proposed by your excellency, he fully appreciates the motive by which you are actuated, and confidently relies upon your zealous cooperation, and that of the citizens of Georgia, to maintain the peace of the country, and hopes that you will communicate to this department such information as your position and knowledge of the country and the people will enable you to obtain, and at the same time to offer such suggestions as your experience may prompt you to make, in the full assurance that they will be gratefully received and respectfully considered.

J. R. POINSETT,
Secretary of War.

His excellency WILLIAM SCHLEY,
*Governor of Georgia,
Milledgeville, Georgia.*

WAR DEPARTMENT,
Office Indian Affairs, September 30, 1837.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 8th instant.

In regard to funds for the emigrants, I have to inform you that one hundred and fifty thousand dollars in specie was placed in the hands of an agent at Little Rock, to be transmitted to Lieutenant Van Horne, about the 4th of August last. This is the amount heretofore estimated by you to be necessary at present, and you can now assure emigrants that they will receive their dues promptly, in hard money. If more is or will be required, it will be sent to him, upon receiving an estimate from you of the amount.

It has been represented that the valuation of the improvements in North Carolina has been too low. You will please to examine this matter, and if you find that the appraisement has been too high, or too low, in that State or elsewhere, so that wrong has been done, you will instruct General Smith to have them valued again.

The question of your location has been recently reviewed by the Secretary of War, and I am requested to inform you that he is of the opinion that the treaty does not confine you to New Echota. After you have completed your duties at that point, therefore, you will repair to the Cherokee

agency, and when you have transacted the business to be done there, adjourn to the place which, in your judgment, will be most convenient.

Very respectfully,

Your obedient servant,

C. A. HARRIS,
Commissioner.

HON. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 4, 1837.

SIR: I have had the honor to receive your three letters of the 17th ultimo.

The order No. 63, issued by the Adjutant General, was transmitted to you without remark, because it was supposed you understood that in determining the time when "the business on which you are now engaged" should be so closed, that the public interest would not suffer by your relief, this office was the exclusive umpire. As soon as this time arrives, you will be duly notified, and provision will be made for supplying your place.

Provision will be made as soon as possible for additional disbursing officers.

No report respecting the use of Treasury drafts need be made until your accounts are rendered.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doctor J. C. REYNOLDS,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 4, 1837.

SIR: I have had the honor to receive your letters of the 14th and 18th ultimo, and have to express the gratification of the department at the favorable prospect of a respectable emigration this fall.

It was not intended that Doctor Reynolds should be relieved till further notice from this office.

Other disbursing officers will be sent to you as soon as possible. As the Commissioners have been directed to remove to the agency as soon as practicable, and as Captain Simonton has been authorized to employ a clerk, it is hoped that no inconvenience will be experienced from the absence of Dr. Reynolds with the first party or parties.

Your nominations of Aaron Haynes, George Massey, Henry McCoy, and E. D. Terhune as enrolling agents, and James Lauderdale as collecting agent, are approved.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 4, 1837.

SIR: I have received your letter of the 14th inst. You are authorized to employ a clerk, at a compensation not greater than is paid to persons engaged in the same capacity under the Cherokee treaty, and to be retained only so long as absolutely necessary.

I am unable to decide on Dr. Hetzel's claim until it is formally presented. It should be accompanied by a full statement of his services.

Very respectfully,
C. A. HARRIS,
Commissioner

Capt. J. P. SIMONTON,
New Echota, Georgia.

WAR DEPARTMENT,
October 4, 1837.

SIR: I have received your letter of the 21st ultimo, concerning the Creeks that have retired into the Cherokee territory, and refuse to emigrate according to the arrangements entered into to that effect by their nation.

The consequences you apprehend from entering that country and seizing the refugees by force, in order to transport them to the land set apart for their future residence, are fully understood, and you are authorized to suspend any operations you may have had in contemplation to effect that object, until further orders from the department. You will, however, use all peaceable means to induce them to remove, and you are enjoined to urge both upon them and the Cherokees, the absolute necessity of emigrating in 1838, and the advantages of doing so during the approaching winter.

It is to be hoped that the Indians will not deceive themselves, and mistake the mildness and humanity with which this department is disposed to treat them for want of energy and firmness. I understand that the permission granted them to assemble in council, and the mission of their delegates to Washington, have inspired them with the hope that they will be permitted to remain in the territory they now occupy. Such an expectation is altogether delusive; and it is of the utmost importance to undeceive them, which you will avail yourself of every opportunity of doing.

J. R. POINSETT,

Col. WILLIAM LINDSAY,
Athens, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 5, 1837.

SIR: Your letter of the 28th August last, informing the department that you had turned over to Major Payne 293 rifles and 416 camp kettles, has been received.

Very respectfully,
C. A. HARRIS,
Commissioner

Gen. NATHANIEL SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, September 21, 1837.

SIR: I have the honor to submit the name of James W. Gwinn, of North Carolina, to be laid before the President, if you think proper, and if approved by him, transmitted to the Senate for its constitutional action, as that of a suitable person to be appointed third commissioner under the 17th article of the treaty with the Cherokees, of December 29th, 1835.

Very respectfully,

C. A. HARRIS,
Commissioner.

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

WAR DEPARTMENT,
Office Indian Affairs, September 22, 1837.

SIR: Your letter of the 4th instant is before me.

The department will permit a commutation of the year's subsistence to persons of the class you describe; who are steady and estimable men, well qualified to remove themselves; who were concerned in making the late treaty; and who intend, in good faith, to remove within the time specified.

This departure from the instructions of May 20th is sanctioned reluctantly, and great discretion will be necessary, on your part, to prevent improper persons receiving the benefit of it, or disaffection being excited in those to whom the benefit is denied.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. N. SMITH,
New Echota, Georgia.

P. S.—Of all to whom you pay commutation for subsistence under this authority, you will be careful to furnish Lieutenant Van Horne with correct registers, as you have been before instructed to do, in regard to those who received commutation for transportation.

WAR DEPARTMENT,
Office Indian Affairs, September 26, 1837.

SIR: Your letter of the 7th instant, reporting the favorable prospects of the migration of the Cherokees, has been received.

The appointments made by you of Aaron Haynes, as enrolling agent, and of Colonel Thomas C. Hindman, as wagon master, meet the approbation of this office.

It is to be hoped that the measures heretofore adopted, in regard to funds, will prove ample and satisfactory.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
September 27, 1837.

SIR: I have the honor to acknowledge the receipt of your communication of this date, respecting the nomination of James W. Gwin, to be a commissioner under the treaty with the Cherokees of 1836.

In compliance with your request, I transmit a copy of a letter from the honorable Messrs. Strange and Brown, the Senators from North Carolina, as the evidence possessed by this department of the qualifications of this gentleman for the office to which he has been nominated.

The board of commissioners consisted originally of Messrs. Lumpkin and Carroll, who were appointed in July, 1836; the former accepted promptly, and repaired to the Cherokee country; from the latter, who was then in the public service in the Chickasaw country, no information was received until the 7th of October, 1836, when he declined the appointment on the ground of ill health, and the unexpected protraction of the duties in which he was then engaged. This communication was received on the 24th of October, and on the following day John Kennedy was selected in place of Governor Carroll. Mr. Kennedy arrived at New Echota on the 7th of December following, and on that day the board may be considered as having been first organized. Governor Lumpkin, however, had been steadily occupied in the interval between his own appointment and Mr. Kennedy's arrival, in arranging a large mass of preliminary business.

I submit an extract from the last report of the commissioners, which exhibits the progress made by them.

Creditable as this report is to their diligence and zeal, there remains a large amount of labor to be performed within the short period before the time fixed for the removal of the Indians. This, it will be observed, is the 23d of May next, and it seemed obvious that the aid of all associations would be absolutely necessary to enable them to complete the execution of the duties confided to them. Differences of opinion, too, it was reasonably anticipated, would arise in determining the complicated questions presented to them, and delay would be avoided by the appointment of a third commissioner.

Very respectfully,

J. R. POINSETT,
Secretary of War.

Hon. H. L. WHITE,
*Chair. Com. on Indian Affairs,
United States Senate.*

WAR DEPARTMENT,
September 30, 1837.

SIR: Your letter of the 25th instant, addressed to the President, has been referred to this department, and in reply I beg leave to state, that in the arrangements which have been made for the protection of the frontiers of the territory of the Cherokee Indians, there was no intention on the part of Government to neglect any just claims of the citizens of North Carolina. The Indians were, and are, perfectly quiet, and the force on that frontier has not been increased since Governor Dudley's letter to the department, except by the

addition of the company of North Carolina volunteers. Colonel Lindsay, finding the Tennessee volunteers, who had so long served in that county, disposed to continue in the service of the United States, preferred them to raw, undisciplined troops, and the department permitted him to re-engage them.

Neither the President nor this department recognise the claims of the militia of any particular district, on any occasion, to the exclusive right of being mustered into the service of the United States, and in this instance are not disposed to depart from their views of policy in repressing Indian hostilities, and enforcing Indian treaties. It is deemed of the highest importance, whenever Indian hostilities are apprehended, that the inhabitants of the immediate neighborhood should not be drawn from their homes; but, on the contrary, be encouraged to remain on their plantations and farms, in order to defend their own hearths; and it is considered impolitic to risk bringing into collision with the Indians, such persons as from their position may be supposed to cherish hostile, or even unfriendly feelings towards them. It is the earnest desire of the department to avoid hostilities with the Cherokees, and to enforce the execution of the treaty without bloodshed; and, in its endeavors to avoid the calamities of war, it must be permitted to adopt such measures of precaution as may be deemed most expedient. If, contrary to our just expectations, and in despite of all our precautions, hostilities cannot be avoided, the department will gladly avail itself of the zeal and patriotism of the citizens of North Carolina. In the mean time, if the companies you designate are desirous of serving their country when their services are really needed, they shall be immediately mustered for the ensuing campaign in Florida.

Very respectfully,

J. R. POINSETT,
Secretary of War.

Hon. JAMES GRAHAM,
*House of Representatives
of the United States.*

WAR DEPARTMENT,
Office Indian Affairs, October 5, 1837.

SIR: I have to acknowledge the receipt of the abstracts of disbursing for July and August, which were enclosed in your letter of the 14th inst.

Very respectfully,

C. A. HARRIS,
Commissioner.

Capt. J. P. SIMONTON,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 6, 1837.

SIR: Herewith is the account of Captain Joseph Hook for disbursements in the transportation of specie to Little Rock, out of the appropriation "to

carry into effect the Cherokee treaty per act 2d July, 1836, under instructions from this office, dated 5th July last, a copy of which is filed with the account,

Very respectfully,

C. A. HARRIS,
Commissioner.

W. B. LEWIS, Esq.,
Second Auditor.

WAR DEPARTMENT,
Office Indian Affairs, October 6, 1837.

SIR: I have had the honor to receive your letter of the 14th ultimo, respecting the compensation of Doctors Lillybridge and Townsend. Previous to the adoption of the revised regulations, No. 5, concerning emigration of Indians, no uniform rule of compensation for physicians engaged in that service had been adopted. Those officers were only occasionally employed, and the rate of pay was fixed according to the circumstances of the different cases. It was under this state of things, and before the adoption of the revised regulations, that Doctors Lillybridge and Townsend were employed, and their compensation fixed. These regulations were not designed to have a retrospective operation, and those gentlemen should be paid according to the terms of their original appointments, until the term of duty upon which they entered previous to the promulgation of the new regulations is ended; then, according to the new regulations. If, therefore, their services should be suspended during the winter, as they probably should be, because no emigration can then take place, they cannot, upon the resumption of duty in the spring, be considered as entitled to more than the revised regulations allow.

I enclose, for your information and government, the copy of a letter this day written to Dr. Lillybridge, and of a letter to General Smith, both relating to compensation of agents and others, who receive a daily pay.

From these documents you will perceive that this department has authorized the payment of Dr. Lillybridge's per diem allowance, for the period of his absence on furlough during the last summer, and you will please to make the payment accordingly. You will, however, further learn, that this decision has been made in consideration of the peculiar circumstances of the case, and must not be treated as a precedent to authorize similar payments hereafter.

Very respectfully,

C. A. HARRIS,
Commissioner.

Doct. J. C. REYNOLDS,
Dis. Agent, Ind. Dep., Calhoun, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, October 6, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d ultimo, respecting payment of the compensation of Doctor Lillybridge during his absence on furlough last summer.

In relation to this subject I have to remark, that neither the revised regulations No. 5, concerning the emigration of Indians, or any which prevailed before their adoption, authorize or contemplate the absence of officers engaged in that service from their appropriate duties, either with or without leave. These appointments are merely temporary, and the compensation accordingly fixed per diem. The granting of furloughs has been considered inconsistent with the nature of the engagements, and incompatible with the interests of the service; and it is not known that an instance has occurred before the case of Doctor Lillybridge.

In consideration of the peculiar circumstances of the case, this department has determined to authorize the payment of Doctor Lillybridge's compensation during the period of his absence, and instructions have accordingly been given to Doctor Reynolds. It is to be understood, however, that this case is not to be viewed as a precedent to authorize similar payments hereafter. On the contrary, this department has determined, and will hereafter enforce the rule, not to sanction the payment of compensation to any officer engaged in the business of Cherokee emigration, while absent from his post and appropriate duties, either with or without leave.

As to the liability of Doctor Lillybridge to provide for the compensation of Doctor Doaks for his services, I have to remark, that this department cannot take cognizance of the private agreements and understandings which may have been entered into, so far as to enforce them by exercise of its authority.

If, however, such agreements were made by Doctor Lillybridge as are stated in your letter, his refusal to comply with them will be considered as a dereliction of honor and good faith on his part; in which case Doctor Doaks will be paid for his services by the disbursing agent on your requisition.

Very respectfully,

C. A. HARRIS,
Commissioner.

Gen. N. SMITH,
Calhoun, Tennessee.

WAR DEPARTMENT,
Office Indian Affairs, October 6, 1837.

SIR: I have had the honor to receive your letter of the 14th ultimo, respecting your compensation while absent on furlough last summer.

Revised regulations No. 5 are applicable to the case, and not No. 3, the 15th article of which comprehends only agents, sub-agents, and others, residing permanently with the Indian tribes, and appointed in conformity with the act to organize the Department of Indian Affairs, passed 30th June, 1834.

Upon examination of revised regulations No. 5, you will perceive that they do not authorize or contemplate the absence from his post or duties of any officer engaged in the service of emigration.

These appointments are professedly temporary, and the compensation per diem, with the exception of the superintendent alone. This depart-

ment, therefore, considers your furlough as irregular, and your absence as incompatible with the regulation for the government of officers engaged in the business of emigration. In consideration, however, of the peculiar circumstances of your case, it has determined to authorize the payment of your per diem allowance for the period of your absence, and instructions have this day been given to Doctor Reynolds accordingly.

But this indulgence must not be considered as a precedent for future cases. On the contrary, it must be distinctly understood that, hereafter, no officer employed in the Cherokee emigration will be paid, while absent from his post or appropriate duties, either with or without leave.

Very respectfully,

C. A. HARRIS,
Commissioner

Doctor C. LILLYBRIDGE,
Physician Cher. Em., Calhoun, Tenn.

WAR DEPARTMENT,
Office Indian Affairs, October 7, 1837.

SIR: I have the honor to inform you that Joel Cruttenden, Esq., of Georgetown, District of Columbia, has been appointed a disbursing agent in the Department of Indian Affairs, and has this day been instructed from this office to repair with all convenient despatch to Calhoun, Tennessee, and report to you for duty, in the above mentioned capacity, in the Cherokee emigration.

Very respectfully,

C. A. HARRIS,
Commissioner

General NATHANIEL SMITH,
Sup. Cher. Emigration, Calhoun, Tenn.

WAR DEPARTMENT,
October 7, 1837.

GENTLEMEN: I have received your note of this date.

It will give me pleasure to meet you at this office, on Monday next, at 1 o'clock, P. M.

Very respectfully,

J. R. POINSETT.

Messrs. JOHN ROSS,
R. TAYLOR,
JAMES BROWN,
SAMUEL GUNTER,
EDWARD GUNTER,
ELIJAH HICKS,
SITUWAKEE,
WHITE PATH,
Washington.

WAR DEPARTMENT,
Office Indian Affairs, October 7, 1837.

SIR: I have to acknowledge the receipt of your letter of the 23d ultimo, transmitting your account and vouchers for the second quarter of 1837.

Very respectfully,

C. A. HARRIS,
Commissioner.

Captain J. P. SIMONTON,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 7, 1837.

SIR: With the approbation of the Secretary of War, you are hereby appointed a disbursing agent for the Department of Indian Affairs. Your compensation will be five dollars per day, and your actual necessary travelling expenses in the discharge of your duties. These expenses will be allowed in the settlement of your accounts, upon your certificate on honor, that they were actually and necessarily incurred, accompanied by a memorandum of the amount from day to day, and from place to place. Should you determine to accept of this appointment, you will please to give immediate notice thereof to this office, and thereupon execute and deliver to this department a bond in the penal sum of twenty-five thousand dollars, with sureties to the satisfaction of the Commissioner of Indian Affairs. You will then, with all convenient despatch, repair to Calhoun, in the State of Tennessee, the present head quarters of the Cherokee emigration, and report yourself for duty in that service to General Nathaniel Smith, the superintendent, who will be notified of your appointment.

As the disbursements which you will be required to make in the station above assigned to you will be connected with the Cherokee emigration, you will find your duties pointed out in the revised regulations No. 5, concerning emigration of Indians.

The system of accountability to which you will be subjected is therein so clearly exhibited that no detailed expositions are now considered necessary.

In cases involving doubts, which are not specifically provided for, should any such occur, you will apply to this office for instructions. I have to enjoin upon you a strict and scrupulous adherence to these regulations, and to assure you that neglect in this respect will subject you to embarrassment and probable loss in the settlement of your accounts.

You will receive \$10,000, applicable to the execution of the treaty with the Cherokees of the 29th December, 1835, which you will account for under that head of appropriation.

The necessary forms of accounts and vouchers for your use will forthwith be forwarded to you by mail, directed to Calhoun, Tennessee. You will report to this office your arrival at the place of your destination above mentioned.

Very respectfully,

C. A. HARRIS,
Commissioner.

JOEL CRUTTENDEN, Esq.,
Georgetown, District of Columbia.

WAR DEPARTMENT,
Office Indian Affairs, October 7, 1837.

GENTLEMEN: I have the honor to inform you that Joel Cruttenden Esq., of Georgetown, District of Columbia, has been appointed a disbursing agent in the Department of Indian Affairs, and has this day been instructed from this office to repair to Calhoun, Tennessee, with all convenient despatch, and report to General Smith for duty, in the above mentioned capacity, in the Cherokee emigration.

Very respectfully,

C. A. HARRIS,
Commissioner

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.,
New Echota, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 7, 1837.

SIR: The receipt of Mr. Cruttenden for \$2,000, enclosed in your letter of this date, will be transmitted to the Second Auditor, to be passed to your credit, as you request.

Very respectfully,

C. A. HARRIS,
Commissioner

Capt. JOSEPH HOOK, jr.,
Present.

WAR DEPARTMENT,
Office Indian Affairs, October 9, 1837.

SIR: I have the honor to enclose a letter from Messrs. Lumpkin and Kennedy, dated the 15th ultimo, desiring the opinion of the Attorney General upon certain questions therein stated; and to request that it be laid before that officer.

Very respectfully,

C. A. HARRIS,
Commissioner

Hon. J. R. POINSETT,
Secretary of War.

WAR DEPARTMENT,
October 11, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, and of the note accompanying a copy of the letter of General McConnell.

These communications have been submitted to the President, who, while

he sees no reason to alter his views of the matter to which they relate, regrets to perceive in them evidences of a determination of your excellency to adopt measures which he cannot sanction.

By the treaty between the United States and the Cherokees, the latter are required to remove to their new homes within two years after its ratification, and during that period the United States is bound to protect them in the occupation and use of their possessions and property. The first of these stipulations, your excellency may rest assured, it is the intention of the President shall be executed without fail, and in a manner that will secure the peace of the country, and the safety of its inhabitants; and he trusts that you will so act as to enable him to maintain the faith of the General Government, which is pledged for the performance of the second stipulation, and desist from the prosecution of measures which, it is apprehended, will produce that state of things in the Cherokee country which it is the wish of yourself as well as of the Government should, by all means, be avoided.

J. R. POINSETT.

His excellency Wm. SCHLEY,
Governor of Georgia,
Milledgeville, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 11, 1837.

SIR: With the approbation of the Secretary of War, you are hereby appointed a disbursing agent for the Department of Indian Affairs. Your compensation will be five dollars per day, and your actual, necessary, travelling expenses, in the discharge of your duties. These expenses will be allowed in the settlement of your accounts, upon your certificate on honor that they were actually and necessarily incurred, accompanied by a memorandum of the amount, from day to day and from place to place. Should you determine to accept of this appointment, you will please to give immediate notice thereof to this office, and thereupon execute and deliver to this department a bond in the penal sum of twenty-five thousand dollars, with sureties to the satisfaction and acceptance of the Commissioner of Indian Affairs. You will then, with all convenient despatch, repair to Calhoun, in the State of Tennessee, the present head quarters of the Cherokee emigration, and report yourself for duty in that service to General Nathaniel Smith, the superintendent, who will be notified of your appointment.

As the disbursements which you will be required to make in the station above assigned to you, will be connected with the Cherokee emigration, you will find your duties pointed out in the revised regulations No. 5, concerning emigration of Indians, a copy of which accompanies this letter. The system of accountability to which you will be subjected is therein so clearly exhibited that no detailed expositions are now considered necessary. In cases involving doubts, which are not specifically provided for, should any such occur, you will apply to this office for instructions. I have to enjoin upon you a strict and scrupulous adherence to these regulations, and to assure you that neglect in this respect will subject you to embarrassment and probable loss in the settlement of your accounts.

So soon as you shall have given the bond above required, you will receive \$10,000, applicable to the execution of the treaty with the Cherokees of

the 29th December, 1835, which you will account for under that head of appropriation, per act of 2d July, 1836. The necessary forms of account and vouchers for your use will be forwarded to you by mail, directed to Calhoun, Tennessee.

You will report to this office your arrival at the place of your destination above mentioned, and thereafter make promptly all such communications as the regulations enjoin upon you.

Very respectfully,

C. A. HARRIS,
Commissioner.

VERPLANCK VAN ANTWERP, Esq.,
Terre Haute, Indiana.

WAR DEPARTMENT,
Office Indian Affairs, October 12, 1837.

SIR: Upon the subject of the communication of the Hon W. Strange of the 10th instant, I beg leave to submit the following statements, having an important bearing on the subject of the appointment of a third commissioner under the Cherokee treaty of December, 1835.

The general considerations in favor of this measure were stated briefly in the letter addressed by you to the Hon. Chairman of the Committee on Indian Affairs of the Senate, of the 27th ultimo, and the extracts from the communications of Colonel Lindsay, and Messrs. Lumpkin and Kennedy, that accompanied it. I now submit a further extract from the first of these communications, that will throw more light upon the subject. I also enclose abstracts from the instructions given these gentlemen in July, 1836, which indicate the varied character of the duties confided to them; and, in addition to these, they were charged, on the 12th of October following, with a general supervisory power over the execution of the treaty, and over all officers civil and military, connected therewith.

I also present a copy of a letter recently received from the commissioner in which they state a number of questions, on each of which they require the opinion of the Attorney General. This illustrates Colonel Lindsay's view of the importance of an umpire. As these questions are difficult in themselves and the application of the principles the Attorney General may lay down may be attended with even more difficulty, and give rise to much diversity of opinion, I would again advert to the necessity for completing the execution of all duties confided to the commissioners before May next, the time fixed for the removal of the Cherokees. It is believed that this is impracticable, unless the number of commissioners is increased; and if this is not done, they will be unwilling to go, and the persons who hold claims against them will be prompt to throw obstructions in the way of their going.

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. J. R. POINSETT,
Secretary of War.

WAR DEPARTMENT,
October 12, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant.

I transmit a communication from the Commissioner of Indian Affairs, which, with the papers that accompany it, demonstrate, in my judgment, the urgent necessity for the appointment of a third commissioner under the late Cherokee treaty. I cannot express too strongly my concurrence in the views presented by him, or my conviction of the indispensableness of the measure.

To place the subject, however, even more clearly before you, I have requested John Mason, Esq., who recently visited the Cherokee country, as special agent of the Government, to call upon you, and if it shall be desired, to appear before the Committee on Indian Affairs of the Senate. He is able to give ample explanations, and I believe entire confidence may be placed in the accuracy of his observations and statements.

J. R. POINSETT.

Hon. R. STRANGE,
Senate.

WAR DEPARTMENT,
Office Indian Affairs, October 12, 1837.

GENTLEMEN: The attention of this office has been called to a report made by General Posey and General Sanders, in December, 1829, as commissioners to purchase reserves not claimed by Indians within the limits of North Carolina, and it has been suggested that copies of it might be useful to you. I therefore enclose copies of that, and the papers that accompanied it, for your information.

Very respectfully,
C. A. HARRIS,
Commissioner.

Hon. WILSON LUMPKIN, and
JOHN KENNEDY, Esq.

TREASURY DEPARTMENT,
November 21, 1837.

SIR: As requested in your communication of the 10th instant, enclosing a resolution of the Senate of the 13th October last, I have the honor to furnish the enclosed copies of letters. They embrace the correspondence of this department, relating to the investments on account of the Cherokees, as directed by the President of the United States, on the 7th of July, 1836. Those letters show that the stocks purchased absorbed the whole sum directed to be invested by this department, to wit:

There was paid for the Michigan bonds	-	-	-	\$69,120
for the North Carolina bonds	-	-	-	300,000
for the Tennessee bonds	-	-	-	250,000
for the Kentucky bonds	-	-	-	94,000
for the Maryland bonds	-	-	-	880
Making, altogether, the sum of	-	-	-	<u>\$714,000</u>

The stocks purchased were delivered to the Commissioner of Indian Affairs on the 27th of December, 1836, and the agency of this department in regard to them was closed.

I am, respectfully,

Your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. J. R. POINSETT,
Secretary of War.

SENATE CHAMBER,
Washington, June 15, 1836.

SIR: I was informed, a few days since, by the Hon. William H. Haywood, who has been appointed, under a law passed by the Legislature of North Carolina, to negotiate a loan for the State, that he had called on yourself, and had some conversation with you on the subject of the fund which is to be invested under the Cherokee treaty, for the benefit of the Indian by the Government of the United States. The President this morning informs me that the execution of this duty will devolve on your department when the money is appropriated by Congress. May I ask you to inform me what will be the prospect of Mr. Haywood's success in negotiating the loan with the department, or, in other words, on what terms would the stock of the State probably be taken? A precise answer cannot, I presume, be given at this time to this inquiry, as it would, of course, become a matter of competition among different applicants when the fund is offered for investment. I have, however, supposed that you could give me information sufficiently definite to enable Mr. H. to decide on the propriety of awaiting the investment of the Cherokee fund, or of directing his attention elsewhere.

As regards the *financial condition* of the State of North Carolina; none in the Union is better.

May I ask of you the favor of a line by the bearer, as Mr. H. has left this for New York, and I would be glad to write him this evening.

I have the honor to be, &c.,

B. BROWN.

The Hon. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,
June 15, 1836.

SIR: Your letter of this date, respecting North Carolina State bonds, has been received. I had the pleasure of informing Judge Haywood, yesterday, that I had no power yet to make the investment proposed, but if power should be given it would afford me pleasure to receive his proposals.

further informed him that five per cent. stock had lately been purchased by me running for some years. Whether any lower offers are likely to be made I cannot calculate with any certainty, though I do not expect any.

I am, &c.,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. B. BROWN,
Senate.

WASHINGTON, July 1, 1836.

SIR: Under the authority of an act passed by the General Assembly of North Carolina, in 1835, (a copy of which is enclosed,) I am desirous of selling the bonds of that State to the amount of \$300,000, (the other fourth of the loan having been taken up already,) and since the law for carrying into effect the Cherokee treaty has been passed by the House of Representatives, and will, undoubtedly, receive the sanction of the Senate and the President, I take the liberty of proposing to you a sale of those bonds in a formal manner, as I have heretofore informally done. I am content to take par for the bonds, making the interest, &c., payable in North Carolina, either at the Treasury of the State, or at any bank in the State. You will observe, by the act which authorizes this negotiation, that it is very desirable to have this business finally arranged at an early day, and there are reasons, personal to me, which impel me to entreat that you will accept or decline this offer at a very early day.

It is proper for me to add that the same offer is made to the Secretary of the Navy in case he should sell, or otherwise receive the stock held by the navy pension fund in the Bank of the United States; but I presume it will not be very material to the Government at which department the loan is made; I have no preference myself. I have understood that Mr. Thomas, who is an agent for some of the Cherokees, has expressed a desire to have the bonds of North Carolina purchased for those he represents. On this subject, however, I have no personal knowledge, and I take the liberty of referring you to the Hon. Bedford Brown, one of the Senators of North Carolina.

I am, with sentiments of consideration and respect,

WILLIAM H. HAYWOOD,

Agent for the State of North Carolina.

P. S.—Any communications on this subject will reach me at Raleigh, North Carolina. My commission is enclosed also.

TREASURY DEPARTMENT,
July 2, 1836.

SIR: Your letter of yesterday, with the accompanying papers, has been received. I will be happy to consider your proposition, should any power

to make further investments be devolved on me by Congress or the War Department. None has been yet.

I am, very respectfully,

LEVI WOODBURY,
Secretary of the Treasury

W. H. HAYWOOD, Esq.,
Raleigh, North Carolina.

WAR DEPARTMENT,
July 7, 1836.

SIR: I have the honor to transmit, herewith, for your consideration the copy of a letter addressed to the President of the United States, approved by him, together with a letter from the Commissioner of Indian Affairs, and a copy of the Cherokee treaty, referred to in these letters.

Very respectfully, yours,
LEWIS CASS.

HON. LEVI WOODBURY,
Secretary of the Treasury.

WAR DEPARTMENT,
July 7, 1836.

SIR: I have the honor to submit, for your consideration, the proposition your authorizing the Secretary of the Treasury to make the investment for the Cherokee Indians, required by the 10th and 11th articles, and the 4th article of the supplement of the treaty, promulgated on the 23d of May, 1836. It will appear by the letter of the Commissioner of Indian Affairs, herewith transmitted, that the whole sum to be invested is \$714,000, and that an appropriation, including that with other sums, is made by the act of Congress, passed July 2, 1836, entitled "An act to carry into effect certain Indian treaties." The 10th article of the Cherokee treaty provides that 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," &c., certain sums therein mentioned. The Treasury Department can perform this duty, under your directions, with much greater facility than the Department of War, and I therefore suggest that it be committed to the Secretary of the Treasury.

Very respectfully,
LEWIS CASS.

APPROVED, *July 7, 1836.*

ANDREW JACKSON

WAR DEPARTMENT,
Office Indian Affairs, July 6, 1836.

SIR: I have the honor to state that the amount required to be invested under the 10th and 11th articles, and the 4th article of the supplement of

the treaty with the Cherokee Indians of December 29, 1836, and appropriated by the act of Congress to carry into effect certain Indian treaties of July 2, 1836, is \$714,000.

For the general fund:

Under the 10th article	-	-	-	-	\$200,000
Under the 11th article	-	-	-	-	214,000
Under the 4th article	-	-	-	-	100,000
					<hr/>
For orphans, 10th article	-	-	-	-	\$514,000
Education, 10th article	-	-	-	-	50,000
					150,000
					<hr/>
					<u>\$714,000</u>

It is proper for me to add, by way of explanation, that the present school fund, for the investment of which provision is made in the 11th article, was invested prior to the negotiation of the recent treaty. A copy of the treaty is herewith transmitted.

Very respectfully,

C. A. HARRIS,
Commissioner.

Hon. LEWIS CASS,
Secretary of War.

TREASURY DEPARTMENT,

July 8, 1836.

SIR: Having funds at my disposal, I am enabled to close the contract with your bank for the 250 Tennessee State bonds; and, understanding they were in the possession of the Girard Bank, I wrote this day, to Mr. Lewis, that, if he was authorized to deliver them under the contract with you, I would have the amount paid to him. If he has no authority to act, you will please give him the necessary instructions, or adopt such other measures as will enable me to invest the funds I am directed to do, as early as practicable.

I am, respectfully,

L. WOODBURY,
Secretary of the Treasury.

J. M. BASS, Esq.,
Union Bank, Nashville, Tennessee.

TREASURY DEPARTMENT,

July 8, 1837.

SIR: Having authority to invest funds in State stocks, I purpose closing the contract with the Union Bank of Tennessee for the remaining 250 State bonds, held by that institution.

Learning from your letter of the 11th June that these bonds are in your possession, if you are authorized to complete the arrangement with the bank, by delivering them accordingly and receiving pay, you will please forward the bonds, and warrants for the amount will be sent to you as soon as the same can be matured.

I am, respectfully,

L. WOODBURY,
Secretary of the Treasury.

W. D. LEWIS, Esq.,
Cashier Girard Bank, Philadelphia.

GIRARD BANK,
Philadelphia, July 11, 1836.

SIR: In accordance with the views expressed in your letter of the 8th instant, and being duly authorized to make the negotiation, I have the honor to transmit to you by this mail, the remaining 250 bonds of the State of Tennessee, belonging to the Union Bank of that State, payment for which at par, you will please make to me for account of the above institution.

Very respectfully,

Your obedient servant,

W. D. LEWIS,
Cashier.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,
July 13, 1836.

SIR: Having purchased an account of the Cherokees, under the 10th and 11th articles, and the 4th article of the supplement to the treaty, promulgated the 23d May, 1836, 250 Tennessee State bonds for one thousand dollars each, and having this day received the same, you will please state five accounts for \$50,000 each, being the price of fifty bonds. All the accounts are to be in favor of W. D. Lewis, Esq., cashier of the Girard Bank, from whom the bonds were received.

I am, respectfully,

L. WOODBURY,
Secretary of the Treasury.

W. B. LEWIS, Esq.,
Second Auditor.

TREASURY DEPARTMENT,
July 8, 1836.

SIR: Having authority to invest funds for the benefit of the Cherokees, I can accept your offer of the \$300,000 in North Carolina State bonds, and request you to forward the same to the department, and warrants for the amount will be sent to you as soon after the receipt as they can be matured.

The interest, until otherwise directed, will be expected to be paid into the deposit bank in Raleigh, to the credit of the Treasurer of the United States, for the benefit of the Cherokees.

I am, respectfully,

L. WOODBURY,
Secretary of the Treasury.

W. H. HAYWOOD,
Raleigh, N. C.

RALEIGH, July 12, 1836.

SIR: I have the honor to acknowledge the receipt of your last favor, containing to buy North Carolina State bonds for \$300,000. It is necessary that these bonds shall be registered here before they are sent, and you do not say in whose name you wish them to be made payable. I hand you a blank copy, which I wish you to *fill up as you desire*, and the bonds shall be sent forthwith. Be pleased to let me hear from you soon.

Very respectfully,

WM. H. HAYWOOD.

HON. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,
July 16, 1836.

SIR: Your letter of the 12th instant, enclosing a blank bond, which you wish filled up as desired, has been received. The purchase being for the benefit of the Cherokee Indians, the bonds should be made payable to "the United States of America, in trust for the Cherokee Indians, and to the assigns of the said United States." The blank is herewith enclosed.

I am, respectfully,

Your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

WM. H. HAYWOOD, Esq.,
Raleigh, N. C.

GIRARD BANK,
Philadelphia, July 20, 1836.

SIR: At the request of Major Tilford, president of the Northern Bank of Kentucky, now here, who is duly authorized to negotiate the same, I have the honor of tendering to you half a million of dollars, or any portion thereof, of five per cent. bonds of the State of Kentucky, having thirty years to run, at par. Should the funds alluded to, in your favor of the 8th instant, which you were authorized to invest in State stocks, not be ex-

hausted, I think I can venture, with great confidence, to recommend the bonds above named to your attention, as offering a secure investment for a long period of time, with a perfect certainty of the semi-annual interest being punctually paid.

Major Tilford, who will probably remain in this quarter for some time, is provided with the means of giving every explanation in relation to these bonds which can be desired, and would esteem it a favor if you would, at your early convenience, give me your views on the subject.

Very respectfully,

Your obedient servant,

WM. D. LEWIS,

Cashier.

HON. LEVI WOODBURY,

Secretary of the Treasury, Washington.

TREASURY DEPARTMENT,

July 22, 1836.

SIR: Your letter of the 20th instant, offering, on behalf of the Northern Bank of Kentucky, "5 per cent. bonds of that State, having thirty years to run, at par," has been received. Having a balance of \$94,880, in favor of the Cherokees, to invest, if you will forward bonds to that amount, with the necessary explanatory papers, if they are approved, a warrant for the sum in favor of the person you may designate, as soon as it can be matured, will be forwarded to you. The payment of the interest in Philadelphia or New York would be preferred, and, if agreeable to the agent, the warrant would be made payable in Louisville.

I am, respectfully,

LEVI WOODBURY.

WM. D. LEWIS, Esq.,

Cashier, Philadelphia.

NEW YORK, July 14, 1836.

SIR: Expecting you will be investing the Indian funds about this time, I offer you 64 bonds, of one thousand dollars each, of the State of Michigan, having 20 years to run, bearing 6 per cent. interest, payable semi-annually. I offer you this stock at 108, and the back interest due of about 60 days.

I consider this a low price for so good and valuable stock, and will thank you to inform me if you will take it.

I am, with respect,

Your obedient servant,

J. D. BEERS.

P. S.—The only debt this State has is 100m. and I have 64m. of it. The residue is held at 110. If you should have to employ any one to make investment for you I offer you my aid.

TREASURY DEPARTMENT,
July 21, 1836.

SIR: Your letter of the 14th instant, offering for sale 64 bonds of the State of Michigan, of \$1,000 each, having 20 years to run, bearing 6 per cent. interest at 8 per cent. advance, has been received. If you will forward the bonds with the necessary explanatory papers, and there is discovered no objection to them, the amount will be remitted to you as soon as a warrant can be got through.

I am, respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

J. D. BEERS,
New York.

NEW YORK, July 23, 1836.

SIR: Your favor of the 21st inst. is received, in which you accept of my offer of 64 bonds of the State of Michigan, and I now enclose you the same, as directed, with a bill receipted, and a copy of the act of the State authorizing the loan.

I am, with much respect,
Your obedient servant,
J. D. BEERS.

To sixty-four bonds, of \$1,000 each, of the State of Michigan, at 108 per cent.	-	-	-	\$69,120 00
Back interests from 1st May up to 25th July instant	-	-	-	906 66
Total	-	-	-	<u>\$70,026 66</u>

Received payment,
J. D. BEERS.

GIRARD BANK,
Philadelphia, July 26, 1836.

SIR: In consequence of your letter of the 22d inst., in relation to the Kentucky State bonds, bearing 5 per cent. interest, of which you expressed your willingness to take a certain amount (\$94,880) at par, for account of the Cherokees, I enclose, for your inspection, the following documents, viz:

1. A certified copy of the law of Kentucky, by virtue of which the bonds in question have been issued; to the 16th section of which I beg leave particularly to direct your attention.

2. Two extracts from the minutes of the Northern Bank of Kentucky, duly certified, empowering the president thereof (Major Tilford) to make sale of a given amount of the said bonds.

3. A bond to serve as a sample of the lot tendered to you. After examining these several documents, you will have the goodness to return them to me, and if they should prove satisfactory, I will, on being requested

by you so to do, transmit such number of the bonds to you as you may desire to have, receiving reimbursement therefor, at par, with the amount of interest named since the 1st inst., until the date of payment, in your warrants on either of the Atlantic cities, the Northern Bank having occasion for heavy funds in this quarter at the present time.

I am desired, however, by Major Tilford, to inform you that if you should conclude, hereafter, to make further investments, however considerable the amount, in these securities, he can so arrange it as to receive payment therefor in Kentucky, in case it should, at that time, be desirable to you.

You will observe, on the back of the bond enclosed, an endorsement making the interest payable either here or in New York: this can be varied, if you wish it, so as to make it payable in Washington.

I have the honor to remain

Your obedient servant,
WM. D. LEWIS.

HON. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,
July 28, 1836

SIR: Your letter of the 26th instant, respecting the offer of the Northern Bank of Kentucky to dispose of certain bonds of that State, has been received. I think it will be most to the interest of the Cherokees, for whom I am investing funds, that the semi-annual interest should be paid in Philadelphia or New York, and, therefore, until otherwise directed, the payment will be required to be made at your counter. Copies of the documents connected with the bonds should accompany them, to be filed in the department.

The bonds being \$1,000 each, you will please forward 94 of them, leaving the balance uninvested, unless you can arrange as to the \$880, which is desirable, as it would close the sum desired to be invested for the Cherokees.

I am, respectfully,

Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

WM. D. LEWIS,
Cashier Girard Bank, Philadelphia.

GIRARD BANK,
Philadelphia, July 30, 1836.

SIR: Your letter of the 28th instant, relating to the 5 per cent. bonds of the State of Kentucky, came duly to hand, and, in accordance with your request, I transmit, herewith, 94 of the bonds, amounting at par to \$94,000 to which add interest carried for one month at 5 per cent., \$391 66, making the amount to be received from you \$94,391 66.

I enclose, also, notarial copies of sundry documents connected with the subject, for the purpose of their being placed on file in your department.

The bonds being issued in sums of \$1,000 each, it is not in my power to send them for the exact sum you desire. Those sent are numbered from No. 151 to 244, both inclusive. In consequence of your preferring that the interest on these bonds shall be paid here, I shall notify the Northern Bank to that effect, so that the requisite memorandum may be made at Lexington.

I remain, very respectfully,

Your obedient servant,

WM. D. LEWIS,

Cashier.

HON. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,

August 2, 1836.

SIR: Your letter of the 30th ultimo, accompanied with sundry documents connected with the subject of the Kentucky bonds, has this day been received. There came to hand yesterday 94 of those bonds, and I had a warrant prepared in your favor on account of them for \$93,973 34; the balance on the Treasury books then applicable to their purchase.

In paying for some bonds received for the Cherokees, interest to the amount of \$906 66 was advanced, which has not been returned to the Treasury. This advance at present reduces the sum to the credit of the Cherokees \$26 66 below the cost of the bonds forwarded by you, and prevents my advancing the month's interest due on those bonds. This subject will be attended to, however, when the first interest for the Cherokees is received.

I am, respectfully,

LEVI WOODBURY,

Secretary of the Treasury.

WM. D. LEWIS,
*Cashier Girard Bank,
Philadelphia.*

TREASURY DEPARTMENT,

August 3, 1836.

SIR: On examination it is found that the 94 Kentucky bonds, forwarded by you, have not been assigned by the President of the Northern Bank of Kentucky so as to pass the interest in the bonds, the endorsements on them being confined to the payment of the coupon. If Mr. Tilford is still in Philadelphia, please to ascertain what course will be most convenient to him to make the necessary assignments, whether by forwarding the bonds to you, or by his authorizing some one here to make the transfer for the bank.

I am, very respectfully,

LEVI WOODBURY,

Secretary of the Treasury.

WM. D. LEWIS,
*Cashier Girard Bank,
Philadelphia.*

GIRARD BANK,

Philadelphia, August 5, 1836.

SIR: I have notified Major Tilford of the singular omission in the endorsement of the Kentucky bonds, which he will immediately supply, either by executing a power of attorney to enable some one else to assign them, or by repairing to Washington himself, (as has all along been his intention, for the purpose of seeing you,) and doing so in person. He is, at this moment, either in New York or Boston.

I am, very respectfully,
Your obedient servant,

W. D. LEWIS.

HON. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,
November 28, 1836.

SIR: Having at this time \$33,912 40 to invest in State stocks, for the benefit of the Seneca and Shawnee Indians, and a balance of \$880 for the Cherokees; if you have not disposed of the bonds offered in your letter of the 9th instant, and will forward an account for stocks, the principal and premium of which will be as near as you can reach these sums in separate bonds, I can take them. Be pleased to forward with the bonds an account receipted for the amount; and if no objection is discovered, a warrant for the amount will be remitted as soon as it can be got through the office.

I am, very respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

JOSEPH WHITE, Esq.,
Baltimore.

BALTIMORE, *November 30, 1836.*

SIR: Your letter of the 28th instant has only reached me this morning. The State bonds which I offered to you on the 9th instant are in New York, whence I have written for them, and expect to have it in my power to furnish you, by Saturday or Monday next, with the amount you require.

I am, very respectfully,

JOSEPH WHITE.

HON. LEVI WOODBURY,
Secretary of the Treasury.

Dt. Hon. LEVI WOODBURY, *Secretary of the Treasury,*

To JOSEPH WHITE.

1836.

December 5. For \$761 $\frac{33}{100}$ six per cent. State of Maryland stock, redeemable after 1870, at 114 $\frac{40}{100}$ - - - - - \$871 75
Add interest which has accrued from 1st October to 5th December 8 25

\$880 00

BALTIMORE, December 5, 1836.

Received eight hundred and eighty dollars, in full payment of the foregoing bill.

JOSEPH WHITE.

WAR DEPARTMENT,
Office Indian Affairs, September 8, 1837.

SIR: In conformity with the stipulations in the 18th article of the treaty with the Cherokees, the amount which it was estimated would accrue under it, as annuities for two years, has been advanced to them. Since, a portion of the interest on the sum invested under the 10th article has become due, and stands to my credit in the following banks, viz:

Phoenix Bank, New York, (deposited before suspension of specie payments,) - - - - -	\$18,787 01
Phoenix Bank, New York, in specie - - - - -	7 100 00
Union Bank, Nashville, in specie - - - - -	6,250 00

Making a total of \$32,137 01, which I am prepared to reimburse to the Treasury in any manner you may point out.

Very respectfully,
O. A. HARRIS,
Commissioner.

HON. LEVI WOODBURY,
Secretary of the Treasury.

PHOENIX BANK,
New York, September 13, 1837.

SIR: In accordance with the request in your favor of the 11th instant, received this day, I have placed to the credit of the Treasury of the United States, in special deposit, the sum of \$7,100 in specie; and have transferred the credit per your draft to credit of the same account for \$18,787 01, and have so advised the department.

Respectfully, yours,
J. DELAFIELD,
Cashier.

C. A. HARRIS, Esq.,
Commissioner, Washington.

WAR DEPARTMENT,
Office Indian Affairs, September 16, 1837.

SIR: I have the honor to inform you that, on the 11th instant, I instructed the cashier, John Delafield, of the Phoenix Bank, in New York, to transfer from my credit, as ex officio disbursing agent, &c., to the credit of the Treasurer of the United States, \$25,887 01, in special deposit, (7,100 in specie, and \$18,787 01 collected prior to the suspension of specie payments,) it being for interest received on Cherokee stock. I have received

information from the cashier that the subject has been attended to, and that notice has been given to the Treasurer to that effect. \$6,250 has been deposited in the Union Bank at Nashville, to the credit of the Treasurer of the United States, for interest due the 1st July last, on \$250,000 Tennessee bonds, held by this department in trust for *Cherokees*; which, added to the \$25,887 01, makes \$32,137 01. This amount I wish to be considered as refunded to the Treasury, on account of the advance made by it to the *Cherokees*, under the 18th article of the treaty of December, 1835.

Be pleased to acknowledge the receipt of this letter.

Very respectfully,

C. A. HARRIS,
Commissioner

The honorable LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,
September 18, 1837.

SIR: I have to acknowledge the receipt of your letters of the 11th and 16th instant, apprizing this department of the instructions which had been given to the cashier of the Phoenix Bank to deposit \$25,887 01 to the credit of the Treasurer; and the instructions to the Union Bank of Nashville to deposit, in like manner, \$6,250; making, in the whole, \$32,137 01, for the purpose of refunding to the Treasury, to that extent, the advance heretofore made on account of the *Cherokees*.

I am, sir, very respectfully,

Your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

WAR DEPARTMENT,
Office Indian Affairs, September 20, 1837.

SIR: Your letter of the 31st ultimo, addressed to the Secretary of War, relating to the interest, \$6,250, which fell due on the 1st of July last, on \$250,000 Tennessee bonds held in trust by this department for "*Cherokees*," has been referred to this office. In reply, I have to state that the interest in question having been carried to the credit of the Treasurer of the United States on the books of your institution, it has been arranged with the Secretary of the Treasury that it remain so. Your bank will, therefore, account to him for the same. It is proper, however, to state, that the interest arising in future on the bonds in question, is required to be paid in Philadelphia, agreeably to the tenor of the bonds, the Girard Bank having been selected; and that gold or silver only can be received.

Very respectfully,

C. A. HARRIS,
Commissioner.

JOHN SUMMERVILLE, Esq.,
Cashier Union Bank of Tennessee, Nashville.

WAR DEPARTMENT,
Office Indian Affairs, December 22, 1836.

SIR: Having consulted the Secretary of War upon the subject of the bonds that have been purchased by you as agent of this department, under the provisions of treaties with the Indian tribes, he is of the opinion, in which I understand you concur, that it would be better that they should be transferred from your department to this.

I therefore request that you will cause such transfer to be made of all these bonds, and with them such papers as may properly appertain to them, except those for the proceeds of the lands of the Chickasaws, constituting a national fund, which, by the resolution of the Senate of the 20th January, 1836, are to remain in your department. I would suggest that the bonds be endorsed in blank.

Very respectfully,

Your most obedient servant,

C. A. HARRIS,
Commissioner.

HON. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,
December 27, 1836.

SIR: Herewith you will receive the bonds requested in your letter of the 22d instant.

Purchased for the Cherokees.

125 Tennessee bonds, for \$1,000 each, bearing 5 per cent.	\$125,000 00
125 do. do.	125,000 00
54 Michigan bonds, No. 37 to 100, inclusive, \$1,000 each, 6 per cent.	64,000 00
94 Kentucky bonds, No. 151 to 244, inclusive, \$1,000 each, 5 per cent.	94,000 00
300 North Carolina bonds, No. 101 to 400, inclusive, \$1,000 each, 5 per cent.	300,000 00
1 Maryland bond, No. 308, 6 per cent.	761 39
	<u>\$708,761 39</u>

Purchased for the Senecas and Shawnees.

1 Maryland bond, No. 307, 6 per cent.	\$29,341 50
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Purchased for the incompetent Chickasaws.

1	New York bond, No. 702, 5 per cent.	-	-	\$30,000	00
1	Maryland bond, No. 255, 6 per cent.	-	-	82,333	33
1	do. No. 312, do.	-	-	20,000	00
1	do. No. 313, do.	-	-	28,000	00
1	do. No. 319, do.	-	-	897	11
5	Indian bonds, No. 712 to 716, for \$1,000 each, at 5 per cent.	-	-	5,000	00
10	Kentucky bonds, No. 1 to 10, for \$5,000 each	-	-	50,000	00
10	do. No. 11 to 20, for \$2,000 each	-	-	20,000	00
30	do. No. 21 to 50, for \$1,000 each	-	-	30,000	00
5	do. No. 251 to 255, for \$5,000 each	-	-	25,000	00
25	do. No. 256 to 280, for \$1,000 each	-	-	25,000	00
				<hr/>	
				\$316,230 44	

The receipt of these bonds you will please acknowledge.

I am, respectfully,

Your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

CHEROKEES. Treaty of 29th March, 1835, and supplementary articles of 1st March, 1836.

Under the 10th article there was invested in State stocks, for account of "orphans" - - - -	-	\$50,000 00	
Do. do. do. do. do. "schools" - - - -	-	150,000 00	
Do. do. do. do. do. "general fund" - - - -	\$200,000 00		
Do. do. do. do. do. do. - - - -	214,000 00		
Do. 4th article supplementary articles, 1st March, 1836 do. do. - - - -	100,000 00		
		514,000 00	
			\$714,000 00
<i>Description of stocks in which the investments were made.</i>			
North Carolina State bonds, bearing interest at the rate of five per cent. from 1st August, 1836, payable semi-annually. This stock was redeemed on the 7th March, 1837, and the interest paid, and an equal amount of Alabama bonds, bearing same rate of interest, was furnished - - - -	-	300,000 00	
Kentucky State bonds, bearing interest at the rate of 5 per cent. from 3d July, 1836, payable semi-annually - - - -	-	94,000 00	
Tennessee do. do. do. do. 21st July, 1836, do. - - - -	-	250,000 00	
Michigan do. do. do. do. 6 per cent. from 1st Nov., 1836, do. - - - -	64,000 00		
Cost premium of 8 per cent. - - - -	5,120 00		
		69,120 00	
Maryland do. do. do. do. 6 per cent. from 1st October 1836, payable quarterly - - - -	761 39		
Cost premium of 15 4/5-1000 per cent. - - - -	118 61		
		880 00	
			714,000 00

NOTE.—All the above stock, except Michigan and Maryland, cost par.

The above described stock has from twenty-five to thirty years to run.

The amount of interest received, to include the 30th June, 1837, being \$32,137 01, has been refunded to the Treasury on account of the advance which was made to the Cherokees under the 18th article of the treaty above referred to.

WASHINGTON CITY,
Brown's Hotel, January 14, 1835.

SIR: The undersigned delegates, representing the Cherokee nation east of the river Mississippi, have received the copy of a bill, which they are correctly informed has been passed into a law, by the sanction of the Legislature and executive authorities of Georgia; and, moreover, that the agents who have been appointed by the Governor under its provisions have already commenced the work of destruction upon the Cherokee occupants, by the enforcement of the same.

The law of 1833, to which this act is amendatory, having been submitted to the President through your department, by the Cherokee delegation, on the 6th day of February last, the undersigned, in the discharge of their duty to their suffering nation, beg leave to transmit, through you, to the President of the United States, forthwith, this last mentioned act also.

They need not remind the Government of the oft repeated declaration which have been made to the Cherokees, that its protecting arm shall be extended towards them, to secure their right of occupancy to their lands; for these declarations are to be found on the records of the department, and cannot have escaped the memory of its officers.

The act of 1833, referred to, being so obviously repugnant to every principle of justice, and the fundamental laws of the land, it was thought that the authorities of Georgia would not, and could not, carry its provisions into execution; that the judiciary of the United States, and even that of Georgia, would not sustain them.

The enforcement of that law, however, has been attempted by the State agents, and against which, the Cherokee occupants sought security, by appealing to their own (Georgia) judiciary. The Cherokees were proud to find a Georgia judge who possessed sufficient virtue and honesty to stay the hand of unprovoked injustice, by granting bills of injunction to insure them the peaceable and quiet possession of the houses and farms which they occupied, and they themselves had made on their own lands, until the question of right could be fairly tried. These proceedings, however, afforded the Cherokees but a momentary relief. The sequel will be found in the subsequent proceedings of the legislative and executive departments of Georgia, of which the enclosed is one of their fruits. Suffice it to say, that whilst the honorable judge has been made to feel the wrath of the most vindictive policy of his own Government, the unoffending Cherokees are made victims to the insatiable propensities of tyranny and cupidity.

The property, the peace, and the existence of the Cherokee people, are in jeopardy, and nothing but the timely interposition of the General Government can save them; and to it, with intense anxiety, they now appeal. That appeal being made under the most delicate and perilous circumstances, to the plighted faith of this magnanimous Government, it is confidently hoped that it will not be in vain, but that the protecting arm of the Chief Executive of the American republic will be speedily extended to arrest this unconstitutional and fatal course of Georgia.

Since the above was penned, and at this moment, the delegation have received (from unquestionable authority) intelligence from their nation, informing them that the whole country was in a state of the highest excitement, growing out of the operations of the late act of Georgia; and that it was seriously apprehended that the most fatal consequences would result from the manner of the execution of that law by those ill tempered individ-

tuals (William N. Bishop and Charles Nelson) who have been appointed by Governor Lumpkin for that especial purpose. The delegation beg and trust that you will immediately bring this subject before the President, and inform them of his determinations, that the same may be communicated to their nation with all possible despatch.

With great respect,

They have the honor to be, sir,

Your obedient, humble servants,

JOHN ROSS,

R. TAYLOR,

SAMUEL GÜNTER, his x mark.

WILLIAM ROGERS,

DANIEL McCOY.

To the Hon. LEWIS CASS,
Secretary of War.

HOUSE OF REPRESENTATIVES,

January 17, 1835.

SIR: The delegation of Cherokees favorable to emigration have requested of me to obtain from you a copy of the treaty agreed upon by the President, and a portion of the Cherokees, represented by Andrew Ross and others, for the purpose of making it the foundation of a law, which they are seeking to have passed, by which the means may be provided for the removal and settlement of the Cherokees on the west of the Mississippi, who are in favor of emigrating. You can best determine whether it be proper to send a copy of the treaty to the committee. If not improper, permit me to request of you to do so, as it may be useful for the purpose alluded to.

Very respectfully, yours,

GEORGE R. GILMER.

To the Hon. LEWIS CASS.

ATHENS, *January 19, 1835.*

SIR: The superintendent of Cherokee emigration contemplates some change, I am informed, in the assessors of abandoned improvements. Should either of the gentlemen at present employed be dismissed, I beg leave, most respectfully, to recommend to the notice of the department, to fill the vacancy, James S. Bridges, Esq., of this place, should he be acceptable to Major Currey. He discharged the duties of assessor, while Col. Montgomery superintended the emigration, to the entire satisfaction of that officer; and I pledge myself for his faithfulness and activity, should he receive the appointment.

I have the honor to be,

Very respectfully,

Your obedient servant,

R. J. MEIGS.

Hon. LEWIS CASS,
Secretary of War.

EXECUTIVE DEPARTMENT, GEORGIA,
Milledgeville, January 30, 1835.

SIR: Being apprized that delegations from the Cherokee Indians who still reside in Georgia are now at Washington, on business connected with their territorial and other claims, and having seen a statement of the contents of a memorial laid before the United States Senate, in the name of John Ross and other Cherokees, I think proper to communicate to you, and through you to the President of the United States, that, anxious as the people of Georgia still are for a final adjustment and termination of all conflicting claims with the remnant of those Indians, neither the people or authorities of Georgia can ever be induced to accede to the arrogant and assuming terms proposed by Ross and his advisers, to the Congress of the United States. Georgia can never submit to the degradation of purchasing submission to her laws from any cast or portion of her population whatever, who reside within her own limits and constitutional jurisdiction. The occupant rights of the Indians will be duly respected; but fee simple rights will not be granted, upon any conditions whatever.

Ross is the dictator of his party amongst the Cherokees; if, therefore, fee simple rights were given to them, he (Ross) and his council would derive the entire benefit.

I most ardently desire an arrangement which shall benefit the whole of the Cherokees, and forever put to rest the disquietudes, growing out of our present Indian relations; but I would prefer things remaining as they are, to an arrangement which would increase existing evils.

I have the honor to be,

With great respect,

Your obedient servant,

WILSON LUMPKIN

HON. LEWIS CASS,
Secretary of War, Washington.

SPRING PLACE, CHEROKEE NATION,
February 4, 1835.

MY DEAR COLONEL: I have only time to drop you a line via Milledgeville. Affairs here with the Cherokee people have assumed a crisis, and all parties are now in favor of a treaty. Additional delegates from the nation will be at the city in a day or two, clothed with instructions to Ross &c., to bring about an immediate treaty. It is desirable for all concerned that this matter should be adjusted forthwith, at Washington. I am requested by many of the citizens of Georgia, who are all your friends, to request your aid and influence in bringing about a treaty while all the delegations are at Washington. But if it should fail, and the matter should be referred to commissioners who will be appointed to attend here to make a treaty, I wish you to urge the pretensions of our friend, Major Benjamin F. Currey, the present superintendent, for one of the commissioners who will be appointed for that purpose. His services here, and his intimate knowledge of all the affairs of this people, in addition to his talents, eminently

qualify him for the station. I beg your attention to this matter, and hope you will particularly mention this point to Mr. Cass and the President; and the favor will be gratefully remembered.

Your sincere friend,

WM. M. DAVIS.

Col. R. M. JOHNSON.

NOTE.—The above left at the Office Indian Affairs, by Colonel Johnson.

WASHINGTON CITY, *February 8, 1835.*

The undersigned, a delegation appointed at a council of Cherokees who are opposed to State subjection, and in favor of removal, have already, in part, furnished to the Executive and Congress their views of the unhappy condition of their people, and of the desire of a respectable portion of the Cherokees to yield an acquiescence to the policy of the President, in regard to their nation. They have, moreover, asserted the belief that a large majority will agree to remove when their true condition is made known, to wit: that they cannot be re-established in the enjoyment of their laws, or even happily to live as individuals amidst a white population. From various letters recently received from respectable Cherokees, and from the Government officers, an increasing power is setting in favor of our great cause, and its success is highly flattering.

A council has been held since our departure, at Two Run, in Georgia, composed principally of the reservees and their descendants, who are men of fine judgment and feelings, and who delegate three of their number to come here and endeavor to effect a re-union between our delegation and John Ross's, to the end that a speedy treaty may be concluded with you, that our people might enjoy from it a hasty relief from oppression. With these delegates we have been candid, as we always have been since we have concluded a treaty, and have expressed our willingness to unite on fair terms with the other party, upon principles which will render equal justice to our poor people. From *inuendoes* only we have found out that John Ross desires not, and never intends to procure, national privileges for the Cherokees in the west, or provision for those who may wish to remove, but would join us if we consented to the destruction of our people in concluding a treaty on selfish principles. We did not come here to speculate on the destiny of our people, and therefore we are as far asunder from John Ross and his associates as we were before the mediators came on. They have become discouraged in their attempts, and have expressed their deepest regret. Mr. William Rodgers, of John Ross's delegation, is desirous to unite the parties, but he, too, has failed. Those who are fast in the opposition are John Ross, Richard Taylor, Samuel Gunter, and Daniel McCoy. The first three are reservees, and have heretofore, by treaty, obligated themselves to the United States, to become permanent settlers on their reserves. They, moreover, affect to hold offices from the Cherokees, contrary to their constitution.

These, then, are the men whose policy will destroy their people. They have spoken falsely to the Senate by stating that 15,000 Cherokees hold their determination to become citizens of the States, and that we only represent 100 who are in favor of removal. Shall such men, as long as

they please, keep their people in hot water for the ultimate object; as we believe, of speculation? We say, no. They have more than enough. They have feasted upon the ignorance of the Indians too long. They are now awaking to a sense of their condition. We are happy to have ascertained that your policy is getting to be popular among the different parties in Congress; but the session is now so nearly closed, that legislation upon your policy cannot be effected, and if it can, legislation could not do it as well as the President. But if we were to conclude a treaty, and have it submitted to the Senate, on Ross's protest it might be laid upon the table, as was the case with Ross's treaty last session.

We have thought seriously upon the best means of relieving our people as soon as possible, and we think a preliminary treaty entered into here with us, to be sent to our nation for their ratification, will accomplish that object. Our people will hear and see for themselves, what you are disposed to do for them in their most unhappy condition. Ross will be thrown aside, and to the Senate the treaty can be submitted at the next session of Congress. \$1,000 should be appropriated, to afford rations to the people, when they meet. This step will not impede the emigration, because they will enrol the faster—have sure hopes of the future. Before they depart they will sign their acceptance of the terms of the treaty.

We therefore desire that a commission may be appointed to make the arrangements. It may be well to withdraw the late treaty for a modification to suit the parties. We could enlarge reasons for this plan, but your experience and that of the President cannot fail to comprehend it all in its bearings. The poor Cherokees are now in the hands of the President. He has it in his power to save them.

We are, sir, your friends and brothers.

JOHN RIDGE,
ARCHILLA SMITH, his x mark
ELIAS BOUDINOT,
S. W. BELL,
JOHN WEST,
W. A. DAVIS,
EZEKIEL WEST,

Accompanying the delegation.

Hon. LEWIS CASS,
Secretary of War.

WASHINGTON, *February 17, 1836.*

SIR: I am desired to ascertain the prospect of a treaty with the Cherokees.

If it is not improper to communicate the information, I shall be obliged by receiving it.

Very respectfully,
Your obedient servant,
THO. F. FOSTER

Hon. LEWIS CASS.

WASHINGTON CITY, *February 18, 1836.*

SIR: From information received by the delegation, it appears that the sum of money paid over to the treasurer of the Cherokee nation, for the

annuities due for years 1831, '32, '33, and '34, fall short of the actual amount due by \$3,718 51; each annual payment being \$6,666 67, and for the four years would amount to \$26,666 68, whereas there has been only \$22,948 01 paid over; leaving a deficit of the sum above stated. The delegation would respectfully ask to be informed the reasons why the whole amount due has not been paid over.

Very respectfully,

We have the honor to be, sir,

Your obedient, humble servants,

JOHN ROSS,

R. S. TAYLOR,

WILLIAM ROGERS,

DAN. M'COY,

his

SAMUEL x GUNTER.

mark.

Hon. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, *February 27, 1835.*

SIR: It is understood that a resolution is about to be submitted to the Senate of the United States, with a blank to be filled up with the gross amount which that body is willing to allow the Cherokee people, and let them seek their own country. The President has said he will go as far on this subject as that body goes. Now in order to protect Ridge and his party, it would appear to be just and proper that the Senate should say also what it is willing to allow, provided they join their brethren west, the United States finding them a country. Without this provision in the resolution, you will readily perceive Mr. Ross is enabled to return home, holding out terms from both the President and the Senate, co-ordinate branches of the Government, which are alone necessary to the formation and perfection of a treaty, while Ridge will have the authoritative sanction of only one branch, which may at pleasure, so far as the Indians will be able to discover, be set aside by the other. I know it is far from the wish either of the President or Secretary of War to sacrifice their first friends. This will however be the inevitable fate of Ridge and his party, unless they are armed with power from all the sources that Ross is.

Without letting either party know anything of this communication, it is due to you and to them, before the contemplated resolution is lodged with the Senate, to say it should embrace these two distinct propositions:

What will you give in money, and furnish a country of a certain extent, with what they already have west, to the Cherokees?

What will you give, and let them furnish their own country?

An answer to each unequivocally given by the Senate, will place the parties on fair and equal grounds, before their country people.

The foregoing is most respectfully submitted for your consideration, while

I have the honor to be,

Your very obedient servant,

BENJ. F. CURREY.

Hon. L. CASS.

WASHINGTON, February 28, 1835.

SIR: We think something like the following questions ought to be put to the Senate:

How much are you willing to give in a gross amount, if a majority of the Cherokee people agree to join their brethren in the west, within the United States?

How much will you agree to give, if a majority choose to go out of the limits of the United States? Let it be understood that the rights of the minority who choose to go out of the limits of the United States should be secured, if it should so happen; and the same security to the minority, who prefer to join their brethren in the west, if it should so happen.

With great consideration, &c.,

JOHN RIDGE,
ELIAS BOUDINOT,
For the Delegation

CHEROKEE AGENCY EAST,
February 28, 1835.

SIR: During this week an order arrived here for the march of the company of United States troops, stationed at this place, to Columbus, Georgia. I regret very much that any occasion should have given rise to the necessity of the marching of the troops from the Cherokee nation, as we shall be left in a very destitute situation here without them. Their presence here, I have no doubt, prevented the further shedding of blood after the death of Walker, last summer; and besides, their presence was absolutely necessary to guard the public property at this place from incendiaries and mischievous persons. At this juncture of our affairs here, I do not see how we can do without them. I hope their absence from here will be but for a short time, and that the same company will be ordered back to this place as early as practicable.

Yours, respectfully,

WILLIAM M. DAVIS,

Enrolling and Appraising Agent, and acting Agent,

E. HERRING, Esq.,

Commissioner of Indian Affairs.

MARCH 10, 1835.

SIR: I have seen Judge Underwood this morning. He is decidedly of opinion that the less hope Ross has of obtaining commissioners, the better the prospect of getting him, or a portion of his party, to sign Ridge's treaty here.

Most respectfully,

Your very obedient,

BENJAMIN F. CURREY.

Hon. LEWIS CASS.

WASHINGTON CITY, March 11, 1835.

SIR: It is important the proportion of annuity due the remnant Cherokees, east of the Mississippi, should be on the council ground at the time the voice of the tribe is taken, as to whom the same shall be paid, so that it may be paid out in their presence, or to themselves, as the case may be determined.

In 1828, the number of Cherokees east was estimated by the agent at 12 or 13,000. When the money was directed to be paid out to the heads of families, this number was made the basis for distribution by that office.

Since the year 1828 about 3,000 Cherokees have emigrated to the west, leaving 9 or 10,000 behind, besides whites and negroes. Taking the basis adopted by the agent for determining the amount due each individual, and there is due the Eastern Cherokees

\$5,166 66 $\frac{2}{3}$

To be transferred to the western agency, for those who have emigrated since the apportionment of the annuity by treaty

1,500 00

\$6,666 66 $\frac{2}{3}$

I must, therefore, request that the above sum, estimated to be due the Eastern Cherokees, be placed at my command in the Branch of the Planters' Bank, at Athens, Tennessee, that the public interest may thereby be promoted.

Most respectfully,

BENJAMIN F. CURREY,
Acting Indian Agent.

ELBERT HERRING, Esq.,
Commissioner of Indian Affairs.

MARCH 11, 1835.

DEAR SIR: Mr. Hicks has called and requested me to give you a statement of the object and character of his visit to this city, that you may be able to determine whether his expenses ought to be paid by the Government.

Mr. Hicks and Mr. Bell, who were taken sick and returned home, came here with Judge Underwood, by the wish of the Cherokee nation, to represent to Mr. Ross and his colleagues that the nation desired that their controversy and difficulties should be put an end to. Mr. Fields, of the same party, who was subsequently with Judge Martin, as I am informed, sent to make the same representations. These representations, I am sure, have had the effect to induce Mr. Ross and his colleagues to determine to return home and advise a treaty. I am sure that these representations had great weight with Mr. Ross and his colleagues to agree to recommend to their nation the acceptance of the proposed sum by the Senate for their country. I think these men ought to be paid, if any are. They have certainly aided

to produce circumstances which will ultimate in the cession of their country, sooner or later.

These gentlemen wish to leave in the morning, and start for New York to-morrow.

I am, very respectfully,

Your friend,

R. G. DUNLAP.

His excellency ANDREW JACKSON,

President of the United States.

WASHINGTON CITY, March 11, 1835.

SIR: The undersigned, in behalf of the treaty party of the Cherokee nation, desire to be furnished, from the War Department, certified copies of all the letters addressed to it, and the replies, by John Ross and his associates, during their present visit, for the information of the Cherokee people. Also John Ross's and his associates obligations to you to abide by the decision of the Senate, in regard to the amount of money they were willing the President should give for our country. Your letter, submitting the same, and the proceedings of the Senate thereon, if you are at liberty to render them public to the Cherokee people. As soon as the treaty is signed we purpose to leave the city, and hope that this request, if complied with, will receive your earliest attention.

We are, sir, your friend and brothers,

JOHN RIDGE,
WILLIAM A. DAVIS,
ELIAS BOUDINOT,
ARCHILLA SMITH,
S. W. BELL,
JOHN WEST.

HON. SECRETARY OF WAR.

WASHINGTON CITY, March 13, 1835.

SIR: There are three questions to which the situation of Indian affairs would appear to call your early attention, to wit:

1st. Does article 10th of the treaty of 1798, which is in the following language, "The Cherokee nation agree that the agent who shall be appointed to reside among them from time to time, shall have a sufficient piece of ground allotted for his temporary use," exclude agents appointed to reside among them and transact the business, from the benefits of this article, since the law of 1834, discontinuing the Cherokee agency east? This law does not, it will be perceived, take away from the department the authority to appoint public agents to reside among the Cherokees. The article above quoted from the treaty of 1798, says, "The agent who shall be appointed to reside among them from time to time," &c. The superintendent of Cherokee removal is an agent appointed—his business, and

necessarily, his residence, is among the Cherokees; and it would appear to follow as a matter of course, that a sufficient territory should be assigned for his use and that of the emigrants, while they are assembling, embarking, &c.

2d. On the lands of the United States, has the Executive thereof authority to remove, by military force, intruders settled upon Indian improvements?

3d. The laws of Tennessee have been partially extended, with the proviso that nothing contained in the act should "be so construed as to invalidate any treaty or law of the United States, made in conformity with the constitution thereof."

Will the superintendent of Cherokee removals, in the absence of the civil authority, be authorized to use the military to remove intruders on Indian improvements, within the Cherokee part of the State?

I have endeavored to depict, in former communications, the difficulties that must unavoidably visit and surround your agents at almost every step, unless they are invested with this authority. Without being immediately on the theatre of action, however, I am fully sensible of the incapacity of any one, by description, to give more than a miniature conception of things as they are and must be, without an affirmative to the foregoing questions, which are now most respectfully submitted for your examination and de-

I have the honor to be, sir,

Your most obedient servant;

BENJAMIN F. CURREY.

To the Hon. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, March 13, 1835.

SIR: I read this letter this morning, advising me of the progress of intrusion upon my plantation and ferry in the chartered limits of Alabama. The damage done to me will be considerable if this is suffered to proceed. Deplorable will be the fate of the Indians if lawless men, without the authority of the States, are suffered to throw free people out of their houses while they are preparing to leave the land of their forefathers. This is not a solitary case, but these aggravated cases are transpiring almost every day. The Government should give instructions to its agents upon this subject without delay.

I am, sir, respectfully,

Your friend,

JOHN RIDGE.

Hon. SECRETARY OF WAR.

CHILDERSVILLE, ALA., Feb. 23, 1835.

DEAR FRIEND: It has been some weeks since I wrote to you. I have been expecting to receive a letter from you, but have not received any yet.

I now write to give you the times here. We are all well. I have commenced clearing up my ground for a crop. I shall start my ploughs in a few days. John W. Garrott is here on the other side of the river; has got large double houses built, and has taken those old houses that Path-killer used to live in, and made kitchens of them. He has moved part of the fencing there, and says he intends to hold all the possessions there, and that he will take the ferry as soon as you return. I forbid him to build there, before witnesses. He threatens to shoot any man that should interrupt him. He says he can raise a militia force at any time to protect himself there. Major B. F. Currey was here shortly after Garrott first came, and ordered him off. Garrott now says they had a private conversation, and that Currey has told him that he should not be interrupted, and that they (Currey and himself) had made a compromise of the business. I hope you will be able, whilst you are there, to make arrangements with Government to have him put off from this place. If you cannot do that, it will injure you more than one thousand dollars. If he was away from here I could get twenty-five hundred dollars for the place at any time; but it will not sell for half that amount under the present circumstances.

I have bad news to tell you about the money business here. My share this winter is but little. The smallpox turned the people away in the fore-part of the winter, and now, and for some time back, the people are afraid to travel on account of the highway robbers. The travellers are getting scarce. ~~Between Mr. West's and~~ Spanish John's old place, there have been found a man and two horses killed. On the mountain between here and Mr. Bell's, a man has been robbed of a horse. Down at Mill creek, on this road, a man was robbed of one hundred and ninety-two dollars. On the mountain near Cox's, a man was killed, and robbed of his horse and money. In Chattoog valley there were two men shot, but neither of them killed. Near Montgomery, a few days ago, a man was killed, and robbed of several hundred dollars.

I heard from Mrs. Ridge a few days ago. They were all well. To-day, I shall send Mrs. Ridge \$45 of cash. I must conclude by saying to you that I still remain

Your sincere friend,

WM. CHILDERS.

To Mr. JOHN RIDGE.

WASHINGTON, March 13, 1835.

SIR: The undersigned would respectfully represent, that Mr. Richard Fields, upon promise of having his expenses paid, came to this city for the purpose of inducing Mr. Ross, and others, to come to some arrangement with the Government for the relief of the Cherokees, and not being authorized in any way, he does not think proper nor consistent to sign the provisional arrangement to be proposed by the Government to the Cherokee people.

The undersigned being assured that Mr. Fields will not lay any obstacle in the way of a free and unbiassed decision upon the acceptance or rejection of the propositions of the Government, but will himself give them

proper consideration, and induce others to do so, would request that his expenses may be paid. We understand that two hundred and fifty dollars will be sufficient to defray his expenses.

We are, respectfully, &c.,

JOHN RIDGE,
ELIAS BOUDINOT,
W. A. DAVIS,
S. W. BELL,
JOHN WEST,
EZEKIEL WEST,
ARCHILLA SMITH.

TO HON. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, *March 13, 1835.*

DEAR SIR: Before I leave this place for my native land, I wish to make a few suggestions in relation to the mode which ought to be pursued in presenting the treaty for the ratification of the Cherokee people. We, as a people, have been unanimous in opposition to a treaty. Now, as I believe, there is a majority for a treaty, and the difficulty is as to such a one as will be acceptable to the majority. The Ross party will desire to make one with the Government, which will administer to their pride as well as profit, and will try to mislead the understandings of the poor ignorant Indians, and for a while may well succeed; but *time*, in the end, will dissipate those impressions.

In the first place, the President should send, through his commissioner, a friendly written address to the people, as their political father, who entertains the greatest regard for the future happiness of the Cherokees, as a community which is to exist under the protection of the United States, with the right of exercising government over its people. To effect that object, it was necessary that they should have a home, a country which, in no future time, should be encroached upon by State intrusion. That this home, in order to answer the purposes of an asylum, not only comfortable to the present generation, but looking to their increasing posterity, he had bargained in this treaty, which he now proposed to their consideration; and, for the purpose of defraying the expense of their Government, and to promote civilization and religion, he had also granted and vested sufficient funds for national purposes, the proceeds of which were subject to their own management. So well convinced was he that the Cherokees must have a country, and the funds to render them respectable as a nation, that he never would change or lessen the extent of the one, or reduce that of the other. That, in respect to the other items, he had given his commissioner power to make alterations to please them. So desirous was he to grant them the best of terms, he had agreed to obtain the opinion of the Senate what it was willing to allow for their country, which was determined upon at five millions of dollars. The additional land, although greatly more valuable, was rated in the treaty at half a million; and the balance was so arranged that it granted an equal measure to the poor and the rich. In consideration of his love to the poor Cherokees, a portion of whom shed their best blood by his side in the late war, he would give them a *fair* and

sufficient time to get their opinions upon this arrangement, not only in councils, but at their dwellings in the nation; and that he will not submit it to the Senate for ratification, until a clear majority of the people had sanctioned and ratified the same.

Sir, I am an Indian, and understand the character of my countrymen. The common Indians are not to blame, and have only been misled by the avaricious half-breeds of the Ross party. This talk, or something of the kind, with instructions to your officers in pursuance of it, will prevail. Let the enrolments go on as usual. Let those who enrol sign their acceptance of the arrangement, and keep a correct copy of their number. You will effect the object. Take this plan I have suggested, and you cannot go wrong. The circumstances of the half-breeds are entirely changed. Instead of making money, they are now losing fortunes, by the compulsive acts of the States. They, at first, to induce you to yield up this arrangement, which is a measure of justice to the Indians, may feign great opposition, and, by falsehoods, may influence the Indians to hesitate a while; but if they perceive that you are inflexible in your determination, they will propose to compromise with us, and an arrangement will be adjusted upon principles of justice. If they do not, which is improbable, the majority of the Indians will ratify it, *in time*. If this course is adopted, I am sure of success; and I shall hail such an address, containing the ultimatum, as the era of the happiness of the Cherokee people.

I am, sir, respectfully,

Your friend and brother,

JOHN RIDGE.

To the SECRETARY OF WAR.

WASHINGTON CITY, *March 17, 1835.*

DEAR SIR: Before we leave this place, we take the liberty of suggesting the great importance of instructing your commissioners to examine the claims of the Indians, according to the 12th article of the late treaty, *conditioned* on the ratification of the treaty; and to examine the claims of individuals as pensioners, according to the 15th article. This will bring into the *event* of the commissioners' influence an extensive population of the Cherokee nation, and will be a fine preparatory step to the ratification of the treaty. If this portion of the public service should be left until after the ratification of the treaty, the people will be so hurried in removal to the west, it will almost be impossible to do justice in the premises.

As soon after as possible Mr. Ridge arrives, he will convene a preliminary council, of those who are now organized as the advocates of emigration, to explain the nature of the treaty, and the affairs of the Cherokees at this crisis. It would also be well to instruct the enrolling agents to enrol on the faith of this treaty.

We are, sir, respectfully,

Your friends,

JOHN RIDGE,
ELIAS BOUDINO

HON. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, *March 21, 1835.*

SIR: I know you have a great press of important business on hand, yet it is the wish of the President that I should leave the city for the Cherokee country as early as practicable. Before leaving here, it is of the first importance that additional instructions should be received from you. It is also desirable that a decision be had on the three questions submitted for your consideration a few days ago. Could these things be attended to at odd hours? If so, I would cheerfully attend you at any time or place which you may designate.

Most respectfully,
Your very obedient servant,

BENJ. F. CURREY.

To his excellency GOVERNOR CASS.

CHEROKEE AGENCY EAST,
April 14, 1835.

SIR: During a residence of five or six months in the Cherokee nation east, much of my time has been devoted to acquiring information relative to the feelings, wants, views, wishes, &c., and the nature and extent of the domestic feuds which, at present, so unkindly distract these unfortunate people; and feeling, as I do, the most lively interest in their welfare, and an ardent desire to promote the views of the Government in bringing to a speedy termination their perplexing difficulties, will, it is hoped, serve as my apology for thus intruding on your time.

The meeting for the discussion of the proposed treaty is looked forward to with intense interest by men of all parties. Already have Cherokee partisans arrayed themselves for and against its provisions. Excited party feelings will rage to an extent heretofore unknown in the nation, and will, doubtless, jeopardize the lives of the traders. This will call for, on the part of the commissioners who may be appointed by the United States, much prudence, skill, and discretion. I would, therefore, most respectfully recommend that Major W. M. Davis, of Kentucky, be named in the commission to treat with the Cherokees.

Major D. has been employed among them for the last two or three years, as enrolling and appraising agent, and is well acquainted with the feelings and prejudices of the Cherokee people. He has, by his prudent and upright course of conduct toward them, acquired the confidence and esteem of the whole nation; and, to distinguish him from other agents employed here, they have given him the name of the "straight talker." His talents are so generally acknowledged as to render anything I might say on that subject wholly superfluous. By associating him with the commissioners, much good might be done, and perhaps much evil prevented.

Under these circumstances, I should feel as though I had been recreant to my official duties, did I not, most respectfully, ask your attention to the subject.

I am, sir, very respectfully,

Your obedient servant,

M. W. BATMAN,

1st. Lt. 6th In., Dis. Agent Cher. Rem.

The Hon. LEWIS CASS,
Secretary of War.

CHEROKEE AGENCY EAST,
April 15, 1835.

SIR: On my return from Washington via Fort Mitchell, I happened to arrive at the head of Coosa in good time to visit a council which had been called by Ridge on his return home. Their proceedings at the city were read and supported by the eloquence of Major Ridge, whereupon it was resolved to be expedient to hold another council on the 1st Monday in May next, inviting all to come who might feel an interest concerning the unhappy condition of the Cherokee people, preparatory to the great council contemplated, at which the voice of the nation is to be taken by the commission.

The necessary expenses of this council should be paid. Expresses will be sent into every neighborhood and town. And, in the mean time, Major Davis and myself will see as many of the leading men as may be considered favorably disposed.

I am apprehensive the draft to pay the debts of the late emigrants fallen into the hands of pilferers, as it has not yet reached the disbursing agent.

Be pleased not to fail sending the annuity money due the Eastern Cherokees in time for it to be paid out in the presence of the whole people assembled at the council called by the commissioners, and in accordance with the will there expressed.

Ridge's party are rapidly multiplying, and if nothing is or has been done at the city to resuscitate Ross since our departure thither, Ridge will have the majority on his side by the latter part of next summer, in my opinion.

Most respectfully,

I have the honor to be

Your very obedient servant,
BENJAMIN F. CURREN

E. HERRING, Esq.,
Commissioner Indian Affairs.

CHEROKEE AGENCY,
April 16, 1835.

SIR: It has been considered expedient to notify the Cherokees to assemble at Running Waters early in May next, not only to hear generally what has been done at the city, but also to take the sense of their people in relation to the mode of making payments, and to whom the annuity due shall be paid.

This will insure a more general attendance than could otherwise be had, where we can be availed of all the talents of the treaty party in explaining to their people the benevolent offers of the Government, so as to enlighten all who attend, and which cannot fail to prepare the public mind for the favorable reception of the commissioners.

Most respectfully,

Your very obedient servant,
BENJAMIN F. CURREN

ELBERT HERRING, Esq.,
Commissioner Indian Affairs.

CHEROKEE AGENCY EAST,
April 27, 1835.

SIR: Enclosed, I transmit you a communication addressed to General Macomb, with copies of papers referred to, marked A and B.

Will you be so good as to give them a careful perusal; after which, should you consider the public interest likely to be promoted by handing them to General Macomb, you will greatly oblige me by delivering them in person, and urging upon the General the necessity of having these troops subject to some rule of conduct; a copy of which, in all reason, should be furnished the Superintendent.

Major McIntosh considers himself, if I understand him, a creature of his own absolute will. His temper and habits, it will be perceived, render him disagreeable and mulish, and unless a change is effected, the troops under his immediate command will wholly fail to answer the purposes intended to be achieved by the order from their Commander-in-Chief.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BEN. F. CURREY,

Supt. Cher. Rem., and acting Indian Agent.

Gen Geo GIBSON,
Commissary General of Subsistence.

CHEROKEE AGENCY EAST,
April 26, 1835.

SIR: When at the city, I requested of you to order the return of the two companies, F and C, of the 4th infantry, to their former stations, respectively, and that Camp Cass might be made a separate post. All of which, if my memory serves me, was agreed to by you, in case Governor Lumpkin could dispense with their services in the Creek country.

I visited Governor Lumpkin at the request of the honorable Secretary of War; he thought Major General McDougald, of Columbus, expressed his conviction that the public interest would authorize their return to the Cherokee country, under my directions. Lieutenant Allston was in command when I visited Fort Mitchell, by whom wagons were promptly employed, and the companies directed to march to the respective posts assigned them by your order. I proceeded on in advance of the troops, after which Major McIntosh, who, by a very severe frost-bite, resulting from the coldness of weather and unfortunate habits, had been detained from the command until now, met the companies and directed a change of their destination, as I am advised. On the arrival of the companies at the agency to-day, I addressed the Major a communication, of which the enclosed paper, marked A, is a copy. After which, without paying any respect to the same, a peremptory order was given by the Major to Lieutenant Hooper to proceed forthwith to Camp Armistead with company F, which had been previously stationed at Fort Cass. Whereupon, another letter was addressed him by me, of which the enclosed paper, marked B, is a copy, on re-

ceiving which he remarked he would not reverse his order to Lieutenant Hooper.

I had hoped I should be saved the painful necessity of giving in full the reasons which influenced me in making the particular request that company F should be continued at this place, but when public duty calls for it, I will not shrink from any responsibility. They are as follows :

1st. The superior discipline and respectability of company F better qualifies it to perform arduous and responsible duties, and the habits of its officers, with their age, &c., are better adapted to active service than are those of Major McIntosh and his company C. Lieutenant Allston is quartermaster to both companies, and is not intended, however, to be impugned by these remarks.

2d. The duties likely to be performed here would seem to require an officer at all times sober enough to receive and obey requisitions, and the company, instead of being confined by chains, degraded and rendered almost useless by neglect, with habits inculcated from the example of its commanding officer, should be at least composed of as many efficient men as belong to company F.

3d. Major McIntosh will not be contented with the quarters heretofore occupied by company F, and will, in all probability, require additional accommodations to those which are considered sufficient by company F for its use and occupancy, without additional expense to the Government.

4th. Officers acquainted with the resources of the country and its inhabitants would be more able to make cheap and safe contracts for supplies, than those wholly unacquainted with either.

5th. A general aversion on the part of the Major to be advised by an officer unconnected with the army, and the dissatisfaction pervading the ranks of his inferiors, growing out of his mistaken notions of courage and public economy, while on the march or at his post.

6th. Company F will be obliged to have a citizen surgeon if stationed at Camp Cass ; the population around it, with the prospect of practice among the inhabitants, would procure at a much lower price his services, than they could be had for at Camp Armistead, where, on account of the sparseness of the population, his practice would be confined almost exclusively to the company.

All of which is submitted most respectfully for your consideration with the hope that Major McIntosh may at least be ordered with his company to resume his station at Camp Armistead, and that company F may be returned to Camp Cass at the expense and charge of the Major himself.

Very respectfully,

I have the honor to be,

Your most obedient servant,

BEN. F. CURREY,

Supt. Cher. Rem., and acting Indian Agent.

Major Gen. A. MACOMB.

A.

CHEROKEE AGENCY EAST,

April 26, 1835.

SIR : When in Washington city, with the view of being unembarrassed by a withdrawal of company F from Camp Cass, I requested of General

Macomb that a separate post should be established at this point, with directions that this efficient company and its officers should be permanently located near the agency, subject to my requisitions, and to answer emergencies in the mountain towns which might arise. Company C should continue at Camp Armistead.

For the sake of harmony and subordination in the service, it is hoped no obstacle will be interposed now to frustrate these arrangements.

Most respectfully,

Your very obedient servant,

BENJAMIN F. CURREY,

Indian Agent.

To Major McIntosh,

4th Infantry.

B.

CHEROKEE AGENCY EAST,

April 26, 1835.

SIR: Company F is hereby requested to remain at Camp Cass, in obedience to the orders which you have received from your commanding officer, General Macomb. The services of that company are indispensable. The order is plain, and the insufficiency of company C to perform the duties anticipated in this quarter is so obvious, I must insist that you comply with this requisition.

Most respectfully,

Your very obedient servant,

BENJAMIN F. CURREY,

Indian Agent.

To Major McIntosh,

4th Infantry.

CHEROKEE AGENCY EAST,

April 30, 1835.

SIR: When John Ross returned he appointed the second Monday in May for his council. On hearing that Ridge's council was called to meet on the first Monday of the same month, A. Ross informed me, and I heard from other sources, that John Ross had determined to defeat Ridge's if possible. For this purpose he appointed the same day for his to meet, calculating, probably, to take off from Ridge's many who it was hoped would there receive wholesome lessons. Whereupon, in order to attract as many as possible, at which place the notice referred to and authorized by your letter of December 10, 1834, was immediately sent out to all parts of the nation. This put a stop to Ross's council at the contemplated time, when there was no hope of aid in disseminating truth.

I was informed the Ross party on receiving this notice at first concluded to meet at the place appointed, but on counting their forces hastily without time to drill them all, it was found they might be defeated, and their people,

by attending, would stand a chance to be drawn off from them through the eloquence of Major Ridge; hence his (Ross's) protest against taking the vote at a "private place."

Should the vote be taken at Ridge's, and Ross's party does not attend, it will be their own fault. They have runners out all over the nation dissuading their friends from attending.

This fund in the hands of Ridge's party will enable them to do much good, while it is very probable, should Ross's party again get it, a mischievous use will be made of it, as heretofore.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BENJAMIN F. CURREY

ELBERT HERRING, Esq.,

Commissioner Indian Affairs.

NOTE.—The four following letters were enclosed in the above.

CHEROKEE AGENCY EAST

April 14, 1835

SIR: I am directed by the President of the United States to furnish for your perusal the enclosed propositions to the Cherokee people, in hopes that they will prove acceptable to you and your countrymen.

Without having the slightest wish to awe any one into the acceptance of these terms by threats or menaces, it becomes my duty to say, that although the premises occupied by you, and surveyed for the exclusive but temporary use of the agent appointed from time to time to reside among the Cherokees, would be desirable, yet, if you are not found raising your influence, as heretofore, in thwarting the benevolent purposes of the Government, I have no disposition to subject you and your family to the inconvenience of removing from said reservation at this season of the year. If, however, it is ascertained that your influence is directly or indirectly exercised to prevent an acceptance by your people of these liberal terms, you will at once perceive the propriety and justice of relieving the agency reservation of all such obstacles at an early period.

Your views and determination on the premises are respectfully requested during the present or ensuing week.

In the mean time, I have the honor to be,

Your very obedient servant,

BENJAMIN F. CURREY,

Indian Agent.

Mr. LEWIS ROSS.

CHEROKEE AGENCY, April 17, 1835.

SIR: A few days since, I had the honor to receive your communication of the 14th instant, enclosing me the propositions of the President of the

United States, in the form of a treaty, to the people of the Cherokee nation, with his address, which shall receive my respectful attention and consideration.

I have the honor to be

Your most obedient servant,

LEWIS ROSS.

Maj. BENJ. F. CURREY,

Acting Indian Agent.

HUNTSVILLE, April 30, 1835.

MY DEAR SIR : I have seen, with pleasure, the treaty concluded under your directions, with the Cherokee delegation, whom I left in Washington. It is extremely liberal in the terms offered to the Cherokees, but not more so than I cordially approve, and find generally to be approved by your friends in this quarter. Indeed, the few opposition men with whom I have conversed, seem generally to assent to its policy and liberal justice. I am anxious for its ratification by the mass of the tribe, and feel a strong confidence that it will meet their ready acquiescence. To insure this, an expedient has occurred to me, which I take the liberty of suggesting, in the hope that it may meet your approbation, and be productive of good.

You are fully aware of the influence of those who have their confidence, over all classes of Indians. Now, and for some time past, James W. McClung and Silas Parsons, Esquires, have been employed by the authorities of the nation as their counsel, in all instances where their persons or property may be affected, in our courts. They have been faithful, and perhaps more successful than the Indians anticipated. Consequently, those gentlemen have the ascendancy of all others, in this part of the country, in the confidence and kind feelings of the tribe generally. It is my confident opinion, that if those gentlemen could be induced to spend a few weeks, in the course of the summer, amongst the Indians, assisted by such men as Ridge, Boudinot, Young, John Gunter, &c. &c., they could do much good toward securing a ratification or approval of the treaty by a majority of the tribe. Under these impressions, I submit to you, whether it would not be advisable to request Messrs. McClung and Parsons to go among the Cherokees, in such manner as you may deem proper, to explain the nature of the treaty, and render them duly sensible of the liberality of its terms.

I learn that John Ross and his party are using every exertion to render the treaty unacceptable to the common Indians. This is not improbable, as Ross must be sensible that so soon as the Indians are made to understand the benefit you are ready to confer, his power and influence are gone forever. I think it desirable that J. R.'s efforts should be counteracted, and, if possible, the common Indians undeceived, and it is my impression that no means could be more likely successful than those I have proposed.

I have the honor to be,

Most respectfully,

Your friend and obedient servant,

C. C. CLAY.

General ANDREW JACKSON,

Washington city.

GAINESVILLE, May 4, 1835.

DEAR SIR: Since I have returned from Washington, I have been at some pains to ascertain what is going on in the Indian nation, and I find Mr. Ross is endeavoring to induce the common people to reject the treaty, which I think may succeed, unless his course shall be counteracted. He tells the Indians if they will reject this offer, he can make a much better; and hence he will induce many, who would otherwise be pleased with the terms, to reject it. When I first arrived, all the Indians were pleased with the treaty, and, until Ross came home, it was the universal voice almost, that it would be accepted; but, at this time, a different sentiment prevails, and they all say, if Mr. Ross can make a better, they ought to reject this; hence, I think it will be necessary for a distinct intimation to be given to the Indians that they can get no other than the one now offered; and so soon as they are assured of this, the treaty will be received.

I feel very sure, if this can be put down, it is the intention of Mr. Ross to adopt his old system of delay and obstinacy, and that no adjustment will be had at all. I shall go out through the nation next week, and will again inform you what is going on.

Respectfully,

Your obedient servant,

WILLIAM H. UNDERWOOD.

Hon. LEWIS CASS.

HEAD OF COOSA, GA., May 6, 1835.

SIR: On yesterday, the called council of Cherokees, at Running Waters, adjourned, after a session of two days. Owing to the inclemency of the weather, unusually high waters, and the unparalleled exertions of the Cherokee dynasty, but about one hundred Cherokees attended. The council was, therefore, adjourned, until the third Monday in July, when the vote at the request of the chiefs present, will be taken on the subject of their present year's annuity.

Ross's runners exhorted the people not to attend; because, by holding back, he would in the fall be able to do better than Ridge had done. It is my opinion, Ross intends them to raise a quibble, and have another delegation appointed, who will return without doing anything.

General Dunlap's alleged letters have done much mischief here.

Most respectfully,

BENJ. F. CURREN

TO ELBERT HERRING, Esq.,

Commissioner Indian Affairs.

CASSVILLE, May 13, 1835.

DEAR SIR: We have endeavored to ascertain, as fully as possible, the present views and feelings of the Cherokees in regard to the treaty, which was concluded at Washington, and the result has convinced us that a very large majority will accept it as soon as they are convinced that they will receive no other. Mr. Ross has induced them to believe, that if they will

reject this, he can procure a much better treaty; and, until this delusion is removed, they will not accept this. Our object in this communication is, to ask of the department to place it in our power to dispel this obstacle, by such means as may be thought most advisable. We have no doubt, if Mr. Ross shall succeed in defeating this treaty, it is his object to avoid any adjustment whatever as long as it can be done; and, at all events, not to permit the present Administration to settle the difficulty. In the mean time, the evils consequent upon the present situation of the Cherokees are daily increasing, and must produce the ruin of the nation, if a speedy termination be not put upon their operation, which can and will be done, if the Government will stand by those who are endeavoring to forward its views in the matter, and will convince the Indian people that the final propositions are now made to them. This, we repeat, is, in our opinion, all that is wanting to an acceptance, on their part, of this offer, which all admit to be so much their interest to do.

We hope to receive an answer to this letter as early as your convenience will permit. Direct your reply to each of us—one to William H. Underwood, at Gainesville, Hall county, Georgia, and the other to John Ridge.

Respectfully, and sincerely,

Your obedient servants,

WILLIAM H. UNDERWOOD,
JOHN RIDGE.

HON. LEWIS CASS.

COLUMBUS, *May 20, 1835.*

MY DEAR SIR: I recommend to you Mr. R. J. Meigs, of Augusta, as a competent person to execute the duties of secretary, or clerk, to the Cherokee commissioners. Mr. Meigs is the relative of the former Cherokee agent, Colonel Meigs, called by the Indians "White Path."

I am, dear sir, truly,

Your friend and obedient servant,

JOHN FORSYTH.

HON. LEWIS CASS.

CHEROKEE AGENCY EAST, *May 23, 1835.*

SIR: Enclosed I have the honor to transmit to you a correspondence between the leading men at Ridge's council, and myself, on the subject of the annuity; from which it will be seen that the contemplated vote thereon is postponed until the third Monday in July next, at which time it is their desire the money shall be on the ground, so that after paying the expense of holding the meeting, the balance may be distributed to those assembled, or in their presence, as the case may be.

I attended Mr. Ross's called council at Red Clay, which commenced its session on the 11th instant, and continued until Wednesday, the 20th. In order to be informed of all that might take place, I requested Major Davis to attend with me, and employed two interpreters; one an enrolled emigrant, the other unenrolled; both men of intelligence, and much to be

relied on. Enclosed is their statement. Crawling Snake, the speaker of this council, addressed about two hundred and fifty of the headmen, warriors, &c. He inquired first of the several towns if their people were firm; exhorted them to stick to Ross; said when he gave up, it would be time for *them* to act. On the next day, the meeting opened by an address from the same person, succeeded by John Ross, who proceeded to read the several communications which passed between himself and the department, his memorial to the Senate and House of Representatives. Also, a letter purporting to be from his party to the Senate, through the Indian Committee, with such explanations as are stated in the depositions of the interpreters.

The next act worthy of note was to protest against paying the annuity to any other than the person designated to receive it last year. This was signed by nearly all present, because but few attended except his devoted followers. The names of many, however, who were not present, were put down as though they themselves had signed.

The next successive measure was a call upon the poor Indians for a contribution of money, with which to purchase John Ross a horse, to be known and held as a national horse. Afterwards, the conditional treaty of Mr. Ridge, and his party, was read by Mr. Rodgers, and communicated in the Cherokee language to the multitude, by Edward Gunter, as represented by affidants, which was attended by occasional derisive and silly bursts of laughter. This was followed by the reading of letters from Arkansas, written by William Boling, one of the former councillors here, giving a most unhappy picture of the country, and the condition of the emigrants there, the faithfulness of the Government in fulfilling its pledges, &c. &c.; and another from Isaac Bushyhead, an Indian of talents, but bad character, giving a still more lamentable account of deaths, delay of payments, consequent suffering, &c. &c. The writer was spoken of as one to be relied on. I inquired publicly if he was the person who had, no great while since, been sentenced to receive the lash by that same council? They replied, if he was I had saved him. I then urged the importance of informing their people correctly, and referred them to Mr. Coady, who then stood in their presence, one of their own kindred and tongue; a man who had never, by any act of his, been rendered infamous; one, too, of honor and integrity. He had seen the country; was acquainted with all the facts referred to; and if their object was truly to inform the people, they could not reject his testimony. The reply was, "they expected they were already informed correctly." But immediately during recess, they endeavored to get Mr. Coady to make partial statements, corroborating, in part, those of the letter writers, which he refused to do, unless they would take from him a full history of all the matters referred to, observing that the delay of payment was more the fault of the enemies of emigration than of that of the Government, and that the sickness referred to was more the consequence of travelling and exposure on the route, than it was of an unhealthy atmosphere or bad water in the west. This, of course, did not suit the purposes of the leaders, and was not communicated by them to the people. After a tissue of misrepresentations, a vote was taken in committee and council, only one member dissenting, to reject Ridge's terms, and invest Ross with full power to adjust all their difficulties in whatever way he might think most beneficial to their people. From the discussions and explanations which took place on their passage, my interpreters are of opinion that but few understood the import of the resolutions. Early in

the morning of this day, however, their rations having been exhausted, a report was industriously circulated that I had sent for the regulars to arrest all who were at the council, (of this I was informed by Mr. Riley,) which was the means of driving off many of the common Indians before they could find cause to complain of their headmen on account of the scarcity of provision, and was, no doubt, intended to put them in dread of the officers; while, at the same time, the great body of visitors would be placed beyond the immediate influence of truth, which, it was apprehended, would find its way among them should they remain until that dissatisfaction should arise which was anticipated, and which actually occurred in the sequel among the advocates of a treaty, who were then getting the committee and council to call on Mr. Ross for his views in relation to their political condition. This call was made on the following day, (Saturday,) and next Monday, the 18th, his answer, in substance, was to "hold on—be united, and all will be well shortly." This proved to be a fruitful source of discontent, and was succeeded by an application from many of those who remained until now for the appointment of a party to explore the regions of the "far west," which was laid on the table until next meeting. The council and committee then proceeded to appoint one interpreter and two appraising agents to value improvements, from which their Cherokee brethren had been ejected by the operations of the State laws. This measure I consider to be intended to keep up the delusion of their suffering people, and prevent them from calling on the agents of the United States Government to perform that duty.

From all that I have been able to learn, there is no hope that Ross, or his party, will act in good faith to their engagements, unless impelled by the surrounding States, who will consider themselves privileged to enforce a compliance with his obligations, authorized, as he contended he was, to settle the question.

I will proceed to take the census of the nation shortly, which will enable the commissioners to determine the distributive share of individuals, in the event of a division of the nation. If it is the intention of the General Government that these people shall not go to Texas, I would suppose it would be well for the commissioners to be positively instructed to that effect.

It would afford me pleasure to have Mr. Schermerhorn present at the payment of the annuity in July. I am persuaded this payment will inspire the treaty party with fresh zeal, and give a death-blow to the opposition. I would, therefore, urge the importance of having the amount on hand at the meeting on the third Monday in July next.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

To ELBERT HERRING, Esq.,
Commissioner Indian Affairs.

To Major Benjamin F. Currey, Indian Agent :

The undersigned, in behalf of the voters, having convened agreeable to the notice given, by order of the Secretary of War, directing you 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, beg you to postpone the

subject until another time. On this occasion, the attendance of the people has been prevented from various causes, which it has been out of your power to foresee. It is now an exceeding busy time of the year, being planting time, and unusual rains having fallen, which has rendered the streams impassable to those who live at a distance, which has prevented many from attending. Under these circumstances, we beg of you to defer the duty enjoined upon you in this respect, until about the time when corn is in roasting order, when the people will have more leisure to attend.

We trust that you will at once perceive the reasonableness of this request, as our only desire is to get the votes of a majority of the tribe. We hope that you will have the money on the ground, that you may pay it over at once, as the tribe shall direct.

We are, sir, respectfully, your friends,

John Ridge,	
Z. R. Coody,	
Jos. A. Fourman,	
C. F. Foreman,	
Major Ridge,	his x mark.
George Chambers,	his x mark.
Te-sah-ta-as-kee,	his x mark.
John Ratliff,	his x mark.
Charles Moore,	his x mark.
Samuel Ballard,	
Jacob Weste,	
Sar-nah-na,	his x mark.
Alexander Brown,	his x mark.
George West,	
Nelson West,	
Spirit Bufaloe-fish,	
Sous,	his x mark.
David Vann,	
David J. Hooks,	
Joseph Johnson,	
Henderson Harris,	his x mark.
Jas. Fields,	his x mark.
Ezekiel West,	
David Scoutarhie,	his x mark.
Bear Meat,	his x mark.
Yoh Nookilla,	his x mark.
Rib,	his x mark.
Hammer,	his x mark.
Watie,	his x mark.
Ground Mole,	his x mark.
John Fields, sen.,	his x mark.
Archy Rome,	his x mark.
Poin Soo-wee-culla,	his x mark.
Gonrd,	his x mark.
Coon,	his x mark.
Itte-cun-na-hee,	his x mark.
Charles H. Vann,	
John Fields, jr.,	his x mark.

HEAD OF COOSA, Cherokee Nation, 5th May, 1835.

HEAD OF COOSA, GEORGIA,
May 6, 1835.

GENTLEMEN: Your application to postpone the election for disposing of the present year's annuity has been received, and is considered to be founded on liberal principles. The request is, therefore, granted. And, in order that there may be no complaint hereafter because of a want of timely notice, I hereby appoint the 3d Monday in July next, for the purpose of holding said election, which will be opened and held at the council ground, near the head of Coosa.

Most respectfully,
Your very obedient servant,
BENJAMIN F. CURREY,
Supt. Cher. Rem., & Act. Indian Agent.

Messrs.
RIDGE,
COODY,
CHAMBERS,
WEST,
YAUN,
RATLIFF,
TA-ESA-TA-ES-KEY, and others,
Chiefs of the treaty party,
Head of Coosa.

MAY 23, 1835.

DEAR SIR: I have the pleasure to inform you that I leave here to-morrow for the Cherokee country, and that I shall pass through Indiana, Kentucky, and Tennessee. Letter may be addressed to me, if sent soon, to Nashville, care of Governor Carroll, whom I wish to see and consult before I go into the Indian country. I have just learnt that the Secretary of War has gone on to Detroit; and I shall go on to that place to see him, to ascertain if there is any intelligence of importance for the Cherokees. The letters I have received speak favorably for the treaty.

With great respect,
Your obedient servant,
J. F. SCHERMERHORN.

ELBERT HERRING,
Commissioner, &c.

CHEROKEE AGENCY EAST,
May 23, 1835.

SIR: After strict inquiry, I have the honor to answer the unanswered part of your communication of the 20th February last, enclosing extracts from Lieutenant Van Horne's letters.

Elijah Moore, who is spoken of by Lieutenant Van Horne as an emigrant returned from the west to the east, went westwardly, and after exploring

the country came back. His report is favorable to that region as an asylum for the Cherokees, and has been the means of making many converts.

William R. Russell, Ann Sourjohn, and Jacob Sanders, have not as yet reached this country.

Those who have returned of the former emigration, as far as I can learn, are,

Uriah Hubbard and family	- 12	Widow Welles	- - 12
John Langley -	- 14	John M. Ward	- - 1
Samuel Ballard and family	- 7	Michael C. Wood	- - 3
George W. Parris	- - 1	Abram Wood	- - 4
Malachi Parris	- - 1	Richard Henson	- - 14
Ben. Bracket and family	- 3	Wm. Southerland	- - 4
William A. Colman and family	- 5	Edward Edwards	- - 7
Widow Dougherty	- - 7	George Ward	- - 15
M. Blalack (no emigrant)		Good Money	- - 1
Felix Authur	- - 10	and perhaps his family	- 5
John H. Storer	- - 10	John Harris	- - 1
Joseph Crittenden	- - 1		

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Particular care will be observed that none of these persons again be transported at the expense of the public. In fact, I know of only two instances of the same persons having been transported a second time at Government expense.

One was the case of Early Cordery, who was a good interpreter and unable to pay his way home; he went the first time in 1829, and a second time last spring; his services were supposed to be more valuable than the rations he used on the passage.

The other was Jacob Gowen, an emigrant of 1817, who returned to this country shortly after that period, and was, on his arrival, admitted to the privileges of the nation. He again went off last spring, taking with him all his connexions; for that reason he was received himself, and transported as others were.

Enclosed, I have the honor to transmit, for your reading, a copy of an affidavit given by two interpreters of good character, giving a brief view of the character of the proceedings at Ross's late council, which afford a knowledge of the means still resorted to by the dominant party here to defeat the purposes of our Government.

Ridges's party are gradually increasing in strength; they are zealous and firm in the cause espoused by them. That the distributive share which may be finally allotted may be ascertained and fixed upon in case of a split, it is deemed expedient, at this time, to take a census of the tribe previous to the meeting contemplated at the call of the commissioners.

For the performance of this duty men of high character will be employed whose returns will be made on oath. This information will also be indispensable when the vote is taken for disposing of the annuity due the tribe, so that, in case it is voted to the people, each share can be accurately arrived at, and the money paid out on the spot such as attended.

Major Davis, the enrolling and appraising agent, is absent for two months.

He wishes to visit his family in Kentucky, and the privilege was accordingly granted; his pay of course ceases until he is recalled.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BEN. F. CURREY.

Gen. GEO. GIBSON,

Com. Gen. Subsistence.

P. S.—The second and third questions in your letter of the 10th of March last, are answered on the first and second pages of this communication, and to the first question the following is an answer:

David Welch received commutation, and run off, taking gun, blanket, &c., after giving bond with security, John Beck; the value of which is charged to Beck's valuation, and deducted therefrom.

Geo. Killeon	-	-	-	1	Jonathan Williams's wife	-	1
Ann Fields	-	-	-	2	Jos. Falling	-	1
Bullet Eye	-	.	-	1			
							<u>7</u>
							<u> </u>

The last six advanced to are bonded, and should they fail to comply, this amount will be deducted from their valuation, not only for the commutation, but for the price of the articles received by them respectively.

Most respectfully,

Your very obedient servant,

BEN. F. CURREY.

MAY 22, 1835.

The undersigned were appointed and furnished with a copy of the proposition from the Government to the Cherokees, by Benjamin F. Currey, to follow Edward Gunter and others, Mr. Ross's interpreters, at a late council, and to point out any errors of translation.

Report that except the first seven lines and a half of article third was omitted, and the first eight lines and a half of article fourth was omitted, and in translating the balance of said article, the interpreter told the people there was so great a scarcity of wood in the west, it would all be destroyed by the troops before the Cherokees could get there. In giving the last sentence of article seventh, the interpreter conveyed the idea that when intruders were removed off Indian lands, their places were to be filled by white farmers, mechanics, &c.

In giving article nine, while on the subject of physicians, he said if it was a good country there would be no need of physicians, intimating that the Government had contradicted itself in praising the country, at the same time providing doctors.

The sixth clause of the President's letter, where he says, "Mr. John Ross, and the party who were with him, agreed, &c.," was omitted, and towards the conclusion the interpreter stated the estimated quantity of land at thirteen million five thousand, instead of thirteen million eight hundred thousand acres, adding that the Government had no power to grant these

lands, and it would, therefore, be better to reject Ridge's treaty and stay here, than to go there and get no land.

In reading the letter from Mr. Ross and his party, they all denied doing anything at the city towards making a treaty, or in the least calculated to weaken the Cherokee title here; and in their speeches, Messrs. Gunter, Taylor, and Ross said they had merely proposed to take what the Senate might value their country at, in order to try their strength in the Senate, which means they expected to regain their land and remove the white settlers. Mr. Ross told the Cherokees that the chairman of Indian affairs in the Senate refused to take notice of the Secretary of War's letter, submitting the proposition from himself and his party, because it had not come directly from the President; but that Judge White had advised him, Ross, to submit the question, and he would present it to the Senate. This he said was done at ten o'clock, P. M., the last night of the session, to which the Senate responded promptly; and, in conclusion, the people exhorted to unite and hold on to this country, and, if they could not regain it, all perish together.

JOSEPH A. FOREMAN
ELLIS S. HARLIM.

Sworn to and subscribed before me,

BENJAMIN F. CURREY,
Sup. Cher. Rem. and Acting Agent.

AUGUSTA, GEORGIA, June 6, 1835.

SIR: I have the honor to acknowledge the receipt of yours of the 30th ultimo, and accordingly have reported by letter to the reverend Mr. Schermohorn, at New Echota, the appointment as secretary to the commission authorized to negotiate with the Eastern Cherokees, and requested advice when to proceed on the service assigned me.

With great respect, sir,

Your obedient servant,

R. JOHN MEIGS

C. A. HARRIS, Esq.,
Acting Secretary of War.

CHEROKEE AGENCY EAST,
June 8, 1835.

SIR: I have the honor herewith to enclose you some documents received on the 2d instant, in relation to the payment of Cherokee annuities.

To preclude the possibility of any misconception on my part of the views of the department, I have to request that you will be pleased to give me specific instructions in relation to this matter.

I should have transmitted them at an earlier period, were it not that Major B. F. Currey was absent from the agency, who I was very anxious should see them before they passed out of my hands.

Will you be pleased to transmit me the acts of Congress, passed 30th June

1834, "To regulate trade and intercourse with the Indian tribes," &c. together with the regulations concerning the payment of annuities, approved 3d July, 1834.

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

M. W. BATMAN,

1st Lieut. 6th Infantry, United States Army.

ELBERT HERRING, Esq.,

Commissioner of Indian Affairs,
Washington city.

CHEROKEE AGENCY,
June 2, 1835.

SIR: I take the liberty to request the favor of you to report to the honorable Secretary of War the accompanying documents, as the expression of sentiment on the part of the Cherokee people of the mode of paying the annuity due the nation, and to whom.

Having been informed that the payment of this money will be made through you, it is to be hoped that the department will transmit the same to you without delay, with instructions to pay the same over to Mr. John Martin, the treasurer of the nation.

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

JOHN ROSS,

Principal chief of the Cherokee nation,
east of the Mississippi.

Lieut. M. W. BATMAN,

6th Infantry, Disbursing Agent.

CHOCTAW AGENCY,
June 11, 1835.

SIR: I have the honor of enclosing, for your information, the copy of a letter addressed to Captain Vashon, sub-agent for the Western Cherokees, by the late council, convened expressly to take into consideration the treaty offered to the Cherokees east. It is my duty to inform you of a fact that is well known here, that these people are dissatisfied; and will, I have no doubt, object to the views of the Government, in uniting the Cherokees, unless they can have their wishes, which, I assure you, are not to be found in the treaty to be laid before the Eastern Cherokees. If these people are not made to abide the policy of the Government, and the acts of Congress, there will soon be no use for agents, or any one else in the Cherokee country, as far as they are concerned.

If the Cherokees this side of the Mississippi deemed it their duty to have anything to say in the treaty proposed, all they had a right to do was to

give their eastern brothers a friendly invitation to join them, for no one can say but that in the treaty they are well provided for, and should be satisfied.

I have the honor to be,

Your obedient servant,

F. W. ARMSTRONG,

Acting Superintendent Western Territory.

ELBERT HERRING, Esq.,

Commissioner of Indian Affairs.

JUNE 7, 1835.

SIR: The national council has thought it proper and expedient that you should be informed of the nature and design of the present council. The provisions of the treaty has been made by John F. Schermerhorn on the part of the United States, and a delegation of the Eastern Cherokee and as said treaty involves the interests of this nation, it has been sent to this nation for our consideration.

The principal chief has called the present national council together for its consultation. Some objections to the treaty, as it respects the rights of this nation; but as the object of the treaty appears to be to unite the two nations in one on the Arkansas, upon satisfactory terms, the national has thought it highly proper and expedient to take such steps as will effect such a termination.

The national council, by direction of the chiefs, have selected four delegates, Messrs. Joseph Vaw, Wm. S. Coody, John Smith, and John Drew, who are instructed and authorized to go to the Eastern Cherokees, and if possible to effect such arrangements as will unite the two people in one upon the Arkansas, and upon such principles as will be satisfactory to both the Eastern and Western Cherokees; they are also instructed to attend to any and every thing which involves the interests of the Western Cherokee; and in the event our delegation should not be able to effect such arrangements in the Eastern Cherokee nation, and they think it necessary and expedient that they should repair to Washington, they are instructed to do so, that is, if they believe they can effect an object of interest to the nation, sufficient to justify their going there; and in the event the delegation should go on to Washington, you are respectfully requested to inform the Secretary of War, and apprise him of the nature of their visit to that place. You will please also to make any necessary arrangement for the convenience of the delegation, which will place or present them to the department upon such terms as will enable them to effect the object in view, that is to unite the two people into one on the Arkansas, upon such principles as will be satisfactory to the people east and west. This will be handed by the principal chief.

JOHN SMITH, *Principal Commissioner.*

GLASS, *Principal Counsellor.*

W. THORNTON, *Clerk National Council.*

Captain GEORGE VASHON,

United States Sub-Agent.

CHEROKEE AGENCY EAST,
June 16, 1835.

SIR : Colonel Nathaniel Smith, of Athens, Tennessee; Colonel Charles H. Nelson, of Cherokee county, Georgia; and James S. Barnett, Esq., of Murray county, Georgia, have been selected to aid me in taking the census of the Cherokee tribe. Each has his district assigned him, and has instructions to enrol at the same time such persons as may feel disposed to approve the terms offered through Mr. Ridge. They will also endeavor to impress upon the minds of the Cherokees the importance of attending the meeting at Ridge's on the third Monday in July next, for disposing the present year's annuity.

Most respectfully,

Your obedient servant,

BENJAMIN F. CURREY.

E. HERRING, Esq.,

Commissioner of Indian Affairs.

CHATTAHOOCHEE, June 23, 1835.

SIR : To bring you acquainted with the humble writer of this letter, it is only necessary to remind you of a tall young man, who, as one of the delegation of Cherokees in company with Mr. Ross, paid you several visits, and was one of the signers of the various communications which were submitted to you by that delegation last winter. I have thought it proper thus to apprise you that I am a Cherokee, not only as an apology for obtruding myself upon you notice, but by way of calling your attention to what I may say; as I am persuaded that you will not pass by unnoticed the suggestions of the humblest Cherokee, especially when assured that he is not only an advocate for the removal of his people to the west, but is powerfully convinced of the absolute necessity of such a course, and offers his suggestions with a hope that they may lead to a result so much desired.

I am not ignorant that the President and perhaps yourself think well of Mr. Ridge. To lower him in your estimation is not my object, for I am not his enemy. All that I would say is, that there are persons holding office under the Government amongst the Cherokees, who, taking advantage of this disposition in Mr. Ridge's favor, would impress your mind, and that of the President, with a belief that no treaty can be made with the Cherokees, unless it is done through Mr. Ridge! This I think is a mistaken policy, and is to be attributed more to a feeling of enmity to Mr. Ross, than to a desire to forward the views of the Government, and to advance the true interest of the Indians.

Dictated by a spirit of this kind, a report of the proceedings of the late council at Red Clay has no doubt ere this been made to you, and you may in consequence have come to the conclusion, that because the treaty arranged with Mr. Ridge was rejected, that the Cherokees will not at this time enter into any treaty, based upon the award of the Senate. I know this idea is taking ground every where, but I know it to be erroneous; for I was present at the council; saw all and heard all that was done; and I am certain that nothing was said or done, which fixed in the smallest degree an impression upon my mind, that the council, by rejecting Ridge's treaty, intended to reject the award of the Senate. Why, then, it may be asked,

did they reject this treaty? Without mentioning other reasons, it will be sufficient to say, that prejudice was not one of the lightest. You may form some idea of the extent of this prejudice, when assured that the Cherokee look upon Mr. Ridge as the cause of the cruel oppression which they are now suffering at the hands of Georgia; proof of this they firmly believe might be found in the executive department of that State.

By what I have said, I would wish to suggest, that the Government ought not to believe, that because a treaty cannot be made with the Cherokees through Mr. Ridge, one cannot be made. What I have further to suggest is, that the Government ought to send out commissioners this summer, fully authorized to enter into a treaty with the Cherokees, upon the basis fixed upon by the Senate. Mr. Ridge cannot object to the Cherokee being permitted to make such a treaty, upon that basis, as they may like, and if Mr. Ross opposes it, he will be deserted by many of his most intelligent and best friends. If, however, the Government should come to a determination to consider the award of the Senate, and the treaty based upon it with Mr. Ridge as one, and therefore not to be altered, then I have no hope that any treaty will be made with the Cherokees during the time which the present Chief Magistrate may continue in office.

I have the honor to be,

Your obedient servant,

WILLIAM ROGERS.

Hon. LEWIS CASS,
Secretary of War.

CHEROKEE AGENCY EAST,
July 8, 1835.

SIR: I have the pleasure to inform you of my safe arrival here on the morning of the 6th instant, and of having immediately entered upon the business assigned to me. I found a considerable degree of excitement among the citizens of this vicinity, in consequence of some of our citizens having been assaulted and dangerously wounded by the Indians; and that serious apprehensions were entertained that this was only the beginning of more serious difficulties. This I do not fear or apprehend if prompt and efficient measures are taken by the civil authorities to arrest these evils. I have, however, felt it my duty to address a communication on the subject to Governor Carroll, of Tennessee, within whose jurisdiction the offences were committed, and give it as my opinion, that it was both expedient and necessary, in order to protect our own citizens, as well as the peaceable and unoffending Indians, that he should demand from the chiefs of the nation the immediate surrender of the authors of these outrages, and to notify them, if not done within a reasonable time, that he would proceed to take hostages for the peace and security of the citizens of Tennessee. This communication was written and sent with the full knowledge and approbation of the agent, Major B. F. Currey, whom I have every reason to believe is a very vigilant, active, and efficient officer of the Government, whose only object is to carry into full effect the views of the Government with regard to the removal of the Indians, and I have no hesitation in saying he ought to be, and I have no doubt he will be, finally and fully sustained at Washington.

It is true he has enemies here, and those that are dissatisfied with him, and perhaps have made representations to the Government to his injury. But who are they that do so? Are they not those very individuals that are equally dissatisfied with every measure of the Government for the removal of the Indians? I am fully persuaded that no man ought to be employed in the Indian country, either in a civil or military capacity, who does not fully enter into the views of the Government in the removal of the Indians. Unhappily it is not so.

Yesterday I had, unexpectedly, an interview with John Ross, and I expect, in a few days, to meet him and some of his principal supporters, to ascertain their views and wishes in regard to the treaty. I think it probable they will propose some alteration in the details of the treaty, and I hope to be able to put it in a shape in which we shall be able to carry it, if a sufficient time is allowed me. The business cannot, with safety, be hurried; and I have told Ross that the President will never make another attempt to treat with them; and that I am determined not to call a council until I have seen all the principal men in the nation, and am well assured that we shall be able to effect a treaty; and that he may rest assured I shall not call a council soon merely to be defeated. You may rely upon every exertion on my part, and that I shall spare no labor or sacrifice to accomplish this matter.

Major Currey informs me he will send you the documents with regard to the Indian outrages to-day. I wish you to send this communication to the President, to whom I wish you to make my best respects.

With respect,

Your obedient servant,

J. F. SCHERMERHORN,

Commissioner.

To the Hon. ELBERT HERRING,

Commissioner.

CHEROKEE AGENCY EAST,

July 8, 1835.

SIR: Enclosed I have the honor to transmit to you copies of communications on the subject of recent Cherokee outrages.

The most of public officers have heretofore boarded at Lewis Ross's, perhaps for the want of other convenient quarters. A reciprocal confidence seems involuntarily to grow up between them and the Ross's. As that takes place, all the dread which keeps Indians in subjection is removed, and the common Indian is taught to regard Ross's boarders as my enemies and his friends. This idea was somewhat encouraged by the recent conduct of Major McIntosh and his surgeon, Dr. Mills, who, I am advised, made their boast that the War Department had sanctioned the course of the commander in refusing to consider me more than another private citizen.

I have heretofore endeavored to impress it upon your mind that here, where Ross has his confidants and associates, made up in part of those appointed to co-operate with me, and they claim to act independently of my suggestions, mischievous consequences would ensue. I would again, for the public safety, urge the importance of having the regular troops placed

here, subject to my orders, for all of which I will hold myself, and am willing to be held, responsible.

Mr. Ross should be removed from the agency reservation, and an inn-keeper placed in his situation, who is superior to improper influences, and in no wise identified with the Indians.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BEN. F. CURET

ELBERT HERRING, Esq.,
Commissioner of Indian Affairs.

CAMP ARMISTEAD, July 3, 1835.

SIR: I think it proper to report to you the occurrence of one or two Indian outrages, in this vicinity, of a serious nature. The first, and most important, is that of an attack upon Col. H. R. Turk, whilst in your employ. About four miles from this place, he was waylaid by a body of Indians, fired upon by several of them, and received a very severe wound from one. He made his escape from them, and is now confined to his room at this place.

A Mr. Rogers, a citizen on Valley river, was fired upon, and badly wounded, by an Indian, whilst engaged at labor in his field.

It is unnecessary to add, that I have, and shall do my utmost, within the authority of the laws of Congress, to stop these occurrences.

Be pleased to accept assurances of my respects and esteem.

Most respectfully,

Your obedient servant,

C. S. HOWE,

Lt. Com. U. S. Troops, Camp Armistead

BENJAMIN F. CURREY, Esq.,
Supt. Indian Rem., Acting Agent.

CAMP ARMISTEAD, July 3, 1835.

DEAR BROTHER: On the day before yesterday I passed by John Redix's, nine miles from this place, returning from over the mountains, and while passing the house, and who was there, gave a loud war shout. After passing there some miles, an Indian came into the road, behind me, and followed me some miles. From his manner, I supposed he had some design, perhaps, on me. After following some distance, on turning to look at him, I found him making ready to shoot me; his gun fired, and the ball passed through my right shoulder, and wounded me seriously. At that time, a great number of Indians came out of the bushes; some four or five others shot at me, but without effect. I came to this place as soon as I could, and am here confined with my wound, and want you to come and see me.

While I was over the mountain, an Indian shot a white man on Valley river. The man shot was by the name of Rogers; he is considered dangerous.

I am of opinion that Reddix was the cause of the attack made on me. I have notified the persons, as directed by Major Currey. If you should see him, or have an opportunity, you will please communicate these facts to him. I am suffering a great deal of pain, but have hopes my wound may not prove mortal. I wish you to come up as soon as possible. I am about to proceed to examine Reddix judicially. Perhaps the examination may lead to a detection of the guilty persons.

I am, with brotherly affection,

Yours, &c.,

HIRAM K. TURK,

By his friend present,

PRESTON STARRETT.

Col. A. TURK.

CHEROKEE AGENCY EAST,

July 7, 1835.

SIR: I had the honor to receive your communications of the 3d instant, on my arrival here yesterday, conveying the unpleasant intelligence of Indian outrages on Colonel Turk and Mr. Rodgers. The perpetrators, it is hoped, through your diligence and industry, will be *ascertained, arrested,* and held in confinement, until demanded by the respective executive authorities of the States within which these offences were committed, or until instructions on the subject can be had from the War Department.

Be pleased to accept assurances of my confidence in your zeal and fidelity in promoting the great objects of the Government, and believe me to be,

Most respectfully,

Your very obedient servant,

BENJAMIN F. CURREY,

Superintendent Cherokee Removals.

Lieutenant C. S. HOWE.

CHEROKEE AGENCY EAST,

July 7, 1835.

SIR: I am advised that you have it in contemplation to arrest the chiefs of the mountain country, and hold them in confinement until the perpetrators of the late mischief are delivered into your keeping. This course meets my hearty approbation, and I hereby enjoin it upon you to hold said chiefs as hostages for the good behavior of that portion of the tribe, until otherwise directed by the Secretary of War.

Most respectfully,

I am, sir,

Your very obedient servant,

BENJ. F. CURREY,

Superintendent Cherokee Removals.

Lieutenant Howe,

Camp Armistead.

P. S.—Require Timson forthwith to give up the letter received from Ross, and forward it to me, if obtained.

B. F. C.

STATE OF TENNESSEE, *McMinn County.*

Personally came before me, Benj. F. Currey, superintendent, &c., Solomon Fouts, and after being duly sworn, deposed and sayeth, that about two weeks ago he was assaulted by Isaac Springston, Anderson Springston, and James Foreman, members of the Cherokee tribe, residing within the chartered limits of Tennessee, with rocks thrown and guns presented, accompanied by threats from them against the life of affiant if he did not, within one week, leave the cabin and improvements where affiant then resided. Affiant says, that he himself made the improvement in the woods, which was at least one-half a mile from any other house or cultivated land; all of which is within the county of McMinn and State of Tennessee: affiant further says, through fear he has been constrained to leave his possessions, and seek refuge in the older settled parts of the State; and further deponent sayeth not.

SOLOMON FOUTS

Sworn to and subscribed before me, Benj. F. Currey, superintendent Cherokee removals, this 6th July, 1835, at the Cherokee agency east.

CHEROKEE AGENCY EAST,
July 6, 1835

SIR: I have often called your attention to the temper and spirit of the Cherokees towards the white settlers, as well as towards such of their own people as consent to go west. As you have been prompt on every emergency where your country's good was at hazard, I am encouraged with the confident expectation that the following outrages will receive, at an early period, such attention as your better judgment may dictate.

On the 1st inst. Col. Hiram K. Turk was badly wounded by a ball from a gun fired by an Indian, (see letters A and B.) This happened on the public highway within the limits of Monroe county, Tennessee. A few days before that, but within the limits of North Carolina, a Mr. Rodgers, while ploughing in his field, was fired on, and badly wounded, by Cherokees. But a few days ago, within the limits of McMinn county, Mr. Fouts and his family were put in dread of their lives by Springston and Foreman, the murderers of Walker, and were compelled to seek refuge among the citizens of Calhoun. The enclosed affidavit will present the case more fully to your view. Not long since, Fox Taylor was abused and beaten twice, by an Indian of the name of Butler, because he had given his consent to emigrate; another Indian, who had spoken favorably of removal to the west, after being severely beaten, his scalp was taken. Threats are made daily, ambuscades are formed, and our citizens, as well as those Cherokees who are disposed to favor the views of Government by consenting to remove, are fired on and made to bleed freely. The houses of the settlers have been torn down in many instances, while the settlers themselves have been driven from their improvements, and their crops, half made, are left exposed to ruin. Their women have been insulted, and their children mistreated. The officers of Government have been measurably defeated in taking the census—a measure so necessary to an equal

distribution of justice. And the fact is too plain to admit of a doubt, that no important step is taken by the Indians indicating hostility, or a want of amity, without first receiving the sanction of John Ross.

As the laws of Tennessee have been extended, the War Department considers these matters to be more properly subjects for your excellency's consideration and action. The civil authority here is inadequate to the present emergencies. The few regular troops stationed at Cocoa creek, under the command of Lieutenant Howe, will, as far as lies in their power, aid the civil authorities. But I must be allowed to remark, that a search after criminals skulking in the bushes and impervious mountains afford no security against the assassins' aim. In fact, nothing short of holding the self-constituted chiefs of the tribe accountable, will give security to the emigrants or to our own citizens.

I have the honor to be,
Most respectfully,

Your very obedient servant,
BENJ. F. CURREY,
Sup't Cher. Rem. & Act'g Ind. Ag't.

His excellency Wm. CARROLL.

P. S.—You may furnish John Ross a copy of this communication, or give it any other publicity which may be considered proper by you.

B. F. C.

GAINSVILLE, July 9, 1835.

DEAR SIR: Your communication of the 28th May was duly received, and I am greatly mistaken if it has not been productive of much good. I am in the almost daily receipt of letters from the influential members of the Ross party, in which they all, with one accord, express their conviction that something must be done. I had, as I expected to do, lost something of the confidence of the Ross party, in consequence of my aid to Mr. Ridge; but that is now fast wearing away, and they are again calling upon me constantly for advice as to what they shall do, and are again returning to their former dependence upon me as their friend and counsellor. I shall go out to the nation next week, although I can hardly spare the time, and but illy bear the expense; and I hope to do something amongst them for the treaty. I was much pleased with that part of the letter which informed me that the commissioners were instructed to vary some of the stipulations; with any small latitude on that score, they can hardly fail. I shall attend the meeting, if it is in my power, when the commissioners assemble; and I think, with proper management, we can hardly fail of success.

I presume you are kept advised of the proceedings and prospects in the nation, and therefore I should not have troubled you with this letter; but, from the fact of the returning confidence of the Ross party, I know I am better informed of their feelings than any one else.

Upon the whole, I shall be much disappointed if we do not give you the assent of the Cherokees to the treaty in a few months.

Respectfully, &c.,

WILLIAM H. UNDERWOOD.

Mr. C. A. HARRIS,
Acting Secretary of War.

CHEROKEE AGENCY EAST,
July 10, 1835.

SIR: Instead of hearing from Governor Carroll yesterday, as I anticipated, I had the pleasure of meeting him here. He has acted in the case referred to in my letter of the 8th inst., with great promptitude and decision. He has demanded from Mr. Ross the perpetrator of the outrage committed in Tennessee, and informed him that, if it is not done, he will immediately organize and order into service a company of mounted riflemen to protect our own citizens, and take the offenders.

The commissioners have also addressed a letter to Ross, stating that they had been informed that, in consequence of his interference, the persons appointed to take the census of the Cherokees had been unable to accomplish it; and that we regretted to hear this, and hoped that he would facilitate this work by having some of their principal men appointed to aid the officers of the Government in this work, as it was important in accomplishing the business of the commissioners, who are required to obtain the consent of a majority of the headmen and warriors of the Cherokee to render a treaty valid. I have no doubt this will have the desired effect.

I leave here to-day for Brainard mission, and I shall go from thence to the council, which meets at Running Waters on the 21st instant. I shall probably see many leading men next week, and be able soon to communicate to you something more definite. You may rest assured we shall have a treaty.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

Commissioner.

HON. ELBERT HERRING,
Commissioner.

N. B.—Major Currey yesterday went up to Camp Armistead, and is expected back to-morrow. I expect, on his return, he will be able to inform you of the apprehension of the person who shot Colonel Turk.

CHEROKEE AGENCY EAST,
July 14, 1835.

SIR: Your communications of the 18th and 23d ult. have been received. It gives me pleasure to assure you that every legitimate aid that can will be called to give success to the late treaty.

Ross, and his party, oppose the taking of their census. Gov. Carroll and Mr. Schermerhorn have called on them to render us every assistance within their power. Their answer has not been received.

Ross will attend the council, on the 20th instant, at Ridge's, for disposal of the annuity. Mr. Schermerhorn will be there, in company with Lieut. Batman.

The suggestions and requirements contained in your letter of the 23d ult. will be complied with, on my part, promptly. The nature and importance of the service called for such admonitions as were calculated to insure harmony and unity of action between the agents of the Government.

I returned on last Sunday from the upper part of the nation. The Indian who shot Rogers, a white man, in North Carolina, has been arrested, and committed to Franklin jail, as I am informed.

The Indian who shot Col. Turk has been arrested. He says he was employed to do so by a white man of the name of Reddix, living, by permit, in the Indian part of North Carolina. It appears that Reddix had made threats against Turk's life. Reddix is in confinement also, and will probably be detained until your pleasure is known whether they shall be delivered to the marshal of the United States for the district of North Carolina, or turned over to the State authorities. Enclosed, however, is the copy of a letter from myself to Lieut. Howe, on this subject.

Upon the Governor of Tennessee's proclamation to that effect, Lieut. Howe arrested Foreman, who had been once committed, with Anderson Springston, under a charge of having murdered John Walker, jr., but who, having broke jail, were running at large, to the terror of the peaceable inhabitants. I accompanied the lieutenant in the performance of this duty. Springston could not be found. Lieutenant Howe will deliver the prisoner into the custody of the jailor of Knox county.

Enclosed is a copy of the Governor's proclamation, and a letter from him to myself, accompanying the same. He is taking such steps here as are well calculated to keep the peace hereafter, at least within the limits of Tennessee.

The Governor of Georgia has organized a guard to protect the treaty party, and preserve the peace there.

North Carolina and Alabama, it is hoped, will adopt measures calculated to effect the same purpose within their respective limits.

A determination to hold the mountain chiefs accountable led to the arrest and delivery of the offenders in North Carolina.

No hostages will be taken, unless previously ordered by your department.

Very respectfully,

I have the honor to be,

Your most obedient servant,

BENJ. F. CURREY.

ALBERT HERRING, Esq.,

Commissioner Indian Affairs.

CALHOUN, July 10, 1835.

DEAR SIR: Enclosed you have authority for the arrest of Springston and Foreman. The arrest of those men, I consider important, and the time and manner are left to your discretion. It is scarcely necessary to remark, that the greatest secrecy must be observed, otherwise our intentions may be frustrated.

Most respectfully,

Your obedient servant,

WM. CARROLL.

Major B. F. CURREY,

Cherokee Agency.

STATE OF TENNESSEE.

William Carroll, Governor in and over the same.

WHEREAS it has been made known to me that Anderson Springston and James Foreman, charged with the murder of John Walker, have recently made their escape from the jail of the county of McMinn; and are now running at large:

Now, therefore, I, William Carroll, Governor as aforesaid, by virtue of the power and authority vested in me, do hereby offer a reward of one hundred dollars for the apprehension and delivery of said Springston and Foreman to the jailor of the county of Knox, or fifty dollars for the apprehension and delivery of either of them as above stated.

In testimony whereof I have hereunto set my hand, this 10th day of July, 1835.

WM. CARROLL

CAMP ARMISTEAD,
July 10, 1835.

SIR: Your communication of to-day, which was received on my way to this post, has been read and duly considered.

The course pursued by you in relation to the outrages committed by Cherokees on citizens of the United States, is such as might have been looked for from one of your reputed experience and discretion.

I regret that one of my communications on the subject of these outrages was couched in language bearing the appearance of dictation. Such was not my intention at the time of writing; my only object was to take the responsibility of the whole proceedings on myself, in case you should have a deficiency, for the want of instructions from your superiors in command, in proceeding to arrest the offenders, &c.

Hereafter my communications will be shaped after a character less exceptionable. It is not the style, but the public interest, which I have most at heart; and whatever may have been contained in the communication alluded to of an exceptionable character, it is hoped will be regarded as the offspring of zeal to serve our Government, more than a disposition to command you or those under your control.

If the laws of the State within which these outrages were committed have in any shape been extended, I would give it as my opinion that the offenders should be delivered to the civil authorities of the State. But if, upon information, it should appear that the civil authority of said State should not extend to such offences, it appears to me, it would be well to hold the offenders in custody until the Secretary of War shall direct the course to be pursued in relation to them.

I will take occasion to advise the department of the character of the outrages committed on Colonel Turk at an early period, and inform you as early as practicable, of its determination on the subject, unless I should previously be advised that the supposed offenders have been disposed of otherwise.

Most respectfully,
Your very obedient servant,

BEN. F. CURREY

Lieutenant C. S. HOWE,
Camp Armistead, Tennessee.

KNOXVILLE, July 23, 1835.

SIR : In the last communication which I had the honor of making to you, on the termination of the duties assigned me last summer, influenced by motives the purity of which I believe you will do me the justice not to question, I tendered my services in any part that might be assigned me in effecting the removal of the Cherokees west of the Mississippi. Having, by that offer, indicated my willingness to be useful, I then intended to leave the rest to the judgment of the Executive; but living, as I do, in the immediate vicinity of the Cherokees, it is impossible that I can close my eyes on daily occurrences, or be blind to the fact that a very important part of the duty of the Government is becoming involved in greater and greater difficulty and confusion; nor is it to be denied that much, nay, most of this perplexity may be justly ascribed to ourselves. If this were not the case, and if all that has happened were imputable to the obstinacy of the Indians or their leaders, it does not become us, in my judgment, to refrain from the employment of all honorable means bidding fair to put an end to the present state of affairs.

They are our pupils, we their guardians; and we will not stand justified in the sight of Heaven, if we proudly fold our arms and permit them to imbrue their hands in their own or our people's blood, because a chief is obstinate, wayward, impudent, or spoiled by being long dandled in indulgent arms. Let us not, my dear sir, make it a point of honor to reduce an Indian chief to unconditional submission; it may cost more than it is worth, even if it were not an object infinitely below the position to which we are called.

Here, on the frontiers of four States, is a population of 15,000 souls, having a language, manners, customs, and a destiny different from ours; very partially civilized, and, therefore, incapable of government by our laws; occupying a territory which, in a thousand ways, we have acknowledged to be their own; who, since our independence, have looked to us for protection, taken a lively interest in our prosperity or adversity, and freely spilled their blood in our quarrels; but who, now, instead of finding a place of safety in the bosom of their natural guardians, are tasting the bitter fruits proceeding from that guardian's inability to protect them; who, in the teeth of that guardian's authority, have been despoiled of their property by the violent hands of lawless men: and whose internal government, rude, but energetic to restrain, has been abolished, and the law of the strongest substituted in its stead. And to pit a finishing stroke to their unhappiness, it must be admitted that they owe this frightful state of their affairs to us, plighted though we be, and bound by promises and christian duty, and by considerations of our power and their imbecility and dependence, to render them protection. Instead of which, here are our officers and agents wickedly fomenting party divisions among them, foolishly, contemptibly, and blindly instigating ignorant, uncultivated savages to despise their own chiefs, their natural superiors and real friends, and to throw off the only moral influence by which their minds can be restrained.

In the name of our country's honor, in the name of humanity, my dear sir, put an end to this disgraceful state of things. You can, very promptly, have a treaty made, on the basis of the 5,000,000 advised by the Senate, and with those whose authority the Cherokees will not, we cannot, deny.

I assure you that you will do the country a disservice, and yourself and me injustice, if you permit yourself to harbor and act upon the suspicion that what is here said has been suggested by a selfish motive. Follow the

dictates of common sense and custom, appoint negotiators personally acceptable to those to be negotiated with, guided by the star of the public good, remove obnoxious officers, and have success. Believe me, that your success, however brought about, will amply reward the pains of, sir,

Yours, respectfully,

R. J. MEIGS.

Hon. LEWIS CASS.

CHEROKEE AGENCY EAST,

July 27, 1835.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant, enclosing one to William Rogers. Before its receipt, the council had adjourned, and I was on my way to this place. It has, therefore, been deposited in the post office at Calhoun, where it will be mailed on to-day, for Lawrenceville, Georgia.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BENJ. F. CURREY.

Hon. CAREY A. HARRIS,
Acting Secretary of War.

CHEROKEE AGENCY EAST,

July 27, 1835.

SIR: The people composing the council called for the purpose of obtaining the sense of the nation on the subject of the annuity, convened on the day before the period appointed. There were between 2,500 and 2,600 Indian men present. This number could not by any previous measures or meetings have been anticipated. Mr. Schermerhorn was present, and obtained their consent to address them on the next morning. The first day was consumed in discussions, explanations, and voting on a proposition to divide the annuity among the people by ayes and nays. When the next morning arrived, Mr. Schermerhorn had a stand erected, so that he might by his elevation be the more generally heard; aided by the reverend Jesse Bushyhead, he went into a full explanation of the views of the Government, and the relation in which the different delegations stood to one another, their people, the States, and the General Government, which was listened to with much attention for a period of three hours. In order to insure attention, this resolution had been so worded that it would not dispose of the question further than the single proposition was concerned; and, by addressing them before the vote was finished, Mr. Schermerhorn had, perhaps, the largest red audience, of adult males, ever before assembled together in this nation at one time.

The Cherokees had, until a few days before, been advised not to attend, but when Ross found that the money would be paid to the order of the majority attending, his headmen were called together at Red Clay, when I am informed he told them the agents of Government, and the disorganized at-

tached to Ridge, must be put down; and in order to do this, all the men of the nation must rally, and be there to sustain their nation and its treasury. They came, some starving, some half clad, some armed, and scarcely any with provisions for more than one or two days. Under these circumstances, having a desire to be heard, Mr. Schermerhorn promised them rations for one day, on condition they would hear him as commissioner. On examination I found they might, under the 9th section of regulations for paying annuities, be furnished at public expense, if circumstances rendered it necessary. Arrangements were accordingly made, and requisitions drawn on Lieutenant Batman to meet the same. I took occasion to say to the Cherokees, as they came up by districts, that let them vote the money in what way they would, it could not save their country; that their party had been invited to express their views and wishes freely; instead of doing this, they had withdrawn themselves from the ground, and been counselled in the bushes. Why was this so? were their chiefs still disposed to delude their people, when ruin demanded entrance at the red man's door, and the heavy hand of oppression already rested upon his head? To say the least of it, there was something suspicious in their withdrawal. The officers of Government were bound to report their speeches to the Secretary of War, and the chiefs had shown contempt to the United States, by withdrawing themselves and their people into the woods beyond their hearing. If this was not the proper construction to be placed upon such a proceeding, the chiefs certainly had carried them off to feed their feelings on false hopes and false promises once more. When the resolution presented by Smith was disposed of, which stood 114 for, and 2,238 against, Gunter's resolution to pay to the Treasury was next in order. The whole people were called up, and the resolution read. Mr. Gunter made a few remarks in its support, when Major Ridge offered an amendment directing that none of this money should be paid to lawyers. This was seconded by John Ridge, which gave both of these latter gentlemen a full opportunity to be heard. They went into a most pathetic description of national distress and individual oppression; the necessity of seeking freedom in another clime; the importance of union and harmony, and the beauties of peace and of friendship; but said if there were any who preferred to endure misery, and wed themselves to slavery, as for them and their friends, they craved not such company. The Indians had, by districts, in files four deep, been drawn up to vote on Gunter's resolution, that they might hear it read, and be counted the more conveniently. But when the Ridges were speaking, all the previous prejudices so manifestly shown by looks appeared to die away, and the benighted foresters involuntarily broke the line and pressed forward as if attracted by the powers of magnetism to the stand, and when they could get no nearer they reached their heads forward in anxiety to hear the truth. After the Ridges had procured the desired attention, they withdrew their amendment, and the vote was taken on Gunter's resolution, and carried by acclamation. Mr. Schermerhorn then requested each party to appoint committees to meet him and Governor Carroll, at the agency, on the 29th instant. Ridge's party complied. If the other party did, it has not been made known to the commissioner.

By the next mail, we will be able to give information of a more satisfactory character, having reference to the future.

I have no doubt, although the money went into the treasury of the nation, (as might have been expected from a general turn out,) still the information communicated in the discussions growing up on the occasion will

be attended with the most happy consequences to the Cherokees, and greatly facilitate a final adjustment of their difficulties.

It is a matter worthy of remark, that so great a number of persons of any color have seldom if ever met and preserved better order than was observed on this occasion.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BENJ. F. CURREY.

ELBERT HERRING, Esq.,

Commissioner of Indian Affairs.

P. S.—The report required by the regulations will follow this, so soon as it can be made out.

Yours,

B. F. C.

CHEROKEE AGENCY EAST,

July 29, 1835.

SIR: Enclosed, I have the honor to transmit copies of reports made by Colonel C. H. Nelson and Colonel Nathaniel Smith, who were appointed in June last by me to take the census of the Cherokees east, in conformity with a verbal request from the honorable Secretary of War, as well as to comply with the requirements contained in a "circular," dated War Department, Office Indian Affairs, May, 1835, addressed to me a short period before this duty was commenced. Runners were sent over the country, and some of Ross's messages were seen and read by the census-takers, directing the Cherokees not to allow their numbers to be taken.

In 1819, John Ross notified the Indian agent that he had determined to reside permanently on a tract of land, reserved within the ceded territory for his use; and, in contemplation of the treaty, took upon himself all the responsibilities of a citizen of the United States. Has he not, then, subjected himself to the penalties of the 13th, 14th, and 15th sections of "An act to regulate trade and intercourse with the Indian tribes," &c. approved June 30, 1834?

One thing is very certain, that, by sending his messages and holding his talks in the Cherokee settlements, he more effectually disturbs the peace, and defeats or delays the measures of the Government of the United States, than he could if he were the citizen of a foreign Government, and much more than one of our own citizens possibly could do.

Very respectfully,

I have the honor to be,

Your very obedient servant,

BENJ. F. CURREY.

ELBERT HERRING, Esq.,

Commissioner of Indian Affairs.

POLECAT SPRINGS,
Cherokee county, Ga., July 7, 1835.

DEAR SIR: I made several efforts to procure an interpreter before Crittenton came on, but was unable to do so. He arrived on the 20th June, and on the 22d we set out to make the enumeration of the Cherokees in the bounds allotted me. With much difficulty I succeeded in getting 29 families to give in. On the morning of the 25th I arrived at Sixestown, where I was called upon by an armed force, who manifested much feeling, with directions that I proceed no further until they were better informed of the subject. I directed the parties to meet on the next Monday, at a large ball-play that was to have taken place on Long Swamp, where the parties promised to meet me, but failed to do so. I deem it but prudence to wait until the feelings of the Cherokee people should receive some definite direction from their headmen. After waiting thus long, I feel safe in saying that Ross, the principal chief, has directed his people not to give in their names or numbers. In this state of affairs, I have determined that prudence would direct that your views be known for my future government, as I am satisfied that nothing short of force will bring them to a sense of their duty, which I am willing to employ, if you think prudent to do so.

I am, with respect,

Your obedient servant,

C. H. NELSON.

ATHENS, TENN., July 8, 1835.

DEAR SIR: In accordance with my appointment to take the census of the Cherokee people in North Carolina, &c., I entered on this service on the 10th of June. I appointed Preston Starrett, Esq., interpreter, and commenced the work at the mouth of Coqua creek, and took down the number of eleven families without any difficulty; but when I arrived at the house of John Christie, he refused to give the number of his family, and I found it impossible to proceed, in consequence of evil-disposed persons having preceded me, and spread a report that I had been appointed to enrol them secretly, for emigration; that soon, other individuals would be on to appraise their improvements and remove them, &c. In consequence of this, the heads of families refused to give me their names, numbers, or answer any inquiries that I made, and the young people took to the hills; so that it was impossible to proceed with the business. I found, however, that a council was to convene in that vicinity in a few days. I deemed it proper to address it talk marked A, in which I stated my business and authority, and requested them to appoint some one of their people to accompany me. They listened to my talk with attention and respect, and appointed John Timson, one of their chiefs, to accompany me; but, afterwards, refused to let him proceed with me, unless it met the approbation of their principal chief, John Ross. They sent an express to him, by whom I addressed him a letter, a copy of which is herewith enclosed, marked B. On return of express, I received from him letter marked C. The chiefs again met in council on the 22d, about 100 in number, when I addressed them talk marked D. After hearing the communication

from Ross read; they still refused to give me their numbers, or let Timson accompany me. I therefore found it impossible to proceed with the business, and I returned home on the 24th ult. I deem it due to the chiefs that met in council to say to you that they treated me with attention and respect, after I had shown my instructions, and convinced them that my business was not to enrol them.

I have the honor to be,

Very respectfully,

NATH. SMITH

BENJ. F. CURREY, Esq.,

Indian Agent, &c.

A.

VALLEY TOWNS, June 6, 1835.

FRIENDS: I have been, by authority of the honorable Secretary of War, appointed to take the census of a portion of your tribe, as you will see from a copy of my appointment, herewith enclosed.

You will see that I have authority to appoint my own interpreter, and that I have appointed your acquaintance, Preston Starrett, Esq., as I was unacquainted with you, and believed that you would have confidence in him, enough to know that he would not be instrumental in taking any advantage of you. In this I am disappointed; for some evil-disposed persons have misrepresented my intentions, and induced many of your people to believe that my business was to enrol them for emigration, &c. The object of this communication is to assure you and your people, that I have no other object in view than simply to get your numbers, agreeably to my instructions, for the information of the Government of the United States. This the Government has a right to; and as the impression is out among your people, calculated to keep them from rendering to me a correct account of their number, I ask you to appoint some one of your tribe, in whom you can confide, to accompany me, that I may be enabled to get your number for the information of the President, as it has been represented to him that your number did not exceed ten thousand, and you say your number is much larger.

I am, respectfully,

NATH. SMITH.

D.

VALLEY TOWNS, June 22, 1835.

FRIENDS: It is with regret that I am informed that the appointment of one of your people, to accompany me in taking the census, did not meet the approbation of your principal chief. I do protest against his refusal, and insist that the President has a right to take your numbers, in any manner that he may think proper to direct. I do not ask it as a favor, but claim it as a right, to proceed in taking your numbers, and will view your refusal as a direct declaration that you have no friendship for the Government of the United States. It is an established custom in the United States, for the President to have the census of each State and Territory

taken every ten years, for the information of the Government, &c. And now that he should, for the first time, attempt to take your numbers, for your own benefit, and be refused, and the most illiberal construction put upon his motives, is a matter much to be regretted, as it is conclusive evidence that you are unfriendly to him. Why should you be unfriendly to him? Has he not, at all times, given you friendly counsel, and pursued the same policy towards you that his predecessors recommended and pursued? In all his talks to you, has he not given you good advice? What he recommended to you, he believes would promote your best interest; this he wishes to do, by placing you with his red children west of the Mississippi. In his intercourse with you, he addresses you as a father and a friend, and urges you to listen to him through his commissioners. You stay at home, and observe a sullen silence, and treat his commissioners with silence and contempt. This you did in 1822, and 1827, instead of meeting them, and conferring with them, as friends should have done. I know the President is your friend, and he believes that you are misled by bad men. The counsel that he gives you is intended by him for your own good. If you believe that it is not, you should meet his commissioners, and convince them, by your arguments, that it is not, &c. This would be like a father and his children conferring on matters and things for their mutual benefit. Instead of this, you view the agents that he sends among you with suspicion and distrust, and treat them as enemies. This is disagreeable to your great father, the President, as he is confident that the advice he gives you is good. I regret to have to inform him of your refusal, but shall do so, and await his farther orders on the subject.

Respectfully,
NATH. SMITH.

CHEROKEE AGENCY EAST,
July 30, 1835.

SIR: Enclosed, I have the satisfaction to transmit to you a certified history of the proceedings of the Running Waters council, held on the 19th, 20th, and 21st instant; to determine how the annuity of the present year should be disposed of.

The names are recorded as the votes were presented on Smith's resolution. But all who were present did not vote on either side, and many of those who were in favor of dividing the money, finding that their wishes could not be carried, voted it to the treasurer. Some of the voters in favor of a treaty, having claims on the Cherokee nation, voted, and influenced many others to vote, in the same way; so that the vote on Smith's resolution cannot, properly, be considered a fair test of the strength of parties.

Ridge's party is increasing rapidly, and will, by raising the proper means, reach the majority of Georgia, Alabama, and Tennessee, long before the adjournment of the next Congress.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BENJ. F. CURREY,

Superintendent, &c.

ELBERT HERRING, Esq.,

Commissioner Indian Affairs.

P. S.—Ross has failed to meet the commissioners, for jesuitical reasons assigned. The commissioners addressed him a communication, which has produced a proposition in writing from him to the Ridges to bury the hatchet, and act in concert for the good of their country, and inviting them to a convention, to be composed of the intelligent of all parties, for the purpose of considering of their national condition. To this proposition, Ridge's party have yielded their assent; but, in the mean time, they are determined to redouble their zeal and diligence to accomplish the removal of their people.

B. F. C.

RUNNING WATERS, COUNCIL GROUND, FLOYD CO., GA.
Monday, July 19, 1835.

At an adjourned meeting, held, pursuant to notice from the acting agent of the United States for the Cherokees east of the Mississippi river, for the purpose of ascertaining from the Cherokee people their wishes as to the manner and to whom their present year's annuity should be paid, by common consent it was agreed and resolved that the meeting be opened with prayer; and the Rev. Mr. Spirit and David Weatie (Cherokees) officiated accordingly.

After the solemnities appropriate to the occasion were performed, Benjamin F. Currey, United States agent, aided by Lieutenant Batman, of the United States army, fully explained the object for which this meeting was called; all which was again fully explained, in the Cherokee language, by Joseph A. Foreman, the interpreter.

John Ross made some remarks in reply; said he was sorry that the agent had taken occasion to be personal in his remarks, but that he was not disposed to take any notice of these personalities at this time; that he was aware that there was among us a description of persons who were called by party names; this he had not encouraged; that, as for himself, he was not disposed to quarrel with any man for an honest expression of opinion, for the good of the people, (for the truth and sincerity of which he called Heaven to witness;) and that if gentlemen were honest in their professions of benevolence, he was ready, at any time, to co-operate with them, when it would appear that they were right, and he was wrong.

John Ridge, in reply, stated, that so far as he was concerned, he, too, discarded party views, and sinister motives; that, so far as he, and those with him, acted different from Mr. Ross and his chiefs, he done so from an honest conviction that it was the only way in which the integrity and political salvation of the Cherokee people could be preserved and effected, and that he was, at any moment, ready to acknowledge Ross as his principal chief, when he (Ross) could or would prove to him a better plan. But till then, as an honest man, sensible as he was of the difficulties and hazard of the crisis that surrounded them all, he must act on the suggestions arising out of the case, though it should cost him the last drop that heaved his breath; that he had not understood the agent to indulge in, or intend personalities, but his explanations, directed by the law and instructions from the executive, necessarily involved the actors themselves; that he had, and would, at all times, be open to conviction, when better and more conclusive arguments than his own were adduced on the points of difference. But he did

not understand why it was, if Mr. Ross's declarations were sincere, that large bodies of Indians had been withdrawn by their chiefs from the ground, and were not permitted to hear. As for his part, he wanted the whole nation to learn, and be able to know their true situation; that he was ready to co-operate with Mr. Ross, or any body else, for the salvation of his bleeding and oppressed countrymen.

The Rev. Mr. Schermerhorn, commissioner on behalf of the United States, took occasion, after being introduced by the agent as such, to rise; read his commission, and expressed his satisfaction and gratification at the prospect of an amicable reconciliation of all party strife and animosity, and so far as he might be concerned in their affairs, he did not intend to know any party or distinction of parties; that he only meant to know the Cherokee people east of the Mississippi as one party in this case; and that he would avail himself of the present occasion to request that during this meeting they would select from among themselves a number of delegates, at least twelve or more, or any other number they might deem expedient, to meet him and Governor Carroll at the Cherokee agency, on Wednesday, the 30th instant, to arrange preliminaries, necessary to a convention for a full adjustment of their whole difficulties by treaty; the basis of which had already been fixed by Ridge, Ross, and others, which he presumed they were all apprized of; and suggested the importance of naming Ross and Ridge first on said committee. The commissioner then apprized the conductors of the election that he would, with their consent, occupy their time on to-morrow morning, so far as to read over and fully explain the treaty to be offered the Cherokee people for their approval, which was consented to by the agents, and the chiefs present; whereupon, Commissioner Schermerhorn retired.

The following resolution was then introduced by Archilla Smith, and seconded by John Ridge:

Resolved, by the council of the Cherokee nation, That in consideration of the poor condition of our people, the aged, the infirm of both sexes, men, women, and children, that the present annuity of six thousand six hundred and sixty-six dollars and sixty-seven cents, be now divided equally to the people, and to the poor particularly, as it is their money, accruing from old treaties with the United States. It is now a great many years since they have received the same."

In support of this resolution, Major Ridge, John Ridge, and Archilla Smith spoke at considerable length, to the following purport: The people make a nation; no nation ever existed without a people. The annuity is payable to the nation; and Congress has given the people full power to dispose of it in such manner as they may think proper. Have the people been benefitted by the use made of the money heretofore, by their chiefs? Have those chiefs saved the country? Have they restored to you your fields? Have they saved your people from the gallows? Have they driven back the white settlers? No. But, on the other hand, have you not lost your laws and government? Have you not been impoverished and oppressed? And are you not bleeding and starving under these oppressions? If this be the fact, is it not time for you to take that which will give you some little relief from want, rather than vote it to those who cannot, or, if they can, will not afford you relief.

All that we insist on in this matter is that you exercise your own choice in disposing of this money. It was in our power not long since, when but

few attended at the call of the General Government, (last May council, held at Running Waters,) to have done as we pleased with this money, but we would not condescend to take advantage of that absence which had been procured by the other chiefs. We preferred to have a full meeting of the people, if practicable, and leave the question to the majority. At that time our application was made to this effect, and agreed to by the agent for the General Government, which has been read to you by him, and interpreted by Mr. Foreman. It is the will of our people and not my will which it is now wished should control this money. While we make this declaration we wish the yeas and nays taken and registered, that all may have an opportunity of understanding the resolution; and that each and every one may vote as Cherokees should learn to vote, *independently*.

Edward Gunter then offered the following resolution :

Resolved, That the present annuity now due to the Cherokee nation, be paid to John Martin, treasurer of the Cherokee nation."

In support of this resolution he made the following remarks: that the nation was in debt; that their faith as a nation was pledged for money; that they had none wherewith to redeem that pledge; that they could not resort to taxation, for in that case the State laws would interfere. He hoped, therefore, they would vote the money to the national treasury.

At this time a general call for the vote from the crowd (consisting of upwards of two thousand Cherokees) was made.

The Government agents then opened the election to take the vote on Smith's resolution; those in favor, in the affirmative, and those against, in the negative.

YEAS AND NAYS on Smith's resolution.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1	James Field	Chattouga	1	
2	Major Ridge	Coosa	1	
3	D. J. Hook	Turkey Town	1	
4	Stand Waitie	Coosawaittie	1	
5	J. L. McKay	Wills Valley	1	
6	J. Saunders	Talloney		1
7	Elijah Hicks	New Echota		1
8	Thomas Taylor	Chichamauga		1
9	James Casey	do.		1
10	Nath'l Hicks	do.		1
11	A. Ratley	Ten river		1
12	Tesataesky	Spring town		
13	Black Fox	Oothcalouga	1	
14	Sam'l Foreman	Candy's creek		1
15	Jno. Adair	Oothcalouga		1
16	Jno. Rogers	Chattahoochee		1
17	Henderson Harris	Forks of Coosa	1	
18	Joseph Rogers	Sawana		1
19	R. Raincrow	Chattouga	1	
20	D. McCoy	Red Clay		1
21	Ezekiel Fields	Ten river		1
22	Willy Bigby	Candy's creek		1
23	A. Adair	Oothcalouga		1
24	J. A. Thompson	Pine Log		1
25	R. Rogers	Sawana		1
26	Bird Harris	do.		1
27	James Vaun	Talloha		1
28	Jno. Fields, sen.	Turnip Mountain	1	
29	Johnson Thompson	Pine Log		1
30	Jno. Williams	Rock creek		1
31	B. F. Thompson	Sala Coa		1
32	Geo. Candy	Mouse creek		1
33	J. F. Adair	Two Run		1
34	G. W. Adair	Sala Coa		1
35	Sweet Water	Aquoa		1
36	Situaga	do.		1
37	Geo. Blair	do.		1
38	Wastuwaha	O. Town		1
39	Ned	Aquoa		1
40	Isaac Dick	do.		1
41	Jug	do.		1
42	Alaac	do.		1
43	Jno. Timson	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
44	Mose - - -	Aquoa - - -	-	1
45	William - - -	do. - - -	-	1
46	J. C. Towers - - -	Oothcalonga - - -	-	1
47	Jas. McNair - - -	Connasauga - - -	-	1
48	Jas. Vaun - - -	do. - - -	-	1
49	J. Davidson - - -	Aquoa - - -	-	1
50	D. Foreman - - -	Candy creek - - -	-	1
51	John - - -	Aquoa - - -	-	1
52	Jno. Blythe - - -	Long Savannah - - -	-	1
53	Jesse Grass - - -	Aquoa - - -	-	1
54	Jno. Rogers - - -	do. - - -	-	1
55	Horse Fly - - -	do. - - -	-	1
56	Idom - - -	do. - - -	-	1
57	Young Turkey - - -	do. - - -	-	1
58	Wansanda - - -	do. - - -	-	1
59	Catcher - - -	do. - - -	-	1
60	Jim - - -	do. - - -	-	1
61	Conazeen - - -	do. - - -	-	1
62	Arthy - - -	do. - - -	-	1
63	Temaha - - -	do. - - -	-	1
64	Sandusky - - -	do. - - -	-	1
65	Davy - - -	do. - - -	-	1
66	John - - -	do. - - -	-	1
67	Snow Bird - - -	do. - - -	-	1
68	Throw it Down - - -	do. - - -	-	1
69	Steph'n Ray - - -	Candy's creek - - -	-	1
70	Spike Buck - - -	Aquoa - - -	-	1
71	C. McNair - - -	Connasauga - - -	-	1
72	J. Rogers - - -	Chattahoochee - - -	-	1
73	Draging Canal - - -	Aquoa - - -	-	1
74	Tom - - -	do. - - -	-	1
75	Otterlifter - - -	do. - - -	-	1
76	Chatowie - - -	do. - - -	-	1
77	Ned Christy - - -	do. - - -	-	1
78	Jack - - -	do. - - -	-	1
79	Chusawalla - - -	do. - - -	-	1
80	Wawasade - - -	do. - - -	-	1
81	Assultie - - -	do. - - -	-	1
82	Crow Mocker - - -	do. - - -	-	1
83	Eagle - - -	do. - - -	-	1
84	John - - -	do. - - -	-	1
85	Hooper - - -	do. - - -	-	1
86	Jno. Walker - - -	do. - - -	-	1
87	Ana Cooka - - -	do. - - -	-	1
88	Chunoaka - - -	do. - - -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
89	Chulowie - -	Aquoa - -	- -	1
90	Nassutah - -	do. - -	- -	1
91	Johnson - -	do. - -	- -	1
92	Sofskie - -	do. - -	- -	1
93	Lookout - -	do. - -	- -	1
94	Waxy - -	do. - -	- -	1
95	Jno. Christy - -	do. - -	- -	1
96	Overtaker - -	do. - -	- -	1
97	Joseph - -	do. - -	- -	1
98	Luatsutlie - -	do. - -	- -	1
99	Inside - -	do. - -	- -	1
100	Going-away - -	do. - -	- -	1
101	Sunallic - -	do. - -	- -	1
102	Nicoochi - -	do. - -	- -	1
103	Bear-sitting-down - -	do. - -	- -	1
104	Bushy - -	do. - -	- -	1
105	Isaac - -	do. - -	- -	1
106	Stooping-about - -	do. - -	- -	1
107	Bony - -	do. - -	- -	1
108	Chunowie - -	do. - -	- -	1
109	Cloud - -	do. - -	- -	1
110	Old Rabbit - -	do. - -	- -	1
111	Crawler - -	do. - -	- -	1
112	Turnover - -	do. - -	- -	1
113	Taple - -	do. - -	- -	1
114	Zekiel - -	do. - -	- -	1
115	Going-back - -	do. - -	- -	1
116	Shot-bag - -	do. - -	- -	1
117	Ragy - -	do. - -	- -	1
118	Tunowie - -	do. - -	- -	1
119	Joe - -	do. - -	- -	1
120	Dark Christy - -	do. - -	- -	1
121	Rising Tower - -	do. - -	- -	1
122	Lightning Bug - -	do. - -	- -	1
123	George - -	do. - -	- -	1
124	Jim Hawkins - -	do. - -	- -	1
125	Chunokie - -	do. - -	- -	1
126	Mose - -	do. - -	- -	1
127	Cloud - -	do. - -	- -	1
128	George - -	do. - -	- -	1
129	Sentfor - -	do. - -	- -	1
130	Squirrel - -	do. - -	- -	1
131	Nickyach - -	do. - -	- -	1
132	Chulihaw - -	do. - -	- -	1
133	Siquachy - -	do. - -	- -	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
134	Ridge - - -	Aquoa - - -	-	1
135	Duck - - -	do. - - -	-	1
136	Tunowie - - -	do. - - -	-	1
137	Daylight - - -	do. - - -	-	1
138	Sapuchen - - -	do. - - -	-	1
139	Wachucker - - -	do. - - -	-	1
140	Otterlifter - - -	do. - - -	-	1
141	Spaki - - -	do. - - -	-	1
142	Sangeeooha - - -	do. - - -	-	1
143	Swinged - - -	do. - - -	-	1
144	Wausada - - -	do. - - -	-	1
145	Astola - - -	do. - - -	-	1
146	Uxy - - -	do. - - -	-	1
147	Dick - - -	do. - - -	-	1
148	Path-killer - - -	do. - - -	-	1
149	Thief - - -	do. - - -	-	1
150	Hale - - -	do. - - -	-	1
151	Triader - - -	do. - - -	-	1
152	George - - -	do. - - -	-	1
153	Chumocka - - -	do. - - -	-	1
154	Culowie - - -	do. - - -	-	1
155	Tincer - - -	do. - - -	-	1
156	Young Turkey - - -	do. - - -	-	1
157	Bear Meat - - -	do. - - -	-	1
158	Scouser - - -	do. - - -	-	1
159	Ticuskie - - -	do. - - -	-	1
160	Snakie - - -	do. - - -	-	1
161	Tuntike - - -	do. - - -	-	1
162	Catcher - - -	do. - - -	-	1
163	Spike Buck - - -	do. - - -	-	1
164	Going-on - - -	do. - - -	-	1
165	Chalagatahi - - -	do. - - -	-	1
166	Bear Drowned - - -	do. - - -	-	1
167	Swimmer - - -	do. - - -	-	1
168	Young Bird - - -	do. - - -	-	1
169	Young Chicken - - -	do. - - -	-	1
170	David England - - -	do. - - -	-	1
171	E. Buffington - - -	do. - - -	-	1
172	Mashabout - - -	do. - - -	-	1
173	Ragid - - -	do. - - -	-	1
174	Bill - - -	do. - - -	-	1
175	John - - -	do. - - -	-	1
176	Watty - - -	do. - - -	-	1
177	Sapsucher - - -	do. - - -	-	1
178	Charles - - -	do. - - -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
179	Cotaqusky	Aquoah		1
180	Oohalvoka	do.		1
181	Mouse	do.		1
182	Chunhaka	do.		1
183	Wolf	do.		1
184	Going-away	do.		1
185	Big Head	do.		1
186	Fodder	do.		1
187	Spring Frog	do.		1
188	Rising Town	do.		1
189	Early Corn	do.		1
190	Going Back	Shoemake		1
191	Sukeke	Aquoah		1
192	Bill	Salacohe		1
193	Oolah	Aquoah		1
194	Tesitiskey	do.		1
195	Ike	do.		1
196	Squirrel	do.		1
197	Chostawsy	do.		1
198	Cup	do.		1
199	Sutteah	do.		1
200	Headout	do.		1
201	Listening	do.		1
202	Oaksotooie	do.		1
203	Jim	do.		1
204	Axe	do.		1
205	Cahalstie	do.		1
206	Snake	do.		1
207	Johnson	do.		1
208	Johnson	do.		1
209	Pigeon	do.		1
210	Backthem	do.		1
211	Going About	do.		1
212	Tarchulana	do.		1
213	Lizard	do.		1
214	Standing	do.		1
215	Dog	do.		1
216	Bill	do.		1
217	Saumy	do.		1
218	John	do.		1
219	Jack	do.		1
220	Sam	do.		1
221	Wolf	do.		1
222	Chuhalooka	do.		1
223	Crow	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
224	Parch Corn	Aquoha		
225	Shoe	do.		
226	Board	do.		
227	Binding	do.		
228	Uchustorcy	do.		
229	Ramble	do.		
230	Grog	do.		
231	Young Chicken	do.		
232	Sparrow	do.		
233	Takeout	do.		
234	Siah	do.		
235	Wansitie	do.		
236	Walawtah	do.		
237	Sinder	do.		
238	Dick	do.		
239	Barrow	do.		
240	Little Dog	do.		
241	Cahcowie	do.		
242	Tusiskie	Aquoa		
243	Tualooka	Tarcou		
244	Bear Paw	do.		
245	Bird	do.		
246	John	do.		
247	Bunchlegs	do.		
248	Nuntooaka	do.		
249	Cotaquaskie	do.		
250	Hogshooter	do.		
251	Spirit	do.		
252	John Rogers	do.		
253	S. Oral	do.		
254	Hogfish	do.		
255	Coonortalooah	do.		
256	Liphout	do.		
257	Biter	do.		
258	Robbin	do.		
259	Hogshooter	do.		
260	Going Snake	Tarcoa		
261	Keakyhead	do.		
262	Chulehaw	do.		
263	Sankinah	do.		
264	Stargoin	do.		
265	Mistake	do.		
266	Tincer	do.		
267	Bean	do.		
268	Ear	do.		
269	Taiski	do.		

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
270	Suttikah	Tarcoa	-	1
271	Gutanoolahi	do.	-	1
272	Mortar	do.	-	1
273	Toosawattah	do.	-	1
274	Suttowaka	do.	-	1
275	Flaxbird	do.	-	1
276	Drawer	do.	-	1
277	Caskudooah	do.	-	1
278	Sincabtihi	do.	-	1
279	Cat	do.	-	1
280	Knockmi	do.	-	1
281	Johnowana	do.	-	1
282	Little Bone	do.	-	1
283	Johnowana	do.	-	1
284	Little Bird	do.	-	1
285	Conosaha	do.	-	1
286	Scoussah	do.	-	1
287	Getup	do.	-	1
288	Darinwater	do.	-	1
289	Sam	do.	-	1
290	Watibah	do.	-	1
291	Jackson	do.	-	1
292	Jim	do.	-	1
293	Harness	do.	-	1
294	Chuheatlah	do.	-	1
295	Charles	do.	-	1
296	Buzard	do.	-	1
297	Dick	do.	-	1
298	Whirlwind	do.	-	1
299	Squirrel	do.	-	1
300	Fincer	do.	-	1
301	Raincrow	do.	-	1
302	Ticani	do.	-	1
303	Cup	do.	-	1
304	Cowalitah	do.	-	1
305	Whip	do.	-	1
306	Rattling	do.	1515	1
307	Poor Boy	do.	-	1
308	Young Duck	do.	-	1
309	William Foreman	Aquoa	-	1
310	Rising Fawn	Tarquoha	-	1
311	James Brown	Chickamoga	-	1
312	John Vann	do.	-	1
313	Dick Taylor	do.	-	1
314	Sleeping Rabbit	do.	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
315	John Baldridge -	Chickamoga -	-	1
316	Charles Ruce -	do. -	-	1
317	Cañnuyaha -	do. -	-	1
318	Young Glass -	do. -	-	1
319	Jessee -	do. -	-	1
320	Thusquani -	do. -	-	1
321	John Brown -	do. -	-	1
322	Robert Binge -	do. -	-	1
323	Levi Timberlake -	do. -	-	1
324	Swimer -	do. -	-	1
325	Martin Binge -	do. -	-	1
326	Archy Wilson -	do. -	-	1
327	Tom Brown -	do. -	-	1
328	Dick Wilkinson -	do. -	-	1
329	Dahlossa -	do. -	-	1
330	Moses Campbell -	do. -	-	1
331	Pathkiller -	do. -	-	1
332	Back -	do. -	-	1
333	Robin Hood -	Chatoga -	-	1
334	Speaker -	Chickamoga -	-	1
335	Big Dollar -	do. -	-	1
336	Ned Bark -	do. -	-	1
237	Small Buck -	do. -	-	1
338	John Young -	do. -	-	1
339	Dick Floreman -	do. -	-	1
340	Dick Binge -	do. -	-	1
341	Singer -	do. -	-	1
342	Archy -	do. -	-	1
343	Tarapin Head -	do. -	-	1
344	Zagagesti -	do. -	-	1
345	Horace Brown -	do. -	-	1
346	Tanchichi -	do. -	-	1
347	Stand -	do. -	-	1
348	Kunaskiski -	do. -	-	1
349	Waskiski -	do. -	-	1
350	Udenulla -	do. -	-	1
351	Richard Taylor, jr. -	do. -	-	1
352	T. Rallinggourd -	do. -	-	1
353	James Taylor -	do. -	-	1
354	Cahlonahasky -	do. -	-	1
355	Tom Fox -	do. -	-	1
356	Cold Weather -	do. -	-	1
357	Talonahisky -	do. -	-	1
358	John Baldridge -	do. -	-	1
359	Cloud -	do. -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
360	Josiah Ruce	Chickamoga	-	1
361	Tho. Manning	do.	-	1
362	Wancausoda	do.	-	1
363	Tracker	do.	-	1
364	Young Bird	do.	-	1
365	Jim Parker	do.	-	1
366	James Sanders	do.	-	1
367	Swan	do.	-	1
368	Caligah	do.	-	1
369	Smoke	do.	-	1
370	Tho. Walker	do.	-	1
371	Hunter Langley	do.	-	1
372	Otter	do.	-	1
373	Seting Bear	do.	-	1
374	James Lowry	do.	-	1
375	Black Fox	do.	-	1
376	Runabout	do.	-	1
377	Robbin	do.	-	1
378	Kinatooga	do.	-	1
379	Cahagantaskie	do.	-	1
380	Spirit	do.	-	1
381	George	do.	-	1
382	Stephen	do.	-	1
383	Westana	do.	-	1
384	Black Fox	do.	-	1
385	Johnson Murphy	do.	-	1
386	Rain Crow	do.	-	1
387	John Walker	do.	-	1
388	Ben	do.	-	1
389	Landseller	do.	-	1
390	Samuel Taylor	do.	-	1
391	James Fields	do.	-	1
392	Pheasant	do.	-	1
393	Clostanah	do.	-	1
394	Young Chicken	do.	-	1
395	Tachausey	do.	-	1
396	Ohaluskey	do.	-	1
397	Doublehead	do.	-	1
398	Drowning Bear	do.	-	1
399	Smoke	do.	-	1
400	Leaf	do.	-	1
401	Withcalooski	do.	-	1
402	Olisitunki	do.	-	1
403	Stump	do.	-	1
404	Canadiwaski	do.	-	1

YEAS AND NAYS—Continued.

Number	Names of voters.	Residence.	Ayes.	Noes.
405	Watt - - -	Chickamoga - - -	-	1
406	Oalscunny - - -	do. - - -	-	1
407	Arkalooha - - -	do. - - -	-	1
408	Antacuske - - -	do. - - -	-	1
409	Whirlwind - - -	do. - - -	-	1
410	Cadnastiskey - - -	do. - - -	-	1
411	Corntassle - - -	do. - - -	-	1
412	Crying Wolf - - -	do. - - -	-	1
413	Pathkiller - - -	do. - - -	-	1
414	Arch Lowry - - -	do. - - -	-	1
415	Saska - - -	do. - - -	-	1
416	Hawk - - -	do. - - -	-	1
417	Osage - - -	do. - - -	-	1
418	Catcher - - -	do. - - -	-	1
419	John - - -	do. - - -	-	1
420	Spirit - - -	do. - - -	-	1
421	Yustiski - - -	do. - - -	-	1
422	Pigeon - - -	do. - - -	-	1
423	Talaoatly - - -	do. - - -	-	1
424	Calegah - - -	do. - - -	-	1
425	Charles Manning - - -	do. - - -	-	1
426	Toonaki - - -	do. - - -	-	1
427	Chinabi - - -	do. - - -	-	1
428	Rock - - -	do. - - -	-	1
429	Charles - - -	do. - - -	-	1
430	Six Killer - - -	do. - - -	-	1
431	Will - - -	do. - - -	-	1
432	Zikanastiki - - -	do. - - -	-	1
433	Chinaquayah - - -	do. - - -	-	1
434	Oumatlar - - -	do. - - -	-	1
435	Zamryah - - -	do. - - -	-	1
436	Pigeon - - -	do. - - -	-	1
437	Wishana - - -	do. - - -	-	1
438	Cooiskooi - - -	do. - - -	-	1
439	Tarapin - - -	do. - - -	-	1
440	Canascurki - - -	do. - - -	-	1
441	Shunalli - - -	do. - - -	-	1
442	Chuit - - -	do. - - -	-	1
443	Talska - - -	do. - - -	-	1
444	Wawosaili - - -	do. - - -	-	1
445	Manstriker - - -	do. - - -	-	1
446	Sparrowhawk - - -	do. - - -	-	1
447	Squanah - - -	do. - - -	-	1
448	Draging Canal - - -	do. - - -	-	1
449	Wash Lowry - - -	do. - - -	-	1
450	Salah - - -	do. - - -	-	1

YEAS AND NAYS—Continued.

Number	Names of voters.	Residence.	Ayes.	Noes.
451	Jackson - -	Chickamoga - -	- -	1
452	Ashhopper - -	do. - -	- -	1
453	Gander - -	do. - -	- -	1
454	Oohalatah - -	do. - -	- -	1
455	Rustybelly - -	do. - -	- -	1
456	Lascany - -	do. - -	- -	1
457	Martin - -	do. - -	- -	1
458	Creek - -	do. - -	- -	1
459	Olahati - -	do. - -	- -	1
460	July - -	do. - -	- -	1
461	Durinwater - -	do. - -	- -	1
462	Chilhowie - -	do. - -	- -	1
463	Culskawa - -	do. - -	- -	1
464	Tachichi - -	do. - -	- -	1
465	Sweetwater - -	do. - -	- -	1
466	Fodder - -	do. - -	- -	1
467	Shade - -	do. - -	- -	1
468	Tacoosta - -	do. - -	- -	1
469	Caquanha - -	do. - -	- -	1
470	Sweetwater - -	do. - -	- -	1
471	Durcoming - -	do. - -	- -	1
472	Leaf - -	do. - -	- -	1
473	Standing - -	do. - -	- -	1
474	Littlemeat - -	do. - -	- -	1
475	Crow - -	do. - -	- -	1
476	Oceanah - -	do. - -	- -	1
477	Ouskillah - -	do. - -	- -	1
478	Going Snake - -	do. - -	- -	1
479	Cataqua - -	do. - -	- -	1
480	Chunahaga - -	do. - -	- -	1
481	Zalata - -	do. - -	- -	1
482	Chuiskah - -	do. - -	- -	1
483	Zoogootah - -	do. - -	- -	1
484	Osulanah - -	do. - -	- -	1
485	Ouchucaiska - -	do. - -	- -	1
486	Noonday - -	do. - -	- -	1
487	Tultahasah - -	do. - -	- -	1
488	Tarchichi - -	do. - -	- -	1
489	Grog - -	do. - -	- -	1
490	Scrapeskin - -	do. - -	- -	1
491	Owl - -	do. - -	- -	1
492	Onioinski - -	do. - -	- -	1
493	Dick - -	do. - -	- -	1
494	George - -	do. - -	- -	1
495	Alanitah - -	do. - -	- -	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
496	Sweetwater - -	Chickamoga - -	- -	1
497	Duck - -	do. - -	- -	1
498	Tyger - -	do. - -	- -	1
499	Key - -	do. - -	- -	1
500	John - -	do. - -	- -	1
501	Wasoda - -	do. - -	- -	1
502	Goodmoney - -	do. - -	- -	1
503	Wat McDaniel - -	do. - -	- -	1
504	Dick Brown - -	do. - -	- -	1
505	Abdalaski - -	do. - -	- -	1
506	Kunah - -	do. - -	- -	1
507	Letusstop - -	do. - -	- -	1
508	Peacock - -	do. - -	- -	1
509	Titaniski - -	do. - -	- -	1
510	Canedooh - -	do. - -	- -	1
511	Zantulanah - -	do. - -	- -	1
512	Scaffold - -	do. - -	- -	1
513	Man Killer - -	do. - -	- -	1
514	Wahhachy - -	do. - -	- -	1
515	Mouse - -	do. - -	- -	1
516	Mole - -	do. - -	- -	1
517	Robbin - -	do. - -	- -	1
518	Ouneha - -	do. - -	- -	1
519	Horns - -	do. - -	- -	1
520	Dick - -	do. - -	- -	1
521	Moses - -	do. - -	- -	1
522	Buzard - -	do. - -	- -	1
523	Ellick - -	do. - -	- -	1
524	Henry - -	do. - -	- -	1
525	Catahi - -	do. - -	- -	1
526	Smoke - -	do. - -	- -	1
527	Eagle - -	do. - -	- -	1
528	Night - -	do. - -	- -	1
529	Water Lizard - -	do. - -	- -	1
530	Chuckcowie - -	do. - -	- -	1
531	Utaha - -	do. - -	- -	1
532	Chulestah - -	do. - -	- -	1
533	John Owayer - -	do. - -	- -	1
534	Cloud - -	do. - -	- -	1
535	Field - -	do. - -	- -	1
536	Dick - -	do. - -	- -	1
537	Red Bird - -	do. - -	- -	1
538	Culaka - -	do. - -	- -	1
539	Red Bird - -	do. - -	- -	1
540	Lion - -	do. - -	- -	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
541	Field - - -	Chickamoga -	-	1
542	Hawk - - -	do. - - -	-	1
543	Kiainatah - - -	do. - - -	-	1
544	White Killer - - -	do. - - -	-	1
545	Kalahahi - - -	do. - - -	-	1
546	David - - -	do. - - -	-	1
547	Tessiski - - -	do. - - -	-	1
548	Hog - - -	do. - - -	-	1
549	Pheasant - - -	do. - - -	-	1
550	Jack - - -	do. - - -	-	1
551	Esooqunah - - -	do. - - -	-	1
552	Atterlifter - - -	do. - - -	-	1
553	Sultagi - - -	do. - - -	-	1
554	George - - -	do. - - -	-	1
555	Clounbli - - -	do. - - -	-	1
556	Canohili - - -	do. - - -	-	1
558	W. Griffin - - -	do. - - -	-	1
559	Canastoha - - -	do. - - -	-	1
560	Young Chicken - - -	do. - - -	-	1
561	Wm. Baldridge - - -	do. - - -	-	1
562	Peter - - -	do. - - -	-	1
563	Toosawaltah - - -	do. - - -	-	1
564	Istiaskeah - - -	do. - - -	-	1
565	Toouai - - -	do. - - -	-	1
566	Blue Bird - - -	do. - - -	-	1
567	J. Ratlinggourd - - -	do. - - -	-	1
568	Wanahoisk - - -	do. - - -	-	1
569	Messenger - - -	do. - - -	-	1
570	Dreadfulwater - - -	do. - - -	-	1
571	Aquichi - - -	do. - - -	-	1
572	Buck - - -	do. - - -	-	1
573	Siting Bear - - -	do. - - -	-	1
574	Cloacanah - - -	do. - - -	-	1
575	Wasahah - - -	do. - - -	-	1
576	Jeralaastah - - -	do. - - -	-	1
577	Elliskanah - - -	do. - - -	-	1
578	Seoksarah - - -	do. - - -	-	1
579	Zigoolatiski - - -	do. - - -	-	1
580	Oosasti - - -	do. - - -	-	1
581	Three Killer - - -	do. - - -	-	1
582	Big Nose - - -	do. - - -	-	1
583	Robbin - - -	do. - - -	-	1
584	Johnson - - -	do. - - -	-	1
585	Tawhinctah - - -	do. - - -	-	1
586	Saquah - - -	do. - - -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
587	Tikahastika - -	Chickamoga - -	-	1
588	Annawatacatew - -	do. - -	-	1
589	Assinagah - -	do. - -	-	1
590	Allakana - -	do. - -	-	1
591	Messenger - -	do. - -	-	1
592	Zenelanstah - -	do. - -	-	1
593	Lewis Bark - -	do. - -	-	1
594	Wilkinson - -	do. - -	-	1
595	Wallace Vann - -	do. - -	-	1
596	Standing Crane - -	do. - -	-	1
597	Tesetoski - -	do. - -	-	1
598	Jack - -	do. - -	-	1
599	Cuneiski - -	do. - -	-	1
600	Chichi - -	do. - -	-	1
601	Aquatake - -	do. - -	-	1
602	Daniel - -	do. - -	-	1
603	Rabbit - -	do. - -	-	1
604	Lewis - -	do. - -	-	1
605	Martin North - -	do. - -	-	1
606	Utalmili - -	do. - -	-	1
607	Little Barrow - -	do. - -	-	1
608	Chulloka - -	do. - -	-	1
609	Echak - -	do. - -	-	1
610	Eight Killer - -	do. - -	-	1
611	Big Kittle - -	do. - -	-	1
612	Kin - -	do. - -	-	1
613	Pelican - -	do. - -	-	1
614	Turkeytoter - -	do. - -	-	1
615	Tom - -	do. - -	-	1
616	Metuyah - -	do. - -	-	1
617	Ennelatishah - -	do. - -	-	1
618	N. McDaniel - -	do. - -	-	1
619	Johnson - -	do. - -	-	1
620	Hare - -	do. - -	-	1
621	Estuwah - -	do. - -	-	1
622	George - -	do. - -	-	1
623	Aquah - -	do. - -	-	1
624	Cullass - -	do. - -	-	1
625	G. McPherson - -	do. - -	-	1
626	Cultawallah - -	do. - -	-	1
627	Tekeng Murphy - -	do. - -	-	1
628	Five Killer - -	do. - -	-	1
629	Stud Horse - -	do. - -	-	1
630	Pheasapt - -	do. - -	-	1
631	Canaloiski - -	do. - -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
632	Zallowsa - -	Chickamoga - -	- -	1
633	Sukatowie - -	do. - -	- -	1
634	Suhanaka - -	do. - -	- -	1
635	Drowningbear - -	do. - -	- -	1
636	Ounqulah - -	do. - -	- -	1
637	Manstriker - -	do. - -	- -	1
638	Walegoolie - -	do. - -	- -	1
639	Jack - -	do. - -	- -	1
640	Chinowie - -	do. - -	- -	1
641	Squirrel - -	do. - -	- -	1
642	C. McIntosh - -	do. - -	- -	1
643	Tequeiski - -	do. - -	- -	1
644	Abram Miller - -	do. - -	- -	1
645	Tom Murphy - -	do. - -	- -	1
646	Spring Frog - -	do. - -	- -	1
647	Bushy Head - -	do. - -	- -	1
648	Young Bird - -	do. - -	- -	1
649	David Styner - -	do. - -	- -	1
650	Leaf - -	do. - -	- -	1
651	Five Killer - -	do. - -	- -	1
652	Phelim - -	do. - -	- -	1
653	Cansinch - -	do. - -	- -	1
654	Patridge - -	do. - -	- -	1
655	Peach - -	do. - -	- -	1
656	Welakah - -	do. - -	- -	1
657	Jno. Benge - -	do. - -	- -	1
658	Robt. Murrat - -	Aquoha - -	- -	1
659	Utaloonie - -	do. - -	- -	1
660	Salalisi - -	do. - -	- -	1
661	Sam - -	do. - -	- -	1
662	Osawatah - -	do. - -	- -	1
663	Sam - -	do. - -	- -	1
664	Sam - -	do. - -	- -	1
665	Sulaki - -	do. - -	- -	1
666	Ooliskali - -	do. - -	- -	1
667	Arklooka - -	do. - -	- -	1
668	Goose - -	do. - -	- -	1
669	Flute - -	do. - -	- -	1
670	Standingdeer - -	do. - -	- -	1
671	Eenedli - -	do. - -	- -	1
672	George - -	do. - -	- -	1
673	Six - -	do. - -	- -	1
674	Kenati - -	do. - -	- -	1
675	Zayahi - -	do. - -	- -	1
676	Mosey - -	do. - -	- -	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
677	James Daniel - -	Hickory Log -	-	1
678	G. M. Waters - -	do. -	-	1
679	Wm. Rogers - -	do. -	-	1
680	Jessy Beck - -	do. -	-	1
681	J. B. McLocklin - -	do. -	-	1
682	Geo. Still - -	do. -	-	1
683	Ellis Beck - -	do. -	-	1
684	A. Downing - -	do. -	-	1
685	E. Towns - -	do. -	-	1
686	Scaqua - -	do. -	-	1
687	Johnson - -	do. -	-	1
688	George - -	do. -	-	1
689	George - -	do. -	-	1
690	Nakid - -	do. -	-	1
691	George - -	do. -	-	1
692	Archy - -	do. -	-	1
693	Watty - -	do. -	-	1
694	Tacquo - -	do. -	-	1
695	Tuillo - -	do. -	-	1
696	Poor Bear - -	do. -	-	1
697	Beginning - -	do. -	-	1
698	Flying - -	do. -	-	1
699	Jackson - -	do. -	-	1
700	Wanbarchy - -	do. -	-	1
701	Oolatillah - -	do. -	-	1
702	Luck - -	do. -	-	1
703	Kesequanah - -	do. -	-	1
704	Doghead - -	do. -	-	1
705	Caniasaska - -	do. -	-	1
706	Moving - -	do. -	-	1
707	Nonalah - -	do. -	-	1
708	Davis - -	do. -	-	1
709	Chutallooka - -	do. -	-	1
710	Yahtan - -	do. -	-	1
711	Stop - -	do. -	-	1
717	Watty - -	do. -	-	1
713	Mink - -	do. -	-	1
714	Tassel - -	do. -	-	1
715	Avi - -	do. -	-	1
716	Pincheater - -	do. -	-	1
717	Oaksanaqua - -	do. -	-	1
718	Beardrowned - -	do. -	-	1
719	Wanie - -	do. -	-	1
720	Ezekiel - -	do. -	-	1
721	John - -	do. -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
722	Four Killer - -	Hickory Log -	-	1
723	Prince - - -	do. - - -	-	1
724	Chuachua - -	do. - - -	-	1
725	Coon - - -	do. - - -	-	1
726	Catchem - - -	do. - - -	-	1
727	John - - -	do. - - -	-	1
728	Nuptah - - -	do. - - -	-	1
729	Catchem - - -	do. - - -	-	1
730	Zoehlerstah - -	do. - - -	-	1
731	Big Boy - - -	do. - - -	-	1
732	Elijah - - -	do. - - -	-	1
733	Jack - - -	do. - - -	-	1
734	Draging - - -	do. - - -	-	1
735	Ned - - -	do. - - -	-	1
736	Mose Drowning	do. - - -	-	1
737	Davy - - -	do. - - -	-	1
738	Bill - - -	do. - - -	-	1
739	Bob - - -	do. - - -	-	1
740	Ned - - -	do. - - -	-	1
741	Downstriand - -	do. - - -	-	1
742	Jess - - -	do. - - -	-	1
743	Uchilla - - -	do. - - -	-	1
744	Uxsillasti - -	do. - - -	-	1
745	Chickelee - - -	do. - - -	-	1
746	Pan - - -	do. - - -	-	1
747	Jim - - -	do. - - -	-	1
748	Dirtpot - - -	do. - - -	-	1
749	Takeitout - - -	do. - - -	-	1
750	Laking - - -	do. - - -	-	1
751	Pigeon - - -	do. - - -	-	1
752	Siquoa - - -	do. - - -	-	1
753	Wauhachy - - -	do. - - -	-	1
754	Dohie - - -	do. - - -	-	1
755	Nuntowihah - -	do. - - -	-	1
756	Charles - - -	do. - - -	-	1
757	Jack Winn - - -	do. - - -	-	1
758	Sparow Hawk - -	do. - - -	-	1
759	Tobaco Purse - -	do. - - -	-	1
760	Pushim - - -	do. - - -	-	1
761	Black Fox - - -	do. - - -	-	1
762	Charles - - -	do. - - -	-	1
763	Santaga - - -	do. - - -	-	1
764	Dry - - -	do. - - -	-	1
765	Charles - - -	do. - - -	-	1
766	Jim - - -	do. - - -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes
767	Daniel	Hickory Log	-	1
768	Shade	do.	-	1
769	Blanket	do.	-	1
770	Rock	do.	-	1
771	Datasing	do.	-	1
772	Mose	do.	-	1
773	Robbin	do.	-	1
774	Culipski	do.	-	1
775	Mole	do.	-	1
776	Taiski	do.	-	1
777	Aoksooiski	do.	-	1
778	Davy	do.	-	1
779	Seaquua	do.	-	1
780	Red Bird	do.	-	1
781	Jno. Rogers	do.	-	1
782	Four Killer	do.	-	1
783	Peach	do.	-	1
784	Elijah	do.	-	1
785	Charles	do.	-	1
786	Squirrel	do.	-	1
787	George	do.	-	1
788	Fog	do.	-	1
789	Nick	do.	-	1
800	Spaniard	do.	-	1
801	Eight Killer	do.	-	1
802	Walker Daniel	do.	-	1
803	Nofire	do.	-	1
804	John	do.	-	1
805	Mose	do.	-	1
806	Jess	do.	-	1
807	Young Chicken	do.	-	1
808	Callakin	do.	-	1
809	Bush	do.	-	1
810	Eye	do.	-	1
811	Ettate	do.	-	1
812	Toonowie	do.	-	1
813	Zoonowie	do.	-	1
814	Spy	do.	-	1
815	Hawk	do.	-	1
816	Watty	do.	-	1
817	Bill	do.	-	1
818	Henry	do.	-	1
819	Chunahaky	do.	-	1
820	Man Killer	do.	-	1
821	Jack	do.	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
822	Sawney	Hickory Log		1
823	Davy	do.		1
824	Key	do.		1
825	John	do.		1
826	Swan	do.		1
827	Goodgals	do.		1
828	Elamga	do.		1
829	Usuatah	do.		1
830	Uanalah	do.		1
831	Fallingpot	do.		1
832	Young Wolf	do.		1
833	Chin	do.		1
834	Draging	do.		1
835	Soap	do.		1
836	Flying	do.		1
837	Tassali	do.		1
838	Wanhachy	do.		1
839	Manstriker	do.		1
840	Tayiski	do.		1
841	Guess	do.		1
842	Watty	do.		1
843	Bird	do.		1
844	Ratting Gourd	do.		1
845	Watlookah	do.		1
846	B. F. Adair	do.		1
847	Takasi	do.		1
848	Culculoski	do.		1
849	Tususoski	do.		1
850	George	do.		1
851	Robbin	do.		1
852	Dick	do.		1
853	Blackhorse	do.		1
854	Capsou	do.		1
855	Takee	do.		1
856	Peter	do.		1
857	Walkingstick	do.		1
858	Prullola	do.		1
859	Cunneku	do.		1
860	Ned	do.		1
861	Cunge	do.		1
862	Minsa	do.		1
863	Huckleberry	do.		1
864	R. Gourd	do.		1
865	Standing	do.		1
866	Cotton	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
867	Taliski	Hickory Log		1
868	Sauney	do.		1
869	Chunonahie	do.		1
870	Chuchichi	do.		1
871	Teniohe	do.		1
872	Nichijack	do.		1
873	Sumcopyah	do.		1
874	Isaac	do.		1
875	Plant	do.		1
876	Trying	do.		1
877	Charles	do.		1
878	Achuculi	do.		1
879	Cophunshie	do.		1
880	Nichijack	do.		1
881	Buck	do.		1
882	Chaniski	do.		1
883	John	do.		1
884	Taquohili	do.		1
885	Talotiteski	do.		1
886	Stargoing	do.		1
887	Thief	do.		1
888	Noojah	do.		1
889	Cackitowie	do.		1
890	E. Ganders	do.		1
891	Corn Silk	do.		1
892	Swan	do.		1
893	Oakskilantah	do.		1
894	Tassel	do.		1
895	Agungah	do.		1
896	Bill Proctor	do.		1
897	Tandinichi	do.		1
898	Tansini	do.		1
899	John Owana	do.		1
900	Totherside	do.		1
901	Jack	do.		1
902	Toter	do.		1
903	Bear	do.		1
904	Fox Skin	do.		1
905	Uhalukah	do.		1
906	Fife	do.		1
907	Sunalli	do.		1
908	Jack	do.		1
909	Bigshe	do.		1
910	Liver	do.		1
911	Tacayah	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters:	Residence.	Ayes.	Noes.
912	Ave	Hickory Log		1
913	Standing Up	do.		1
914	Trash Gatherer	do.		1
915	Sour	do.		1
916	Arnachukah	do.		1
917	Uchilla	do.		1
918	Mulberry	do.		1
919	Sender	do.		1
920	Lachil	do.		1
921	Teacher	do.		1
922	Walking	do.		1
923	Robbin	do.		1
924	Standing	do.		1
925	Flying Fish	do.		1
926	Currier	do.		1
927	George	do.		1
928	Falling	do.		1
929	Tachussy	do.		1
930	Tachussy	do.		1
931	Weaver	do.		1
932	Takeman	do.		1
933	Dew	do.		1
934	Cold	do.		1
935	Adsaluh	do.		1
936	Climber	do.		1
937	Falling	do.		1
938	Elijah	do.		1
939	Take-out-beans	do.		1
940	Dirty-belly	do.		1
941	John Proctor	do.		1
942	Thief	do.		1
943	Jim Proctor	do.		1
944	Oadsil	do.		1
945	R. Gourd	do.		1
946	Dog-chaser	do.		1
947	Faay	do.		1
948	Chahangookie	do.		1
949	Maunnie	do.		1
950	Catogiskie	do.		1
951	Bill	do.		1
952	Clusi	do.		1
953	Young Wolf	do.		1
954	Owl	do.		1
955	Chosen	do.		1
956	Rising	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
957	Young Turkey	Hickory Log	-	1
958	Sounding	do.	-	1
959	A. Miller	do.	-	1
960	C. S. Adair	do.	-	1
961	Joe	do.	-	1
962	Tooniah	do.	-	1
963	Humming-bird	do.	-	1
964	Ben Martin	do.	-	1
965	Young Chicken	do.	-	1
966	Young	do.	-	1
967	Heavy	do.	-	1
968	Tassle	do.	-	1
969	Sinacooyah	do.	-	1
970	Spring-frog	do.	-	1
971	Cheater	do.	-	1
972	Cunnelovi	do.	-	1
973	Bill	do.	-	1
974	Sender	do.	-	1
975	Foal	do.	-	1
976	Tuckhony	do.	-	1
977	Lean	do.	-	1
978	Luck	do.	-	1
979	Nick	do.	-	1
980	Cold	do.	-	1
981	Outside	do.	-	1
982	Crow	do.	-	1
983	Goingwolf	do.	-	1
984	Echaye	do.	-	1
885	Dew	do.	-	1
986	Goingafter	do.	-	1
987	Owl	do.	-	1
988	Board	do.	-	1
989	Robin Sanders	do.	-	1
990	Henry	do.	-	1
991	Takingout	do.	-	1
992	Patridge	do.	-	1
993	Toonoie	do.	-	1
994	Smoke	do.	-	1
995	Tessatisky	do.	-	1
996	Old	do.	-	1
997	Mixture	do.	-	1
998	Chasen	do.	-	1
999	Sitting-bear	do.	-	1
1,000	Raining	do.	-	1
1,001	Crane	do.	-	1
1,002	Flaxbird	do.	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,003	Bean - -	Hickory Log -		1
1,004	Daylight - -	do. - -		1
1,005	Crying-bear - -	do. - -		1
1,006	Henry - -	do. - -		1
1,007	Archy - -	do. - -		1
1,008	Sampson - -	do. - -		1
1,009	Chuinstitooti - -	do. - -		1
1,010	Bear-paw - -	do. - -		1
1,011	Coat - -	do. - -		1
1,012	Eel - -	do. - -		1
1,013	Goodwoman - -	do. - -		1
1,014	Fis'a - -	do. - -		1
1,015	Chuie - -	do. - -		1
1,016	Elk - -	do. - -		1
1,017	Swimmer - -	do. - -		1
1,018	Birdcutter - -	do. - -		1
1,019	Wagon - -	do. - -		1
1,020	John - -	do. - -		1
1,021	Drawer - -	do. - -		1
1,022	John Butler - -	Amohee - -		1
1,023	R. Perry - -	do. - -		1
1,024	G. Butler - -	do. - -		1
1,025	Sawney - -	do. - -		1
1,026	Capt Han - -	do. - -		1
1,027	James Spears - -	do. - -		1
1,028	Wolf Murphy - -	do. - -		1
1,029	Chinubby - -	do. - -		1
1,030	Jess Bushyhead - -	do. - -		1
1,031	Joseph Bigboy, sen. - -	do. - -		1
1,032	Dick Sanders - -	do. - -		1
1,033	Lame Dave - -	do. - -		1
1,034	S. Candy, sen. - -	do. - -		1
1,035	William Blythe - -	do. - -		1
1,036	Jo. Spears - -	do. - -		1
1,037	Flint - -	do. - -		1
1,038	Bushyhead - -	do. - -		1
1,039	Tusie - -	do. - -		1
1,040	Scraper - -	do. - -		1
1,041	Bigmusle - -	do. - -		1
1,042	L. Hiltibrand - -	do. - -		1
1,043	John Brown, jr. - -	do. - -		1
1,044	James Ross - -	do. - -		1
1,045	Sitting-down - -	do. - -		1
1,046	Captain Watts - -	do. - -		1
1,047	Kyuhatche - -	do. - -		1

YEAS AND NAYS--Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,048	Arch. Murphy -	Amohee	-	1
1,049	James Han -	do.	-	1
1,050	Knob -	do.	-	1
1,051	Cheater -	do.	-	1
1,052	Mo. Fields -	do.	-	1
1,053	T. Foreman -	do.	-	1
1,054	Takingout -	do.	-	1
1,055	S. Candy, Jr. -	do.	-	1
1,056	J. Foreman -	do.	-	1
1,057	Beavertoter -	do.	-	1
1,058	Chuhaluka -	do.	-	1
1,059	George Hicks -	do.	-	1
1,060	George Fields -	do.	-	1
1,061	Tesonisky -	do.	-	1
1,062	Tom -	do.	-	1
1,063	Hiram Linder -	do.	-	1
1,064	D. Hildebrand -	do.	-	1
1,065	J. Hildebrand -	do.	-	1
1,066	Thomas Bigboy -	do.	-	1
1,067	Sign -	do.	-	1
1,068	Casooletah -	do.	-	1
1,069	Wilson -	do.	-	1
1,070	Taiski -	do.	-	1
1,071	William Butler -	do.	-	1
1,072	Chuanstoati -	do.	-	1
1,073	Shadow -	do.	-	1
1,074	A. Sanders -	do.	-	1
1,075	Jim -	do.	-	1
1,076	Reader -	do.	-	1
1,077	Crowing Chicken -	do.	-	1
1,078	Jack -	do.	-	1
1,079	Poor Bear -	do.	-	1
1,080	R. Johnson -	do.	-	1
1,081	Dog -	do.	-	1
1,082	A. Ballard -	do.	-	1
1,083	Rib -	do.	-	1
1,084	Mose -	do.	-	1
1,085	Crowmocker -	do.	-	1
1,086	Dew -	do.	-	1
1,087	Chuttie -	do.	-	1
1,088	Turnabont -	do.	-	1
1,089	Muskat -	do.	-	1
1,090	C. Timberlake -	do.	-	1
1,091	Backing -	do.	-	1
1,092	Waterbird -	do.	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,093	Chulitisky -	A. Amohee.		1
1,094	N. Sanders -	do.		1
1,095	Cæsar -	do.		1
1,096	Dew-in-water -	do.		1
1,097	Bull-frog -	do.		1
1,098	Coing-snake -	do.		1
1,099	Thief -	do.		1
1,100	Cotiquoski -	do.		1
1,101	Bridgemaker -	do.		1
1,102	Toad -	do.		1
1,103	A. Spears -	do.		1
1,104	Mink Watts -	do.		1
1,105	Shoe -	do.		1
1,106	Cunscowie -	do.		1
1,107	Wolf -	do.		1
1,108	Toonoyah -	do.		1
1,109	Waterlooker -	do.		1
1,110	Quart-whiskey -	do.		1
1,111	Harricane -	do.		1
1,112	Tachakisi -	do.		1
1,113	Dry -	do.		1
1,114	Wansodder -	do.		1
1,115	Standing -	do.		1
1,116	Creeping -	do.		1
1,117	Feather -	do.		1
1,118	Young Pup -	do.		1
1,119	Tail-up -	do.		1
1,120	P. Hildebrand -	do.		1
1,121	Johnson -	do.		1
1,122	Oolstovie -	do.		1
1,123	Mose -	do.		1
1,124	Jess Hare -	do.		1
1,125	Tablossie -	do.		1
1,126	Crazy -	do.		1
1,127	Clogah -	do.		1
1,128	Big-path -	do.		1
1,129	Rising -	do.		1
1,130	Mick -	do.		1
1,131	Chunchuco -	do.		1
1,132	Tesatesky -	do.		1
1,133	Thief -	do.		1
1,134	Rock -	do.		1
1,135	Woman Killer -	do.		1
1,136	Tantulana -	do.		1
1,137	Sapsucker -	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes	Noes
1,138	Young Duck -	Amohee		1
1,139	Archy -	do.		1
1,140	Rambling -	do.		1
1,141	Uochucky -	do.		1
1,142	Thick-string -	do.		1
1,143	Toosooalta -	do.		1
1,144	Freezing -	do.		1
1,145	Heavy -	do.		1
1,146	Black Fox -	do.		1
1,147	George -	do.		1
1,148	Man-spoiler -	do.		1
1,149	Ternnahi -	do.		1
1,150	Chumtowie -	do.		1
1,151	Room -	do.		1
1,152	War -	do.		1
1,153	Wahuskey -	do.		1
1,154	Running Wolf -	do.		1
1,155	Clamacre -	do.		1
1,156	Duck -	do.		1
1,157	Catcher -	do.		1
1,158	Tail -	do.		1
1,159	Sleeping-deer -	do.		1
1,160	Shadow -	do.		1
1,161	Hawk -	do.		1
1,162	Bellows -	do.		1
1,163	Toonately -	do.		1
1,164	Etacarssta -	do.		1
1,165	Mouse -	do.		1
1,166	Fork -	do.		1
1,167	Destroyed -	do.		1
1,168	Turnover -	do.		1
1,169	Archy -	do.		1
1,170	Bill -	do.		1
1,171	M. Waters -	do.		1
1,172	Aqutaka -	do.		1
1,173	Chuiska -	do.		1
1,174	John -	do.		1
1,175	Treader -	do.		1
1,176	Hooper -	do.		1
1,177	Cunnedo -	do.		1
1,178	In-the-water -	do.		1
1,179	Elijah -	do.		1
1,180	Inticah -	do.		1
1,181	Drawn -	do.		1
1,182	Wm. Ruce -	do.		1
1,183	Taiski -	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,184	Squirrel -	Amohee -	-	1
1,185	Cunnequaque -	do. -	-	1
1,186	July -	do. -	-	1
1,187	Four Killer -	do. -	-	1
1,188	Monse -	do. -	-	1
1,189	Cloyacu -	do. -	-	1
1,190	Boston -	do. -	-	1
1,191	Horse fly -	do. -	-	1
1,192	Pigeon -	do. -	-	1
1,193	Pheasant -	do. -	-	1
1,194	Skyahagat -	do. -	-	1
1,195	John Boggs -	do. -	-	1
1,196	Sutteah -	do. -	-	1
1,197	Shadow -	do. -	-	1
1,198	Checalooka -	do. -	-	1
1,199	Jim -	do. -	-	1
1,200	Deer-in-water -	do. -	-	1
1,201	Dew -	do. -	-	1
1,202	Goose -	do. -	-	1
1,203	Coosuny -	do. -	-	1
1,204	Chucausche -	do. -	-	1
1,205	Crying Wolf -	do. -	-	1
1,206	Dick -	do. -	-	1
1,207	Spade -	do. -	-	1
1,208	Isaac -	do. -	-	1
1,209	Tassasty -	do. -	-	1
1,210	Cuncassasy -	do. -	-	1
1,211	Seq uacky -	do. -	-	1
1,212	Toosawaka -	do. -	-	1
1,213	Smoke -	do. -	-	1
1,214	Ellick -	do. -	-	1
1,215	Jack -	do. -	-	1
1,216	D. Galston -	do. -	-	1
1,217	Tobacco -	do. -	-	1
1,218	Chickalile -	do. -	-	1
1,219	George -	do. -	-	1
1,220	Jim -	do. -	-	1
1,221	Noodsowie -	do. -	-	1
1,222	Sparrow-hawk -	do. -	-	1
1,223	Soldier -	do. -	-	1
1,224	Beter -	do. -	-	1
1,225	Ned -	do. -	-	1
1,226	Blackbird -	do. -	-	1
1,227	Smoke -	do. -	-	1
1,228	Out-runner -	do. -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,229	Path-killer -	Amohee -		11
1,230	Chips -	do. -		11
1,231	Didapper -	do. -		11
1,232	Tayahqulla -	do. -		11
1,233	Cuchcowie -	do. -		11
1,234	Swince -	do. -		11
1,235	Cunnutcky -	do. -		11
1,236	Onhekey -	do. -		11
1,237	Toakah -	do. -		11
1,238	Deer-coming -	do. -		11
1,239	Going-away -	do. -		11
1,240	Jack -	do. -		11
1,241	A. Shell -	do. -		11
1,242	Crow-mocker -	do. -		11
1,243	Shell -	do. -		11
1,244	Goose -	do. -		11
1,245	Big-hoe -	do. -		11
1,246	Cabbin -	do. -		11
1,247	J. Prince -	do. -		11
1,248	Bark -	do. -		11
1,249	Poor-bear -	do. -		11
1,250	Housekeeper -	do. -		11
1,251	Jack -	do. -		11
1,252	Edward Gunter	Chatooga		11
1,253	James Lusley -	do. -		11
1,254	Johnson Fields -	do. -		11
1,255	E. Graves -	do. -		11
1,256	Money Crier -	do. -		11
1,257	Zise -	do. -		11
1,258	N. Harland -	do. -		11
1,259	Robin Brown -	do. -		11
1,260	Luck -	do. -		11
1,261	Dew -	do. -		11
1,262	Bat -	do. -		11
1,263	A. Lowry -	do. -		11
1,264	Threadtoter -	do. -		11
1,265	Bear -	do. -		11
1,266	Rider Fields -	do. -		11
1,267	Beut about -	do. -		11
1,268	Thief -	do. -		11
1,269	Charles Justice -	do. -		11
1,270	Sam'l Gunter -	do. -		11
1,271	Cushalita -	do. -		11
1,272	John -	do. -		11
1,273	Side -	do. -		11

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,274	Chuil - -	Chatooga -	-	1
1,275	Jackson - -	do. -	-	1
1,276	Fife - -	do. -	-	1
1,277	Casity - -	do. -	-	1
1,278	Turtle Fields -	do. -	-	1
1,279	Rich'd Guess -	do. -	-	1
1,280	Bald Head - -	do. -	-	1
1,281	Jack - -	do. -	-	1
1,282	J. Spenser - -	do. -	-	1
1,283	Dirtseller - -	do. -	-	1
1,284	Going Round -	do. -	-	1
1,285	Creek Killer -	do. -	-	1
1,286	Tom Spenser -	do. -	-	1
1,287	Arch - -	do. -	-	1
1,288	Jno. Blackbird -	do. -	-	1
1,289	Going-to-sleep -	do. -	-	1
1,290	Young Duck - -	do. -	-	1
1,291	Luck - -	do. -	-	1
1,292	Gun - -	do. -	-	1
1,293	J. Nicholson -	do. -	-	1
1,294	Robbin - -	do. -	-	1
1,295	John - -	do. -	-	1
1,296	Towatisky - -	do. -	-	1
1,297	Trunk - -	do. -	-	1
1,298	Pigeon - -	do. -	-	1
1,299	Feather - -	do. -	-	1
1,300	Watty - -	do. -	-	1
1,301	Welooka - -	do. -	-	1
1,302	Nick - -	do. -	-	1
1,303	Bread - -	do. -	-	1
1,304	Full - -	do. -	-	1
1,305	Raven - -	do. -	-	1
1,306	Young Turkey -	do. -	-	1
1,307	Beat Frying -	do. -	-	1
1,308	Tassel - -	do. -	-	1
1,309	Sud - -	do. -	-	1
1,310	Cap Fields - -	do. -	-	1
1,311	Swallow - -	do. -	-	1
1,312	Jay Bird - -	do. -	-	1
1,313	Oolonastookie -	do. -	-	1
1,314	Partridge - -	do. -	-	1
1,315	Pheasant - -	do. -	-	1
1,316	Trailing - -	do. -	-	1
1,317	Scawie - -	do. -	-	1
1,318	Wheeler - -	do. -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,319	Cabbage - -	Chatooga - -	-	-
1,320	Jumper - -	do. - -	-	-
1,321	Bullbat - -	do. - -	-	-
1,322	Razor - -	do. - -	-	-
1,323	Uktoonie - -	do. - -	-	-
1,324	Spring Frog - -	do. - -	-	-
1,325	Trailing - -	do. - -	-	-
1,326	Chicken - -	do. - -	-	-
1,327	Geo. Campbell - -	do. - -	-	-
1,328	Pat - -	do. - -	-	-
1,329	Davy - -	do. - -	-	-
1,330	Tallow - -	do. - -	-	-
1,331	Trunk - -	do. - -	-	-
1,332	Ruubabout - -	do. - -	-	-
1,333	Fox Frying - -	do. - -	-	-
1,334	Joe - -	do. - -	-	-
1,335	Jno. Rogers - -	do. - -	-	-
1,336	Toonarge - -	do. - -	-	-
1,337	Field - -	do. - -	-	-
1,338	Uadahana - -	do. - -	-	-
1,339	White Head - -	do. - -	-	-
1,340	Young Duck - -	do. - -	-	-
1,341	Young Wolf - -	do. - -	-	-
1,342	Black Fox - -	do. - -	-	-
1,343	Bear Drowned - -	do. - -	-	-
1,344	James Gunter - -	do. - -	-	-
1,345	Beaver toter - -	do. - -	-	-
1,346	Ground Hog - -	do. - -	-	-
1,347	Soakike - -	do. - -	-	-
1,348	Rising - -	do. - -	-	-
1,349	Pheasant - -	do. - -	-	-
1,350	Catithi - -	do. - -	-	-
1,351	Charles - -	do. - -	-	-
1,352	Payup - -	do. - -	-	-
1,353	Diver - -	do. - -	-	-
1,354	Cup - -	do. - -	-	-
1,355	Pigeon - -	do. - -	-	-
1,356	George - -	do. - -	-	-
1,357	Big Feather - -	do. - -	-	-
1,358	Toosawalta - -	do. - -	-	-
1,359	Catchem - -	do. - -	-	-
1,360	Kooiskooi - -	do. - -	-	-
1,361	Hog-shooter - -	do. - -	-	-
1,362	Arch Simpson - -	do. - -	-	-
1,363	Smoke - -	do. - -	-	-

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,364	Sequata - -	Chatooga - -	- -	1
1,365	Kitching - -	do. - -	- -	1
1,366	Folly - -	do. - -	- -	1
1,367	Eataha - -	do. - -	- -	1
1,368	Bark - -	do. - -	- -	1
1,369	Mills - -	do. - -	- -	1
1,370	Terchtoter - -	do. - -	- -	1
1,371	Ned - -	do. - -	- -	1
1,372	Rising - -	do. - -	- -	1
1,373	Sokiki - -	do. - -	- -	1
1,374	Housing - -	do. - -	- -	1
1,375	Mose Lee - -	do. - -	- -	1
1,376	Manstanding - -	do. - -	- -	1
1,377	Jesse - -	do. - -	- -	1
1,378	Tramping - -	do. - -	- -	1
1,379	Garfish - -	do. - -	- -	1
1,380	Sikitoori - -	do. - -	- -	1
1,381	Dirtseller - -	do. - -	- -	1
1,382	Barry Hughs - -	do. - -	- -	1
1,383	Jug - -	do. - -	- -	1
1,384	Kinlike - -	do. - -	- -	1
1,385	Beavertail - -	do. - -	- -	1
1,386	Taquotike - -	do. - -	- -	1
1,387	Shadow - -	do. - -	- -	1
1,388	Tooniyer - -	do. - -	- -	1
1,389	Killing - -	do. - -	- -	1
1,390	Casadody - -	do. - -	- -	1
1,391	Standing Inside - -	do. - -	- -	1
1,392	Muskmellon - -	do. - -	- -	1
1,393	Diver - -	do. - -	- -	1
1,394	Kooiskooi - -	do. - -	- -	1
1,395	B. B. Wisner - -	do. - -	- -	1
1,396	Billy - -	do. - -	- -	1
1,397	Canatsua - -	do. - -	- -	1
1,398	Eli Scott - -	do. - -	- -	1
1,399	Eli Smith - -	do. - -	- -	1
1,400	Hitinhead - -	do. - -	- -	1
1,401	Cornsilke - -	do. - -	- -	1
1,402	Chickasaw - -	do. - -	- -	1
1,403	Suaka - -	do. - -	- -	1
1,404	Oolstuic - -	do. - -	- -	1
1,405	Charles - -	do. - -	- -	1
1,406	Tacayah - -	do. - -	- -	1
1,407	Lifter - -	do. - -	- -	1
1,408	Leaking - -	do. - -	- -	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,409	Snake	Chatooga		1
1,410	John Riley	do.		1
1,411	Guess	do.		1
1,412	Sraper	do.		1
1,413	Wahimta	do.		1
1,414	Six-killer	do.		1
1,415	Eating up	do.		1
1,416	Wm. Gremit	do.		1
1,417	Log	do.		1
1,418	Buffalo	do.		1
1,419	Taquataha	do.		1
1,420	Pigeon	do.		1
1,421	Hiding	do.		1
1,422	Wind	do.		1
1,423	G. Baldrige	do.		1
1,424	Writer	do.		1
1,425	Handle	do.		1
1,426	Blue	do.		1
1,427	Four-killer	do.		1
1,428	Something	do.		1
1,429	Eta	do.		1
1,430	Fishtrap	do.		1
1,431	Natburhtup	do.		1
1,432	Henry	do.		1
1,433	Arch Downing	do.		1
1,434	George Sanders	do.		1
1,435	Turner	do.		1
1,436	Nuskitaha	do.		1
1,437	Charles	do.		1
1,438	Mushroon	do.		1
1,439	Twister	do.		1
1,440	John	do.		1
1,441	John Wen	do.		1
1,442	Wagon	do.		1
1,443	Daylight	do.		1
1,444	Chunalaski	do.		1
1,445	Allstring	do.		1
1,446	Laughatmush	do.		1
1,447	Tillaskaska	do.		1
1,448	Tookah	do.		1
1,449	Falling	do.		1
1,450	Bearshead	do.		1
1,451	Cunskooha	do.		1
1,452	Tunoy	do.		1
1,453	Young-pup	do.		1

YEAS AND NAYS--Continued.

Number.	Names of voters.	Residence.	Yeas.	Noes.
1,454	Jared Hill	Chatooga		1
1,455	Cabin Smith	do.		1
1,456	Johnson Fields, jr.	do.		1
1,457	Screechowl	do.		1
1,458	Arch Campbell	do.		1
1,459	Thos. Watts	do.		1
1,460	Jno. Husk	do.		1
1,461	Ste. Foreman	do.		1
1,462	Geo. Sanders	Cooswattie		1
1,463	Jno. Sanders	do.		1
1,464	Backbone	do.		1
1,465	David Sanders	do.		1
1,466	Will Arnold	do.		1
1,467	Johnie	do.		1
1,468	Dick Prickitt	do.		1
1,469	Chaltiha	do.		1
1,470	Sunacoh	do.		1
1,471	Whitepath	do.		1
1,472	Shoulder	do.		1
1,473	Squotalucky	do.		1
1,474	Snake	do.		1
1,475	Burning	do.		1
1,476	Isaac	do.		1
1,477	Falling	do.		1
1,478	Leaf	do.		1
1,479	Three	do.		1
1,480	Standing	do.		1
1,481	Geo. Falling	do.		1
1,482	Oaskilke	do.		1
1,483	Jas. Chambers	Chatooga		1
1,484	Lewis	Cooswattie		1
1,485	George	do.		1
1,486	Young Wolf	do.		1
1,487	Taliske	do.		1
1,488	Aaron	do.		1
1,489	Jas. Foster	do.		1
1,490	Turkey	do.		1
1,491	Allday	do.		1
1,492	Pumpkin-pie	do.		1
1,493	Chaltiha	do.		1
1,494	Talasiueh	do.		1
1,495	Wahhaski	do.		1
1,496	Thomps. Sanders	do.		1
1,497	Tho. Smith	do.		1
1,498	Cannassoki	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,499	Jim	Cooswattie		1
1,500	Alex'r Sanders	do.		1
1,501	Young Squirrel	do.		1
1,502	Running Wolf	do.		1
1,503	Bill Pritchitt	do.		1
1,504	Tom	do.		1
1,505	Ahomah	do.		1
1,506	Standing	do.		1
1,507	Catcher	do.		1
1,508	Dragging	do.		1
1,509	Johnson	do.		1
1,510	Leaf	do.		1
1,511	Tumallah	do.		1
1,512	Nauseyah	do.		1
1,513	Bear	do.		1
1,514	Tayeaskah	do.		1
1,515	Taqutulana	do.		1
1,516	Backbone	do.		1
1,517	Tater	do.		1
1,518	Aabsananah	do.		1
1,519	Charles	do.		1
1,520	Spring-frog	do.		1
1,521	Sald Cooh	do.		1
1,522	Leaf	do.		1
1,523	Thief	do.		1
1,524	Hunter	do.		1
1,525	Spade	do.		1
1,526	Johnson	do.		1
1,527	Getting-up	do.		1
1,528	Muskrat	do.		1
1,529	Willy	do.		1
1,530	Hickory	do.		1
1,531	Ned	do.		1
1,532	Young Duck	do.		1
1,533	Little Bird	do.		1
1,534	Duck	do.		1
1,535	Ned	do.		1
1,536	Tetoha	do.		1
1,537	Young Bird	do.		1
1,538	Feeling	do.		1
1,539	Water	do.		1
1,540	Chenaque	do.		1
1,541	Jack	do.		1
1,542	Turkey	do.		1
1,543	War Club	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,544	Draging - - -	Coosawattie - - -	- - -	1.
1,545	Standing - - -	do. - - -	- - -	1
1,546	Four Killer - - -	do. - - -	- - -	1
1,547	In-the-water - - -	do. - - -	- - -	1
1,548	Jack - - -	do. - - -	- - -	1
1,549	Nick - - -	do. - - -	- - -	1
1,550	Sequche - - -	do. - - -	- - -	1
1,551	Woodpecker - - -	do. - - -	- - -	1
1,552	Jess - - -	do. - - -	- - -	1
1,553	John - - -	do. - - -	- - -	1
1,554	Big Talk - - -	do. - - -	- - -	1
1,555	Ellis Hagan - - -	do. - - -	- - -	1
1,556	Charles - - -	do. - - -	- - -	1
1,557	Charles - - -	do. - - -	- - -	1
1,558	Squilite - - -	do. - - -	- - -	1
1,559	Ground Squirrel - - -	do. - - -	- - -	1
1,560	Toocaloosa - - -	do. - - -	- - -	1
1,561	S. Sanders - - -	do. - - -	- - -	1
1,562	Six Killer - - -	do. - - -	- - -	1
1,563	John Daugherty - - -	do. - - -	- - -	1
1,564	Bell Downing - - -	do. - - -	- - -	1
1,565	Tassel - - -	do. - - -	- - -	1
1,566	Crowing Chicken - - -	do. - - -	- - -	1
1,567	Riddle - - -	do. - - -	- - -	1
1,568	Chi-qua-he - - -	do. - - -	- - -	1
1,569	Su-ta-is-ke - - -	do. - - -	- - -	1
1,570	Oo le-ta-as-ki - - -	do. - - -	- - -	1
1,571	Throwing Down - - -	do. - - -	- - -	1
1,572	Horse Fly - - -	do. - - -	- - -	1
1,574	Rear Ripe - - -	do. - - -	- - -	1
1,575	Ki-and - - -	do. - - -	- - -	1
1,576	Oo-la-hah - - -	do. - - -	- - -	1
1,577	Thrower - - -	do. - - -	- - -	1
1,578	Archilla - - -	do. - - -	- - -	1
1,579	Mose McDaniel - - -	do. - - -	- - -	1
1,580	Flying - - -	do. - - -	- - -	1
1,581	Standing Deer - - -	do. - - -	- - -	1
1,582	Nose - - -	do. - - -	- - -	1
1,583	Young Bear - - -	do. - - -	- - -	1
1,584	Ratling Gourd - - -	do. - - -	- - -	1
1,585	Jess - - -	do. - - -	- - -	1
1,586	Standing - - -	do. - - -	- - -	1
1,587	Su-a ney - - -	do. - - -	- - -	1
1,588	Su-lah - - -	do. - - -	- - -	1
1,889	Lacy - - -	do. - - -	- - -	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,590	Sulticah	Coosawattie		
1,591	Human Striker	do.		
1,592	Jack	do.		
1,593	Lacy	do.		
1,594	Young Duck	do.		
1,595	Chosen	do.		
1,596	Tuthuayalla	do.		
1,597	John	do.		
1,598	Tu ne-he	do.		
1,599	Nakid	do.		
1,600	Chickaga	do.		
1,601	Ta che-chi	do.		
1,602	Hiding	do.		
1,603	Chu-noi-ka	do.		
1,604	Knock-knee	do.		
1,605	Nick Sanders	do.		
1,606	Ben Sanders	do.		
1,607	Charles	do.		
1,608	Coming-out-of-water	do.		
1,609	Sawney	do.		
1,610	Tah-cy-ny-ah	do.		
1,611	Largest	do.		
1,612	Jim Coe	do.		
1,613	Limb	do.		
1,614	Tocoyah	do.		
1,615	Lynn	do.		
1,616	Toating	do.		
1,617	Down Stream	do.		
1,618	Drawer	do.		
1,619	Oo-saw	do.		
1,620	John Foster	do.		
1,621	Good Money	do.		
1,622	Eli Sanders	do.		
1,623	Head Her	do.		
1,624	Coming	do.		
1,625	Woman Coming	do.		
1,626	Gowing About	do.		
1,627	Archy	do.		
1,628	Scontai	do.		
1,629	Young Duck	do.		
1,630	Cho Sucker	do.		
1,631	Taking-out-of-water	do.		
1,632	Turn Back	do.		
1,633	Cul-sow-ah	do.		
1,634	Hiding	do.		

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,635	Black Fox	Coosawattie		1
1,636	Goose	do.		1
1,637	Swallow	do.		1
1,638	Oo-sa-nalla	do.		1
1,639	New	do.		1
1,640	John O'Waney	do.		1
1,641	Backem	do.		1
1,642	Young Deer	do.		1
1,643	Ridge	do.		1
1,644	Noise	do.		1
1,645	George	do.		1
1,646	Se-cewa	do.		1
1,647	Ned	do.		1
1,648	Jno. O'Waney	do.		1
1,649	Slo-hin	do.		1
1,650	Sena-queah	do.		1
1,651	Elijah	do.		1
1,652	Follow	do.		1
1,653	Frost	do.		1
1,654	Saucy	do.		1
1,655	John Walker	do.		1
1,656	Deer Biter	do.		1
1,657	Homony	do.		1
1,658	Stoping	do.		1
1,659	Bottle	do.		1
1,660	Running	do.		1
1,661	Allulah	do.		1
1,662	Chu-na-co-lis-quee	do.		1
1,663	Luck	do.		1
1,664	Cho-suck-eh	do.		1
1,665	Pot	do.		1
1,666	Bear	do.		1
1,667	Hungry	do.		1
1,668	Ta-ga-nah	do.		1
1,669	Pouching	do.		1
1,670	Standing-in-water	do.		1
1,671	Bear Paw	do.		1
1,672	John Amos	do.		1
1,673	Dry	do.		1
1,674	Smoke	do.		1
1,675	Shick-so-ta-ha	do.		1
1,676	Big Bug	do.		1
1,677	Chip	do.		1
1,678	George	do.		1
1,679	In-the-bag	do.		1
1,680	Chip	do.		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,681	Rambling	Coosawattie		
1,682	Ca-noo-kah	do.		
1,683	W. S. Adair	do.		
1,684	Ca-yo-lah	do.		
1,685	Shade	do.		
1,686	Big Pouch	do.		
1,687	In-na-ta-hee	do.		
1,688	Ool-si	do.		
1,689	Melter	do.		
1,690	Archy	do.		
1,691	Ned	do.		
1,692	Charles	do.		
1,693	Chu-la-ca-ta-he	do.		
1,694	Ta-yo hah	do.		
1,695	Too-naw-ie	do.		
1,696	Pigeon	do.		
1,697	Tickstring	do.		
1,698	Spring Frog	do.		
1,699	Chu-la-ne-he	do.		
1,700	Con-no-sas-ka	do.		
1,701	All-day	do.		
1,702	George	do.		
1,703	Torch	do.		
1,704	Ne-cow-ah	do.		
1,705	Pan	do.		
1,706	An-an-su-ha	do.		
1,707	Driving	do.		
1,708	Little Deer	do.		
1,709	Moving	do.		
1,710	John O'Waney	do.		
1,711	Little Bird	do.		
1,712	Bird Cutter	do.		
1,713	Bear Paw	do.		
1,714	Skea-too-yah	do.		
1,715	Ezekiel	do.		
1,716	Wolf Tracker	do.		
1,717	Foot Log	do.		
1,718	Liver	do.		
1,719	Con-nas-u-ga	do.		
1,780	Chev-now-ha-ka	do.		
1,781	Beaver	do.		
1,782	Emtie	do.		
1,783	George	do.		
1,784	Knockem-in-the-neck	do.		
1,785	Sutuwaka	do.		

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,786	Jesse - - -	Coosawattie - -		1
1,787	French Hawk - -	do. - -		1
1,788	Unadryatihaka - -	do. - -		1
1,789	Oolawastike - -	do. - -		1
1,790	Twister - - -	do. - -		1
1,791	Chosen - - -	do. - -		1
1,792	Wm. Crittenton - -	do. - -		1
1,793	Chunoihaka - -	do. - -		1
1,794	Ned - - -	do. - -		1
1,795	Aram - - -	do. - -		1
1,796	Past - - -	do. - -		1
1,797	Well - - -	do. - -		1
1,798	Peor - - -	do. - -		1
1,799	Deer-in-water - -	do. - -		1
1,800	Charles Dobbin - -	do. - -		1
1,801	Ezekiel - - -	do. - -		1
1,802	Black Fox - - -	do. - -		1
1,803	Oascalla - - -	do. - -		1
1,804	Yeung Bird - - -	do. - -		1
1,805	Jack - - -	do. - -		1
1,806	Drowning-bear - -	do. - -		1
1,807	Teosowalto - - -	do. - -		1
1,808	Berrower - - -	do. - -		1
1,809	Ta-yo-hah - - -	do. - -		1
1,810	George Miller - -	do. - -		1
1,811	Stud - - -	do. - -		1
1,812	Deer-in-water - -	do. - -		1
1,813	Tarapin - - -	do. - -		1
1,814	Rabbit - - -	do. - -		1
1,815	Wattie - - -	do. - -		1
1,816	Bird - - -	do. - -		1
1,817	Turkey - - -	do. - -		1
1,818	Walking Stick - -	do. - -		1
1,819	Hiding - - -	do. - -		1
1,820	Tachusy - - -	do. - -		1
1,821	Tom Woodard - -	do. - -		1
1,822	Tobacco - - -	do. - -		1
1,823	Johnson Daherty -	do. - -		1
1,824	George - - -	do. - -		1
1,825	Archy - - -	do. - -		1
1,826	Head-eater - - -	do. - -		1
1,827	Neill - - -	do. - -		1
1,828	Crane-eater - - -	do. - -		1
1,829	Soldier - - -	do. - -		1
1,830	Deer-head - - -	do. - -		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,831	Turkle -	Coosawattie -	-	1
1,832	George -	do. -	-	1
1,833	Chunoihaka -	do. -	-	1
1,834	Eater -	do. -	-	1
1,835	Ticaiska -	do. -	-	1
1,836	Biter -	do. -	-	1
1,837	Keanna -	do. -	-	1
1,838	Thief -	do. -	-	1
1,839	Johnson Prickett -	do. -	-	1
1,840	Warrior -	do. -	-	1
1,841	Fool -	do. -	-	1
1,842	Sounding -	do. -	-	1
1,843	Feeling -	do. -	-	1
1,844	Uchelile -	do. -	-	1
1,845	Asquati -	do. -	-	1
1,846	Human Spoiling -	do. -	-	1
1,847	Swan -	do. -	-	1
1,848	Grape -	do. -	-	1
1,849	Yatana -	do. -	-	1
1,850	Standing -	do. -	-	1
1,851	Head Standing -	do. -	-	1
1,852	John -	do. -	-	1
1,853	Shell -	do. -	-	1
1,854	Geo. Christy -	do. -	-	1
1,855	Nat Sajah -	do. -	-	1
1,856	Bill -	do. -	-	1
1,857	Unte-a-lah -	do. -	-	1
1,858	Hitcher -	do. -	-	1
1,859	Crawling -	do. -	-	1
1,860	Tu-ne-he -	do. -	-	1
1,861	Small Wood -	do. -	-	1
1,862	Arche -	do. -	-	1
1,863	Mushroom -	do. -	-	1
1,864	Oo-le-oh -	do. -	-	1
1,865	Coald Catcher -	do. -	-	1
1,866	Coal-as-ta -	do. -	-	1
1,867	Cha-le-ta -	do. -	-	1
1,868	Standing -	do. -	-	1
1,869	Ansulti -	do. -	-	1
1,870	Coo-lu-cha -	do. -	-	1
1,871	Draying -	do. -	-	1
1,872	Peter -	do. -	-	1
1,873	Oo-sow-ale -	do. -	-	1
1,874	Young Duck -	do. -	-	1
1,875	Chu-cu-loo-ka -	do. -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
1,876	Tal-las-sa - - -	Coosawattie - - -	- - -	1
1,877	Talluskee - - -	do. - - -	- - -	1
1,878	Too noo-ah - - -	do. - - -	- - -	1
1,879	Sweet Water - - -	do. - - -	- - -	1
1,880	Chu-aw-chuah - - -	do. - - -	- - -	1
1,881	Deer Crying - - -	do. - - -	- - -	1
1,882	Young Squirrel - - -	do. - - -	- - -	1
1,883	Tu-la-hustie - - -	do. - - -	- - -	1
1,884	Tarrapin Head - - -	do. - - -	- - -	1
1,885	Way Husky - - -	do. - - -	- - -	1
1,886	Randum - - -	do. - - -	- - -	1
1,887	Henry - - -	do. - - -	- - -	1
1,888	Juarow - - -	do. - - -	- - -	1
1,880	Frog - - -	do. - - -	- - -	1
1,890	Toosawate - - -	do. - - -	- - -	1
1,891	Owl - - -	do. - - -	- - -	1
1,892	Too-on-al-ha - - -	do. - - -	- - -	1
1,893	Burnt Tobacco - - -	do. - - -	- - -	1
1,894	Jack Fish - - -	do. - - -	- - -	1
1,895	Will - - -	do. - - -	- - -	1
1,896	Skee-yu-kah - - -	do. - - -	- - -	1
1,897	Too-ni - - -	do. - - -	- - -	1
1,898	Back Bone - - -	do. - - -	- - -	1
1,899	Jack - - -	do. - - -	- - -	1
1,900	Teacher - - -	do. - - -	- - -	1
1,901	Black Horse - - -	do. - - -	- - -	1
1,902	Striker - - -	do. - - -	- - -	1
1,903	Toosawalte - - -	do. - - -	- - -	1
1,904	Snale - - -	do. - - -	- - -	1
1,905	John Martin - - -	do. - - -	- - -	1
1,906	James J. Trott - - -	do. - - -	- - -	1
1,907	Big Bear - - -	do. - - -	- - -	1
1,908	Weah - - -	do. - - -	- - -	1
1,909	Dew - - -	do. - - -	- - -	1
1,910	Jua-nos-kah - - -	do. - - -	- - -	1
1,811	Ashes - - -	do. - - -	- - -	1
1,912	Huckle Berry - - -	do. - - -	- - -	1
1,913	Pumpkin - - -	do. - - -	- - -	1
1,914	Nawched - - -	do. - - -	- - -	1
1,915	Black Fox - - -	do. - - -	- - -	1
1,916	Echaga - - -	do. - - -	- - -	1
1,917	Thief - - -	do. - - -	- - -	1
1,918	Going Wolf - - -	do. - - -	- - -	1
1,919	Wat-see-ser - - -	do. - - -	- - -	1
1,920	Pot - - -	do. - - -	- - -	1
1,921	Faster - - -	do. - - -	- - -	1

YEAS AND NAYS—Continued.

Number	Names of voters.	Residence.	Ayes.	Noes.
1,922	Two Heads - -	Coosawattie - -	- -	1
1,923	Too-nan-a-lah - -	do. - -	- -	1
1,924	Ta-is-ki - -	do. - -	- -	1
1,925	Wat Saunders - -	do. - -	- -	1
1,926	Ta-lis-ki - -	do. - -	- -	1
1,927	Elie - -	do. - -	- -	1
1,928	Big Head - -	do. - -	- -	1
1,729	Ga-ta-la-na - -	do. - -	- -	1
1,930	San-ta-ta-gah - -	do. - -	- -	1
1,931	Eagle - -	do. - -	- -	1
1,932	Ca-te-ha - -	do. - -	- -	1
1,933	All Day - -	do. - -	- -	1
1,934	Money Sealer - -	do. - -	- -	1
1,935	Ned - -	do. - -	- -	1
1,936	Young Turkey - -	do. - -	- -	1
1,937	Cold - -	do. - -	- -	1
1,938	Tom Foster - -	do. - -	- -	1
1,939	By-him-self - -	do. - -	- -	1
1,940	See Cona - -	do. - -	- -	1
1,941	Wily - -	do. - -	- -	1
1,942	Tailor - -	do. - -	- -	1
1,943	Hang Foot - -	do. - -	- -	1
1,944	Bell Prichett - -	do. - -	- -	1
1,945	Ground Hog - -	do. - -	- -	1
1,946	Chu-ne-stuld - -	do. - -	- -	1
1,947	Standing Deer - -	do. - -	- -	1
1,948	Bill - -	do. - -	- -	1
1,949	Chu-ca-la-ta - -	do. - -	- -	1
1,950	Sender - -	do. - -	- -	1
1,951	Chu-nu-los ka - -	do. - -	- -	1
1,952	Wm. Lawry - -	do. - -	- -	1
1,953	Davie - -	do. - -	- -	1
1,954	In-the-field - -	do. - -	- -	1
1,955	Hog - -	do. - -	- -	1
1,956	Ben - -	do. - -	- -	1
1,957	Tater - -	do. - -	- -	1
1,958	Falling - -	do. - -	- -	1
1,959	Fool - -	do. - -	- -	1
1,960	Chow-send - -	do. - -	- -	1
1,961	Cloud - -	do. - -	- -	1
1,962	Oo-ta-ta-ti - -	do. - -	- -	1
1,963	Jack - -	do. - -	- -	1
1,964	Archy - -	do. - -	- -	1
1,965	House Keeper - -	do. - -	- -	1
1,966	Coon - -	do. - -	- -	1

YEAS AND NAYS—Continued.

Number	Names of voters.	Residence.	Ayes.	Noes.
1,967	Jack - -	Coosawattie -	-	1
1,968	Doing-so - -	do. -	-	1
1,969	Cew-ie - -	do. -	-	1
1,970	Six Killer - -	do. -	-	1
1,971	Ool-so-te-he - -	do. -	-	1
1,972	Si-ke-te-he - -	do. -	-	1
1,973	Sap Sucker - -	do. -	-	1
1,974	Turkey - -	do. -	-	1
1,975	Ta-es-kee - -	do. -	-	1
1,976	Turn Over - -	do. -	-	1
1,977	Standing Buffalo - -	do. -	-	1
1,978	White Killer - -	do. -	-	1
1,979	Chie-so-te-ha - -	do. -	-	1
1,980	Peter - -	do. -	-	1
1,981	Tom Gillespie - -	do. -	-	1
1,982	Fodder - -	do. -	-	1
1,983	Heavy - -	do. -	-	1
1,984	John Beemer - -	Hightower -	-	1
1,985	Oo-la-ne-tah - -	do. -	-	1
1,986	Draging - -	do. -	-	1
1,987	Leach - -	do. -	-	1
1,988	Leya-tee-ha - -	do. -	-	1
1,989	Sauny - -	do. -	-	1
1,990	Ben - -	do. -	-	1
1,991	Flax Bird - -	do. -	-	1
1,992	Eagle Setting - -	do. -	-	1
1,993	Sky-u kah - -	do. -	-	1
1,994	Fog - -	do. -	-	1
1,995	Cate-hah - -	do. -	-	1
1,996	Creeping - -	do. -	-	1
1,997	Take After - -	do. -	-	1
1,998	Partridge - -	do. -	-	1
1,999	Morter - -	do. -	-	1
2,000	Walte Gutte - -	do. -	-	1
2,001	George Lee - -	do. -	-	1
2,002	Swinger - -	do. -	-	1
2,003	Con-cho-lah - -	do. -	-	1
2,004	Tou-nu-hi - -	do. -	-	1
2,005	Chuno-ha-ha - -	do. -	-	1
2,006	Tobacco - -	do. -	-	1
2,007	You as-se-walta - -	do. -	-	1
2,008	Seed - -	do. -	-	1
2,009	Oo-ta-la-uah - -	do. -	-	1
2,010	Wiper - -	do. -	-	1
2,011	Boae-carrier - -	do. -	-	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
2,012	Goy-a-chesa - - -	Hightower - - -	- - -	1
2,013	Talassee - - -	do. - - -	- - -	1
2,014	Thos. Petit - - -	do. - - -	- - -	1
2,015	Wagon - - -	do. - - -	- - -	1
2,016	Smallwood - - -	do. - - -	- - -	1
2,017	Crawfish - - -	do. - - -	- - -	1
2,018	Deer - - -	do. - - -	- - -	1
2,019	Tor-lis-ki - - -	do. - - -	- - -	1
2,020	Six - - -	do. - - -	- - -	1
2,021	Cripple - - -	do. - - -	- - -	1
2,022	Levi - - -	do. - - -	- - -	1
2,023	Waltie - - -	do. - - -	- - -	1
2,024	Ned - - -	do. - - -	- - -	1
2,025	Cloud - - -	do. - - -	- - -	1
2,026	Seed - - -	do. - - -	- - -	1
2,027	Buck - - -	do. - - -	- - -	1
2,028	Allday - - -	do. - - -	- - -	1
2,029	John - - -	do. - - -	- - -	1
2,030	Pipe - - -	do. - - -	- - -	1
2,031	Ben - - -	do. - - -	- - -	1
2,032	Leaf - - -	do. - - -	- - -	1
2,033	Sweet Water - - -	do. - - -	- - -	1
2,034	Guts - - -	do. - - -	- - -	1
2,035	Shutter - - -	do. - - -	- - -	1
2,036	Grapes - - -	do. - - -	- - -	1
2,037	Let's-hunt-them - - -	do. - - -	- - -	1
2,038	Ca-ta-he - - -	do. - - -	- - -	1
2,039	Chu-in-stu-waloska - - -	do. - - -	- - -	1
2,040	Turnover - - -	do. - - -	- - -	1
2,041	Stooping - - -	do. - - -	- - -	1
2,042	Armup - - -	do. - - -	- - -	1
2,043	Gusty - - -	do. - - -	- - -	1
2,044	Seaser - - -	do. - - -	- - -	1
2,045	Big Tongue - - -	do. - - -	- - -	1
2,046	Pigeon - - -	do. - - -	- - -	1
2,047	Bundle - - -	do. - - -	- - -	1
2,048	Turnover - - -	do. - - -	- - -	1
2,049	Tu-nou-ah - - -	do. - - -	- - -	1
2,050	Ellick - - -	do. - - -	- - -	1
2,051	Sour - - -	do. - - -	- - -	1
2,052	Creeping - - -	do. - - -	- - -	1
2,053	Little Terrapin - - -	do. - - -	- - -	1
2,054	Moses - - -	do. - - -	- - -	1
2,055	Tom - - -	do. - - -	- - -	1
2,056	Too-nou-ah - - -	do. - - -	- - -	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
2,057	Sharp -	Hightower -		1
2,058	Squirrel -	do. -		1
2,059	Buffalo-fish -	do. -		1
2,060	Turnover -	do. -		1
2,061	Little Deer -	do. -		1
2,062	Te-coo-ah -	do. -		1
2,063	Woman Killer -	do. -		1
2,064	Woman -	do. -		1
2,065	Too-nou-ah -	do. -		1
2,066	Ice -	do. -		1
2,067	Jo -	do. -		1
2,068	Pouch Laugher -	do. -		1
2,069	White Path -	do. -		1
2,070	Hang Foot -	do. -		1
2,071	Crane -	do. -		1
2,072	Dog -	do. -		1
2,073	Noise -	do. -		1
2,074	Chu-na-eo-lis-ka -	do. -		1
2,075	Pheasant -	do. -		1
2,076	Knitts -	do. -		1
2,077	Drawer -	do. -		1
2,078	Boiled-down -	do. -		1
2,079	Pawney -	do. -		1
2,080	Che-now-ah -	do. -		1
2,081	Epaw Wessus -	do. -		1
2,082	Saherson -	do. -		1
2,083	Trailing -	do. -		1
2,084	Taw-nas-ti-loh -	do. -		1
2,085	Huckleberry -	do. -		1
2,086	Robin -	do. -		1
2,087	Bran -	do. -		1
2,088	Kickup -	do. -		1
2,089	Sawkiah -	do. -		1
2,090	Hocer -	do. -		1
2,091	Tas-co-u-hu -	do. -		1
2,092	Se-te-yah -	do. -		1
2,093	Peach Shooter -	do. -		1
2,094	Catcher -	do. -		1
2,095	Chu-i-osta -	do. -		1
2,096	Melter -	do. -		1
2,097	Cuh-bow-ah -	do. -		1
2,098	Wah hatchie -	do. -		1
2,099	Humming Bird -	do. -		1
2,100	Cow-e-chur-kah -	do. -		1
2,101	Robin -	do. -		1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
2,102	Daniel - - -	Hightower - - -	- - -	1
2,103	Catch-him - - -	do. - - -	- - -	1
2,104	Seen-them - - -	do. - - -	- - -	1
2,105	Chip - - -	do. - - -	- - -	1
2,106	Bushy - - -	do. - - -	- - -	1
2,107	Mose - - -	do. - - -	- - -	1
2,108	Pumpkinpie - - -	do. - - -	- - -	1
2,109	At-a-sa - - -	do. - - -	- - -	1
2,110	Kill-them - - -	do. - - -	- - -	1
2,111	Standing Wolf - - -	do. - - -	- - -	1
2,112	Masher - - -	do. - - -	- - -	1
2,113	Young Turkey - - -	do. - - -	- - -	1
2,114	Walking Stick - - -	do. - - -	- - -	1
2,115	Jim - - -	do. - - -	- - -	1
2,116	Dragging Canal - - -	do. - - -	- - -	1
2,117	Tail - - -	do. - - -	- - -	1
2,118	Dirt Thrower - - -	do. - - -	- - -	1
2,119	Pound-it-over - - -	do. - - -	- - -	1
2,120	Edward Adair - - -	Coosawattee - - -	- - -	1
2,121	Kill-them - - -	Hightower - - -	- - -	1
2,122	Burntup - - -	do. - - -	- - -	1
2,123	Five Killer - - -	do. - - -	- - -	1
2,124	Red Bird - - -	do. - - -	- - -	1
2,125	Oo-chiel-lo - - -	do. - - -	- - -	1
2,126	Tau che-sto - - -	do. - - -	- - -	1
2,127	Bird Hunter - - -	do. - - -	- - -	1
2,128	Water Killer - - -	do. - - -	- - -	1
2,129	Wa-saw-tu - - -	do. - - -	- - -	1
2,130	Young Wolf - - -	do. - - -	- - -	1
2,131	Robin - - -	do. - - -	- - -	1
2,132	Stee-kee - - -	do. - - -	- - -	1
2,133	Fish - - -	do. - - -	- - -	1
2,134	Handshaker - - -	do. - - -	- - -	1
2,135	Hog Toater - - -	do. - - -	- - -	1
2,136	Fog - - -	do. - - -	- - -	1
2,137	Johnson - - -	do. - - -	- - -	1
2,138	Ou-neq-ha-te-oh - - -	do. - - -	- - -	1
2,139	Charles - - -	do. - - -	- - -	1
2,140	Tas co-neh - - -	do. - - -	- - -	1
2,141	Davis - - -	do. - - -	- - -	1
2,142	Tasey - - -	do. - - -	- - -	1
2,143	Draging - - -	do. - - -	- - -	1
2,144	Big Bear - - -	do. - - -	- - -	1
2,145	Culsawah - - -	do. - - -	- - -	1
2,146	Chu-nun-tu - - -	do. - - -	- - -	1

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
2,147	Water Hunter -	Hightower		1
2,148	Goose -	do.		1
2,149	Jo -	do.		1
2,150	Shell -	do.		1
2,151	Robin Baggs -	Chatowga		1
2,152	Bear Paw -	Hightower		1
2,153	Chev-quil ta-kah -	do.		1
2,154	Corn Silk -	do.		1
2,155	Chu-nu-las-kah -	do.		1
2,156	Charles -	do.		1
2,157	Tar-che-cha -	do.		1
2,158	Diver -	do.		1
2,159	Let-it-fall -	do.		1
2,160	George -	do.		1
2,161	Sap Sucker -	do.		1
2,162	Creeping -	do.		1
2,163	Push-off -	do.		1
2,164	Big Burn -	do.		1
2,165	Josiah -	do.		1
2,166	Mose Harris -	do.		1
2,167	Hairy Breast -	do.		1
2,168	Beans Pouch -	Chatowga	1	
2,169	Pigeon Roost -	do.		1
2,170	Na-too -	do.	1	
2,171	Stay-all-night -	do.	1	
2,172	Charles -	Hickory Log	1	
2,173	Charley Moore -	Coosawattie -	1	
2,174	Ground Hog -	Hightower -	1	
2,175	Buffalo Pouch -	Hickory Log	1	
2,176	English Pea -	do.	1	
2,177	Yese-taes-ka -	Turnip Mountain	1	
2,178	Ezekiel West -	Hightower -	1	
2,179	Spirit -	do.	1	
2,180	Hammer -	do.	1	
2,181	Sunga -	Chatowga -	1	
2,182	Go-sea-wattie -	do.	1	
2,183	Jack Sourmush -	Two Run -	1	
2,184	Robin -	Chatooga -	1	
2,185	John Murphie -	Chicamauga -	1	
2,186	Jac West -	Hightower -	1	
2,187	Hammer -	Coosawattie -	1	
2,188	Nathl. Wolf -	do.	1	
2,189	Joe -	Chicamauga -	1	
2,190	Bear Climbing -	do.	1	
2,191	Baesling -	Coosawattie -	1	

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
2,192	Tarapin Striker	Coosawattie	1	
2,193	Te-ke-wa-tis-ka	do.	1	
2,194	John Ridge	do.	1	
2,195	Daniel Mills	Chatowga	1	
2,196	Standing	do.	1	
2,197	Tac-ses-ka	do.	1	
2,198	Jay Hicks	Amohee	1	
2,199	Geo. Chambers	Chatowga	1	
2,200	Catcher	Hightower	1	
2,201	Rib	do.	1	
2,202	Scou-tike	do.	1	
2,203	Archy	Chatowga	1	
2,204	Carnton Hicks	Coosawattie	1	
2,205	Trailing	Chatowga	1	
2,206	Road	Hightower	1	
2,207	Chwa-looka	do.	1	
2,208	In Debt	Coosawattie	1	
2,209	Day-light	do.	1	
2,210	Hog Shooter	Chatowga	1	
2,211	Tais-taes-ka	do.	1	
2,212	Standing Wolf	Hightower	1	
2,213	Dave Scoute	do.	1	
2,214	Matthew Moore	Coosawattie	1	
2,215	Milk	Chatowga	1	
2,216	Standing	do.	1	
2,217	Dick Scott	do.	1	
2,218	John Wayne	Hightower	1	
2,219	Standing	Coosawattie	1	
2,220	Lightning	do.	1	
2,221	Hair Tied	Chatowga	1	
2,222	John Wayne	Coosawattie	1	
2,223	Tookah	Hightower	1	
2,224	Harry Scott	Coosawattie	1	
2,225	John Waitie	do.	1	
2,226	Frozen Foot	Hightower	1	
2,227	Wake-them	Coosawattie	1	
2,228	Morter	do.	1	
2,229	All-day	do.	1	
2,230	Bear Meat	do.	1	
2,231	Waitie	do.	1	
2,232	Mole Sign	do.	1	
2,233	Fase	Hightower	1	
2,234	Uma-tois-ka	Chatowga	1	
2,235	Bear Foot	do.	1	
2,236	Wat Liver	Coosawattie	1	

YEAS AND NAYS—Continued.

Number.	Names of voters.	Residence.	Ayes.	Noes.
2,237	Nelson West	Hightower	1	
2,238	Joseph Foreman	Armohee	1	
2,239	Jac Bushyhead	do.	1	
2,240	Dick	Catowga	1	
2,241	George	do.	1	
2,242	Se-nah-ne	do.	1	
2,243	Owl	do.	1	
2,244	Chicken	do.	1	
2,245	Jno. Chambers	do.	1	
2,246	Buffalo	do.	1	
2,247	Parch Corn	do.	1	
2,248	Huckleberry	Coosawattie	1	
2,249	Coon	do.	1	
2,250	Ned	Chatowga	1	
2,251	Chewaga	do.	1	
2,252	Rain Crow	do.	1	
2,253	Ellick Ratcliff	do.	1	
2,254	Isaac	Coosawattie	1	
2,255	Red Bird	Hightower	1	
2,256	Wat Huskhe	do.	1	
2,257	Ave Vann	Coosawattie	1	
2,258	Walter Ridge	do.	1	
2,259	Jac Nicholson	do.	1	
2,260	Jim Six Killer	do.	1	
2,261	All-day	do.	1	
2,262	John	do.	1	
2,263	Jim Bear Skin	Chatowga	1	
2,264	Coo-Los Kee	do.	1	
2,265	Bread Butter	do.	1	
2,266	Stephen Harris	do.	1	
2,267	Collin McDaniel	Coosawattie	-	1
2,268	Samuel Mayo	Hightower	-	1
2,269	Ezekiel McLaughlin	Amohe	-	1
2,270	William Reed	do.	1	
2,271	Charles H. Vann	Chatowga	-	1
2,272	Elijah Moore	do.	1	
2,273	John Eliot	Hightower	1	
2,273*				2,159

[* Note by the Printer.—There are only 2,200 names in the foregoing list.]

The voting on Achilla Smith's resolution being gone through, and counting the state of the polls it appears that 114 voted in the affirmative and 2,159 in the negative; and consequently Smith's resolution was carried.

Edward Gunter then called up his resolution. It was agreed by the agents of Government, as well as the Cherokee people present, that the vote on this resolution be taken by acclamation. Before the vote was taken on Gunter's resolution, Major Ridge offered the following as an amendment of Gunter's resolution: "*And that the Treasurer of the nation pay the same to such persons of our nation as we owe for money borrowed, and not to the lawyers which the nation has employed, who can be paid at some other time.*" In the discussion on this amendment, Major Ridge and John Ridge displayed their usual strain of eloquence: making a deep impression on a large portion of the crowd, if we take for evidence the rivetted attention, and the press forward to catch the words that dropped from them, and more particularly that, in the course of that evening and next morning, the number who deserted from Ross's ranks and enrolled themselves with John Ridge and his friends for the western country.

During the course of their remarks, they spoke of the false hopes excited and delusive promises held out by their lawyers; the obligations they were under, first to discharge debts contracted, for which a valuable consideration had been received by the people, and then afterwards and last those which had been created without the hope of returning benefits. But discovering that the people had determined to vote down their proposition, it was withdrawn.

After these individuals had spoken generally of the causes which induced them to secede from Ross and his party, and the necessity of an early removal of the tribe, the vote on Gunter's resolution was taken, and decided by acclamation in the affirmative.

CHEROKEE AGENCY EAST,
July 30, 1835.

The foregoing is a correct statement, so far as my memory serves and my knowledge extends, founded upon a constant attention, conjointly with Benjamin F. Currey, Indian agent, to the proceedings of this meeting, as one of the managers.

M. W. BATMAN,
1st Lieut. Infantry; Disbursing Agent.

CHEROKEE AGENCY EAST,
July 30, 1835.

As Indian agent, under the directions of the War Department, I superintended the foregoing election and proceedings, and do hereby certify that the election was as fairly conducted as the situation and circumstances of the Cherokee tribe would admit of, and that the proceedings and speeches made by the chiefs are substantially correct, as detailed by D. Henderson, secretary to the meeting.

BENJAMIN F. CURREY,
Indian Agent for the Eastern Cherokee.

CHEROKEE AGENCY,
July 30, 1835.

I certify upon honor that in the foregoing transcript, detailing the proceedings at the council called and held at Running Waters council ground, Floyd county, Georgia, on the 19th, 20th, and 21st instant, the votes are correctly recorded, and the speeches correctly detailed as to substance.

DANIEL HENDERSON,

Clerk for the managers of the said election.

CHEROKEE AGENCY,
August 1, 1835.

SIR: I have the honor to inform you that I attended the meeting of the Cherokee council at Running Waters, on the 20th ultimo; and my proceedings there, I will transmit to you by the next mail. At the close of that council, I requested a committee of the principal men from the Ross and Ridge parties to meet the commissioners at the agency on the 29th ultimo, to see if they could, in conference with each other, agree upon some modification of the proposed treaty which would be satisfactory to all concerned. Ross and his friends did not attend, and the commissioners wrote him immediately to know whether he and his principal men refused to meet them at the place appointed, and also whether they were determined not to accept the award of the Senate, viz: five millions of dollars, in full for the settlement of all matters in dispute between them and the United States, and for the cession of their country. He evaded the last question, (as will be seen by his letter, a copy of which will be forwarded to the department,) and prevaricated, in saying that no notice was given of the meeting at the agency, although it was done in open council. He may, however, have meant he had no official notice of the meeting in writing. He sent a letter also to Major Ridge and John Ridge, inviting them and their friends to a conference with him and his friends, to settle all the difficulties between them, and unite in promoting the common good of their people. This is an omen for good, and I have been laboring while here to effect this object. No doubt Ross has been hard pushed on this subject by his friends, and he is convinced that unless a reconciliation takes place, and a treaty is soon made, he will be forsaken by them, and a third party arise, who will unite with Ridge and carry the proposed treaty. I cannot now go into detail, but will simply state, overtures have been made by several of Ross's friends to unite with Ridge's party if Ross refuses to come to terms on the award offered by the Senate of the United States.

The best informed here entertain no doubt but that a treaty will be perfected in the fall, if not sooner.

It has been thought best by the commissioners not to call a meeting by the nation until November, unless both parties should be brought to agree to articles of the treaty to be submitted to the nation for their adoption. Ross's council meets in October, and many of his principal men have agreed, if he does not come to terms by that time, they will leave him and treat without him.

I have the pleasure to acknowledge the receipt of the several communications from the Secretary of War, forwarded to me at New Echota, in May

and July, and especially the last, containing the letter of Mr. William Rogers, with the answer to it. I respectfully suggest to the department, should any similar letters be received, whether it would not be best to send them to the commissioners, with such instructions in reference to them as may be deemed necessary, and refer the writers to the commissioners for an answer. I make this suggestion merely to prevent being embarrassed by the crafty policy of the men we have to deal with. It is believed that Rogers's letter was written at the suggestion and with the knowledge of Ross.

With great respect,

Your obedient servant,

JOHN F. SCHERMERHORN,

Commissioner

HON. ELBERT HERRING,

Commissioner.

CHEROKEE AGENCY,

August 3, 1835!

SIR: I have the pleasure to transmit to you a statement of my proceedings at the council convened at Running Waters council ground, on the 20th ult., and also a copy of my talk delivered to them on that occasion. This council was convened by the agent, Major Benjamin F. Carrey, in order to ascertain in what manner the people desired to have their annuity paid. After Major Carrey had explained the object of the meeting fully, he introduced me to the council, as one of the commissioners appointed by the President of the United States to negotiate a treaty with the Cherokees east.

I immediately arose, and read to them the commission given to his excellency Governor William Carroll and myself, and then observed: "It is not my intention to submit the proposed treaty for your final action upon it at this time, because the council has not been convened for that purpose; therefore Governor Carroll is not present. I am extremely gratified, however, that I have an opportunity to meet so many of you at this time; and with your permission, I will address you to-morrow morning, and state to you the views of the Government, and the advantages offered you by the proposed treaty, in order that you may think of it until we meet again to finally act upon the subject. If any article of the treaty, in its details, can be altered for the better in your opinion, the commissioners have power to make such alteration; and I assure you it will afford them much pleasure to make such alterations as you can convince them will be for your best interest as a people. I regret, however, to find one great difficulty in the way of a friendly and united action on this subject, and this arises from the party divisions and dissensions among yourselves. For your own interest, prosperity, and happiness, I desire to see a reconciliation between your leading men. I believe Mr. Ross and Mr. Ridge, and the leading men on both sides, are the friends of their country and people; and if ever men ought to make sacrifices for the public good, you ought all to do so now. Ever since I have been among you, I have labored to effect this object, and shall continue to do so. If you will hear me, to-morrow morning, I shall

endeavor to propose a plan to effect this object, and I hope it will be met by both parties in the same spirit with which it will be proposed.

Mr. Ross arose and replied, in substance, as follows : I assure you, sir, and this council, that I am not a party man ; that, in what I have done, I have been actuated by a desire to promote the best interests of my people. I have no enmity to Mr. Ridge, nor unfriendly feelings towards any of his friends ; I should be happy to have them act with us to promote the good of our nation. I am not disposed to encourage party views, and feelings, and names ; neither am I disposed to quarrel with any man for an honest expression of his opinion, with regard to what is best for the interest of the people : and if gentlemen are honest in their professions of benevolence, I will cordially co-operate with them for the public good. I must, however, observe to the commissioner, that, however much we should desire to hear him, it will be, I fear, impossible ; because, the people have not come prepared to stay more than one day, and many are without provisions.

Here Mr. John Ridge arose and said, in substance : I arise, sir, to express my gratification to hear such words drop from the lips of one of our chiefs. It is long since I have been accustomed to hear such language from him ; and if they are the words of sincerity and truth, my heart cheerfully responds to such feelings. I acknowledge I have acted differently from Mr. Ross and his friends : I have been driven, from a sense of love to my nation and an honest conviction of duty, to take the course I have adopted, as the only means for the preservation of our afflicted and distressed people : and if Mr. Ross will only go forward now, and act at once to bring our difficulties to an end, and have them settled in any better manner than the Government now propose, and I and my friends have agreed to accept, I am ready now to acknowledge him as my principal chief. I am at all times open to conviction, and shall willingly unite, with my vote, in every measure to promote their peace and prosperity.

On this, I again rose and said : It affords me the highest satisfaction to hear and see the disposition manifested by the leading men of both parties among you ; and they have done themselves great honor this day. I cannot but hope that this disposition may be cherished by all on both sides ; and I trust the plan which I shall propose to-morrow, to settle your difficulties, and to bring you to act in unison and harmony, will be cordially conceded to by both parties ; and if so, it will be the happiest and best day you have long seen as a people. If you conclude to hear me to-morrow morning, I will immediately issue a requisition for 2,500 rations, to supply the people for another day. This permission, I was informed by Mr. Ross, was granted, and that the people had concluded to hear me.

On the next morning, the 20th, when I took the stand which I had caused to be erected, and was about to address the Cherokee people, Mr. Ross and some of his leading men endeavored to prevent it, pretending that their understanding was, I was not to address them until they had finished their business, for which they had assembled, for disposing of the annuity. I was well aware of the artifice and policy of those I had to deal with, and that their design was to leave the ground the moment they had done voting ; and, therefore, I had appointed my time for addressing them in the morning, before they had finished their business. The multitude, instructed by their leaders, were loud for going on with taking down the names, and decide the question of annuity. I stated to them that their principal chief had told me the people had agreed to hear me, *according to*

my request, and that I was resolved they should not make their chief lie to me, but that he should stand by his word; and if the officers of the Government who presided at this meeting would permit me to proceed, I should now address them: and I have the satisfaction to state, that Major Currey and Lieutenant Batman, who presided, afforded me every facility and support I could ask.

The people drew near, and I addressed them as follows:

MY FRIENDS: I informed you, yesterday, of my having been sent here as commissioner, with Governor Carroll, of Tennessee, to settle the differences which exist between the Cherokees and the United States.

This is a subject of the deepest interest to you, and of the heaviest responsibility upon us: for it involves your future destiny and happiness, if not your very existence as a distinct people. This, then, is business which we ought to enter upon, without the unholy feelings of passion, or prejudice, or misrepresentation, which is only calculated to blind and mislead us. For my part, I desire to enter upon it with calm and cool deliberation, to look at the state of things as they really are, and help you to devise the best means for your future peace and prosperity, and I hope I shall find a correspondent feeling on your part.

I must, however, say, I regret to hear that some evil birds have been flying about among you to prejudice you much against me, before ever you saw me, or knew what I would say to you. I was told by a man, whose word I cannot doubt, that it is reported among you that I am the person who, after the battle of the Horse Shoe, with my company of Tennesseeans, fell upon the party of friendly Creeks, and massacred them and their women and children. I would ask your warriors, who signalized themselves in that battle of deeds by noble daring, whether they ever saw me, or knew me, in those days of blood and carnage. Ask Going Snake, Major Ridge, White Path, and Reese; did you ever know me in those days? No! Did you ever see me there; if so, speak out? Did you ever see me there, Mr. Reese? Reese being at hand answered, No! You see, then, it is false. I care not for these things on my own account, but on yours. I mention it, for fear such lies as this, and other lies you may hear, will shut your ears and harden your hearts against me. This is the design of circulating such stories among you. I will, however, tell you what I have done for you in former days. I am the man who first suggested and urged upon the American Board, the establishment of their first missions among you, and recommended Kingsbury to engage in this work, and which, with the other missions that have since been established here, have been the means to make your principal men what they are, and give them all the importance and distinction they now possess; and to which your whole nation are principally indebted for the advancement you have made in civilization, in morals, and religion; and I am happy to find among you many who would not disgrace any civil society. I shall never forget the first interest excited in my bosom in your behalf by the Rev. Gideon Blackburn, and I still remember among the children in his schools in your nation, the names of Walker, Lowrey, Ross, Fields, McCoy, Adair, Taylor, and others. The love I bear my fellow men, and to the Indians in particular, has caused me to devote the last three years of my life to Indian affairs, west and east of the Mississippi.

The subject of the removal of the Indians west of the Mississippi to

me is not new and of recent date; for I have been of opinion for more than twenty years, when I first examined into the state and condition of the Indians in the valley of the Mississippi, with a view to establish missions among them, that it was highly desirable to remove them beyond the white population, by which they were, or soon would be, surrounded; if anything was to be done to save them from utter extinction and the lowest degradation; and to improve their condition by introducing the arts of civilized life, and learning and religion among them. I came to this conclusion, from what I had learned of the condition of the thousands and tens of thousands of your red brethren, who once inhabited the Atlantic coast, and the result of all the attempts that good people there had made to civilize and instruct them. Where are the powerful tribes, some of which history informs us once numbered five thousand warriors and twenty thousand souls? The names of rivers and mountains where they once dwelt and hunted, is all that is left to remind us they once existed there; and a small, miserable remnant only remains of those among whom the Elliots, Mayhees, and Britnards once labored with so much success; and what has produced this result, but the baneful and destructive influence and example of the white population with which they were surrounded, and who mingled with them. Similar causes will always produce similar effects; and because I did not believe the people of the west had more morality, religion, or benevolence than the people of the east, I had come to the conclusion, in the process of time, that the Indians, if they continued here, within the territorial limits of the western States, would, ere long, be in the same condition they are in the east. I could not, then, see how this ever could be accomplished. I knew the Indians would never undertake it themselves; benevolent societies, I knew, could not do it; and the Government, I supposed, would never undertake it. But, on the contrary, I supposed they would let whiskey, the corrupting and destructive influence of bad white men, wars among themselves and with our own citizens, waste you away; so that, at last, they might get your lands for little or nothing. But when I saw the benign policy of our Government towards the Indians manifest itself, by undertaking to place them beyond the territorial limits of the States, and then secure to them all their rights and privileges, and guarantee to them a permanent home, with provisions for the year, protection, and necessary support, and a liberal and generous price for their lands here; my heart rejoiced, for I believed now there was yet a hope that the condition of the Indians might be improved, and that they might yet be saved from extermination and ruin. I have felt myself constrained to lend my mite and use my best efforts to effect this object. For this reason, I applied to my friend the President of the United States, whom I know is one of the best friends the Indians ever had, to be employed in this work; for I deemed it important that whoever might be engaged in this matter should be a decided friend of the Indians, and steady to promote their best interests for time and eternity.

When the President handed me my commission, he charged me in the following words: "*Go and do justice to the Indians, justice to yourself, and justice to your country.*" This I have endeavored to do, and rely upon it, I shall perform to the utmost of my ability. I have lived too long to establish an honest reputation and character, to destroy it by an act of injustice to the poor and oppressed Indian. No! My feelings, my sympathies, are all in your favor.

You, as well as myself, have doubtless heard various and contradictory

reports with regard to the country destined for the Indians, west of the Mississippi. I have examined that country for myself, and the Cherokee country particularly, and have been there nearly two years; and I now declare to you, as an honest man, I consider it an excellent country, well calculated for the Indians in every respect. A great portion of the lands are first rate timber and prairie, bottom and upland. You will find a sufficient quantity of wood and good water; and you need only to examine it and see the comforts your friends enjoy, to be convinced of it. But, ask your friends that have been there and examined the country, some of whom have just returned: Archilla Smith, Sam Bell, Leslie, and Andrew Ross. I have travelled over your country here, from this place to the agency on the High-wassee, and from thence to Brainard; and I hesitate not to say, the land I have here travelled over does not begin to be compared with the Cherokee country, west of the Mississippi. And the salines there, alone, are worth more than all the gold mines of your country here.

You have been told that the country is very sickly, and that nobody can live there. I have lived there near two years, and enjoyed excellent health; but it is true, you are liable to sickness there and death too; but have you ever heard of a country where people never get sick and die? It is not more sickly there than in Arkansas, Mississippi, Missouri, Illinois, West Tennessee, or any new country. You would probably enjoy as much health there as in any new settlement you could go to, if you once left your native hills. It is not, however, more sickly at Dwight Mission, on the Arkansas, than at Brainard, in this country; most of the emigrants that have died there, have been taken away by the cholera. But we are nowhere free from the cholera, small pox, and other virulent and pestilential diseases. The cholera is now in Tennessee, in places it never has been before; and before the summer is passed, it may reach you here in your native hills and valleys, and sweep you from the face of the earth. For my part, I consider myself safe in no place but in the hands of the Lord.

I would recommend you to remove to this country at once, and if once there, you will never regret it. If I was an Indian I would never live where I could not enjoy the same privileges as my neighbors, and where I had no rights in common with my fellow men; my proud spirit would not permit me to continue among the whites, to be treated as they pleased, and liable to be scourged, imprisoned, sent to the penitentiary, or hung by the neck like a dog, till I was dead, for violating laws which I never heard of and could not understand, and which my own people had no hand in making. You cannot live and prosper under them, and so fully convinced am I of this, that were I an Indian, and just ready to die here, I would leave it, as my last injunction upon my children, to remove; and, as an evidence of my faith that sooner or later they would do so, I would charge them as Joseph did his brethren, saying "When ye remove ye shall carry my bones with you hence." I do not advise you to remove merely to get rid of your difficulties and the deadly influence by which you are surrounded, but I look forward with confidence to the day when your several tribes of Indians shall there be organized into a territorial government, with the rights and privileges of American citizens; and that the time will yet come, when an Indian State will be added to our Federal Union; and which, though the last, will be the brightest star and fairest stripe upon the banner of our nation, and fill up the measure of our country's glory. Let others sneer at this idea if they please, but I am not afraid or ashamed.

to say I believe in the practicability of Indian improvement and civilization, and that among them are to be found unpolished diamonds of the first water. What age or country has produced a genius superior to George Guess, the untutored Indian, who never had a day's instruction, and yet, by the force of native intellect, invented the Cherokee syllabic alphabet, by which his countrymen have been enabled, by one day's application, to read the Scripture and other books in their own language? The invention of the Greek alphabet will bear no comparison to this. Guess is one of the greatest geniuses of this age, and has immortalized himself among his countrymen.

It is time, however, that we look at your present situation, and consider what can be done for your relief. It is now several years that you have felt your rights infringed, and have thought the Government of the United States had not fulfilled their treaty obligations to you. This is a delicate subject, and on which many good men have differed in opinion, and I do not know that any good would result from agitating those questions. When men get into difficulty, it is not so important to consider how it was brought upon them, as how they can best get out of it. You have now tried various ways to relieve yourselves, and have been flattered to believe you would succeed. You have appealed to the laws and tribunals of the country, but they have brought you no relief. Your people have been imprisoned and hung for transgressing the laws of the State of Georgia. You have appealed to Congress for relief, but you have got none. The party politicians of the day, so long as they thought by espousing your cause they might pull down General Jackson and embarrass his administration, have flattered you from time to time with hopes of a change in your favor, but now, when they see you cannot profit them in their political schemes, have given you up, and for the first time told you to make the best arrangement with the Government you can. It is the only hope that is left you. You see this is the fact. Your leading men know it is so. The several States have the right to make laws for the government and regulation of all the persons and property within their chartered limits, and it matters not how hard and oppressive these may be, the United States cannot interfere with them. You may now ask, will it not be the same if we go west of the Mississippi? I answer no; because there you will be beyond State jurisdiction and government, and the United States there, can and will protect you in all your rights and privileges of self-government, so far as they are consistent with the duties she owes to all the individuals composing our great republic, which stretches from the Atlantic to the Western ocean; and should you obtain a delegate in Congress, you will have the greatest possible security for the preservation of your rights and privileges.

Let us now turn our attention to the propositions of the Government, which I have been directed to lay before your people and explain to them. But here it will be necessary to refer to some proceedings transacted at Washington last winter. I was there when Mr. Ross and his party arrived; and he will do me the justice to allow that I proffered my services and influence with the Government to bring all these matters to an amicable adjustment. He, however, took a course which he thought best calculated to accomplish his ends. When Mr. Ridge and his party came on, I also saw them, and was soon appointed by the President to see what arrangements could be made to unite them into a negotiation for a treaty. I found

it impracticable to bring them together. I was then instructed to see what arrangements could be made with Mr. Ridge's delegation, and on the very day I received my authority to act, Mr. Ross requested it might be suspended, and promised to submit propositions, but which were of so exorbitant a nature as would not be listened to, as you may well imagine when I tell you they were four times at least, and probably five times, as much as the Senate have awarded to you. I then entered into propositions with the other delegation. I offered three millions of dollars, and 800,000 acres of land; Ridge asked \$5,000,000. We entered into details which were submitted to the Secretary of War, who said the Senate would never agree to them. The price then agreed upon was \$3,250,000, and the 800,000 acres of land, \$150,000 for claims; and this should settle all difficulties, of every kind. Mr. Ross was informed of all that passed at this meeting by Mr. Alex. McCoy, who was present at that meeting and professed to be pleased with the arrangement, and agreed to sign the propositions now to be laid before you.

Mr. Ross then wrote the Secretary of War this letter, (which see,) by which he and his delegation agreed to sell the Cherokee country, and settle all their difficulties with the United States, for such a sum as the Senate would agree to give them. The language is, "*we are prepared, as far as we are concerned; to abide the awards of the sense of the American Senate, and to recommend the same for the final determination of our nation.*" After this, I went to work and saw several members of the Senate, and among others the Hon. Mr. King, of Alabama, and did what I could to have the matter taken up, and obtain for you the price now offered you, \$5,000,000. This price was fixed upon, as I understand, with difficulty, and several other sums, above and below this amount, were rejected.

The understanding of the Secretary of War was, after the Senate had fixed the price, that Mr. Ross and Mr. Ridge would both submit propositions for a treaty, and if they could not be brought to unite; that then both should be submitted to the Cherokee nation for their final decision. Mr. Ross refused to comply with his agreement, and to submit propositions as the basis of a treaty. Mr. Ridge and his friends did do it, and the President has instructed me to lay before the nation, and explain to them, the following proposed treaty for their consideration.

The preamble of the treaty declares, that Mr. Ridge and the delegation from the council at Running Waters did not claim to have power to make a treaty for the whole Cherokee nation; but that they had agreed, for themselves and their friends, to the several articles of this treaty, but which should only be viewed as propositions, to be submitted for the consideration and approbation of the nation, in full council assembled.

Article 1st declares it shall be submitted at New Echota, at such time as I shall fix upon; and if a majority of the nation so assembled shall approve of the same, then it shall be a treaty, and not before. The articles in former treaties, not annulled or superseded by this, are to stand good, and continue in full force.

Articles 2d and 3d declare that you are to have \$4,500,000 in money, to be paid as stipulated in the following articles, and 800,000 acres of land, in addition to the lands already secured to the Cherokee nation, in the treaties with the Cherokees west; and that this is to be in full for all your lands east of the Mississippi, and your claims upon the United States. The whole quantity of lands that you will now have west secured by this

and other treaties, will be 13,800,000 acres, which is more than all the lands the whole Cherokee nation owned before the treaty with General Andrew Jackson, in 1817, by which they were to have acre for acre for their lands east, on the west of the Mississippi. I say you will have more land than you had there; for by that treaty you sold to the United States about 4,000,000 acres, and you still own here about 7,000,000 of acres, making in all 11,000,000 of acres, so that without the 800,000 acres which you buy by this treaty, you will have 2,000,000 acres more west of the Mississippi, than you had here before the treaty of 1817.

The 4th article declares that all your lands west shall be secured to you by a patent deed from the President of the United States; and you will hold it by the same title the white man holds his lands, as long as you exist as a State, and reside upon it. It also declares, if the Government abandon Fort Gibson, the United States reservation shall belong to the Cherokees, but that the United States may build another fort in any part of the country, by paying for private property, if used for public purposes. The Union Missionary station shall also belong to the Cherokees, if not occupied; and abandoned by the missionary board.

By article 5th the United States agree to purchase the Osage reservations in the Cherokee country, for the benefit of the Cherokees. These are valuable, and will cost the United States \$16,000.

Article 6th secures your political rights; and declares that your country, without your consent, cannot be included within the limits of any State or Territory of the United States. That you shall, in your national councils, make your own laws and regulations, to govern all the persons and property in your country, belonging to your nation in any way: Provided they shall not be inconsistent with the constitution of the United States, and such acts of Congress as relate to trade and intercourse with the Indians. These privileges you never can again enjoy here, and without them you cease to exist as a nation.

Article 7th declares perpetual peace and friendship shall exist between you and the citizens of the United States. The United States will protect you against all enemies and intrusion and strife, foreign and domestic; and that you shall assist the United States, when called upon in your national council, to preserve the peace of the Indian country; and if you engage in actual service, you are to have the pay and rations of the army of the United States. If you don't like this article, you may throw it away. The United States can maintain the peace of the country without you. I consider this article as being altogether in your favor.

Article 8th provides for a delegate to the Congress of the United States; and this, if granted, I consider one of the best features in the treaty, to stimulate you to improvement and civilization, and to secure to you your rights and privileges.

Article 9th provides for the removal and subsistence of the Cherokees, one year after the arrival in their new country. Your people who have emigrated hence complained that the boats were too crowded, and that they had not wagons enough; and that the sick had no attention, and in consequence of it many died. This article provides a remedy, by securing to you a sufficient number of boats and wagons to remove you comfortably, and a physician to attend you on your journey.

It secures also a rifle to every man, a blanket to every person, and a kettle to every family. The rich among you may laugh at this provision,

but poor Indians want these things, and must have them. The blankets will be delivered here, the rifles and kettles after you get to your new homes, where you want them most. Those who are rich and able to take care of themselves, will be allowed \$25 per head for their families, except their slaves, for which they will receive \$18, and their one year's rations, they may commute for \$33 33. The poor people the Government will take care to see removed in a manner satisfactory to themselves.

The United States will also pay \$150 per head to every Cherokee who enrolls and removes the first year, and \$100 to those who remove the second year after the ratification of the treaty; but no pay of this kind will be made to those who remove after two years. This is truly a provision for the poor families of the nation. The wealth of the rich men consists in their houses, improvements, and negroes; but the poor man's riches are his women and children. A poor man that has ten souls in his family, if he remove the first year, will get, when he arrives at the west of the Mississippi, \$1,500, and the same in proportion as his family is larger or smaller.

These advantages are to be extended, also, to those who removed last year, and such of your people as now live in any of the States out of your country, and will move with you in two years.

Article 10th provides for a fair and just valuation of all the improvements belonging to each individual of your nation, and his ferries; these which they are now in possession of, or from which they have been expelled and cast out, by the violence of the laws of any of the States where they have resided. It is intended to do justice to all, in order to enable you to pay your just debts. Before you remove, the Government will advance to you, out of the valuation of your possessions and claims, a sum sufficient for that purpose, and what may be deemed necessary to remove yourselves comfortably to your new homes. The rest of your money for your improvements, claims, per capita allowance, &c., shall be paid to you west of the Mississippi. The reason of this provision is this: to enable you to save your money until you get settled in your new country, where you will want it most, to purchase your horses and cattle, and to enable you to build houses and make improvements. If you were to get all your money here, the white people and speculators among yourselves would get it all away from you before you left here, and then you would be here like the poor Muscogeas, without a home and without money. You need not be afraid the Government will not pay you. These are lies told to you by those who want to steal your money from you, or defraud you of it. This article likewise provides pay for the missionary establishments here, and the erection of others west of the Mississippi, for your benefit.

Articles 11th and 13th provide for your annuities and school and orphan funds. \$400,000 is set apart for annuity, to be disposed of as your national council shall direct; and this, with your present annuity, will bring you in, as a nation, \$34,000 a year. Your whole school fund will amount to upwards of \$208,000, and produce an income of \$12,480 per year. This is to be expended entirely for schools in the nation. There is also a provision for an orphans' fund, of \$50,000, which will produce an income of \$3,000 a year. This is to be applied towards the support of poor motherless children, in such a manner as the council of your nation shall direct. There is also a provision of \$60,000, to pay your national debt. You owe money to your own people, from whom you have borrowed, and here is provision to pay them. There is also \$30,000 provided,

to build council and school-houses in your new country west ; and \$10,000 to introduce improved breeds of animals. The rich, we know, can buy these things for themselves ; the poor cannot ; it is intended for their benefit. There is also \$5,000 provided for a printing establishment, and to print the scripture, hymn, and school-books, for gratuitous distribution among the poor people ; so that all may have the benefit of these things. Your present annuity is commuted for a gross sum, the interest of which is equal in value to its annual amount of \$10,000. This has been done to enable you to withdraw all your funds, whenever you deem it best for your nation, and the President and Senate agree with you in this opinion.

If, in any of the details of these money matters, you think they can be better disposed of for the benefit of the whole nation ; so long as you do not destroy the principal of your funds for national purposes, the school and orphan fund, you can do so ; and the commissioners will cheerfully unite with you in any alteration which you can show them will be for the better.

Article 12th provides \$250,000 for the payment of just claims of every kind, which your people have against the United States ; and, also, of citizens of the United States against the Cherokees, under the intercourse law of 1802. We do not know, positively, that any such claims exist ; but if they do, they ought to be paid. Here, you perceive, is relief for all of you, who have just claims to be adjusted against the United States.

Article 14th makes provision for such Cherokees as do not wish to remove west of the Mississippi, and wish to become citizens of the States where they live, and are qualified, in the opinion of the agent, to take care of themselves. They will have paid to them here all that is due them for their claims, improvements, ferries, per capita allowance, removal, and subsistence ; but they must buy their own lands, like other citizens, and settle where they please, subjects of the laws of the country where they live.

Article 15th provides for the old warriors of the nation, who have been wounded in the service of the United States. You see your old friend, General Jackson, has not forgotten you, and you are to be entitled to a pension from the time you received your wounds, and this will provide for you well in your old days, and make you comfortable as long as you live.

Article 16th secures to you the protection of the United States, after the ratification of the treaty, for two years ; and if they do not do it, and you are molested in your possessions, you are to be paid for all losses and damages you sustain.

Articles 17th and 18th declare that the several sums agreed to be paid as above, are to come out of \$4,500,000, and are not to exceed that sum ; and if the payments and expenditures under any particular head are more or less than is required, they shall be added or taken from the different funds vested for the benefit of the Cherokee nation, except their present annuity fund of \$214,000, and present school fund of \$48,251. 76.

Article 19th declares this treaty to be binding, when signed by a majority of the chiefs, headmen, and warriors of the Cherokees, and ratified by the President and Senate of the United States.

After this, the President's letter to the Cherokee nation was read, and interpreted to them. I then continued as follows : I am authorized by the President to say to you, if you reject these propositions for a treaty, and

come to no final arrangement with the commissioners now appointed to treat with you, he will enter into no further negotiations with you, during his administration. You know him well; he never deceived you by saying one thing, and meaning another. He will make no children's play of it. If you reject the present overtures, you must abide the consequences, whatever they may be. And let me ask you, what have you to gain by delaying this matter? certainly nothing. You have tried various ways, for several years past; and every year your situation has been growing worse and worse. Every overture for negotiation that has been rejected by you, and every exertion on your part to be reinstated into your former rights and privileges, and to expel the whites from among you, and to escape the force of the laws of the States over you, have not only failed to bring you the relief promised you by your lawyers and counsellors and chiefs, but they have been followed, by new and more unsupportable laws and measures. Your principal men have all been turned out of their possessions, or have become tenants at will to the citizens of Georgia. If you continue to cast away from you the very liberal and generous offers of the Government now made to you, you will even lose the sympathies of some of your best friends. You cannot mistake the policy of Georgia. She is determined to get rid of her Indian population, and she will soon legislate you out of the country, by granting your possessions to her own citizens, who claim the fee of your lands. And then where will you go? to Alabama or Tennessee? you know the whites there are as thick on your lands as they are in Georgia, and every place surrendered by the emigrants are occupied by white men, as they have been in Georgia. You need not be surprised if in such a case the other States were to pass laws that they would not permit the Indians from Georgia to settle within their bounds. Be not deceived: the citizens of the States of Alabama, Tennessee, and North Carolina, are as anxious to get rid of you as Georgia, and they lay still and hold back because Georgia is fighting their battles as well as her own with you; and this you will find when the crisis arrives to which I have alluded; for they have all of them already extended their laws over you. Let me say to you, these evils are now at the door. If you reject these overtures, you may look for them soon. I ask you again, why should you delay this matter? In hopes to get more from the Government? that is in vain. Your whole country, if sold at public sale, on the same conditions that the public lands of the United States are sold, would not bring the amount. Do you build your hopes on some political changes, favorable to your interests? With this idea you have already long deceived yourselves, and been deceived; and your prospects of relief from this quarter are more hopeless than ever.

There is not a man of sense and information among you, who does not know you cannot be reinstated in your country here, with the rights and privileges you once enjoyed here. You have already, before this, given your chiefs authority to sell your country, as I have been informed: and at their own request the price has been fixed by the Senate of the United States, to settle all your difficulties and remove west. Why not, then, bring this matter, which involves your present and future interests, to a speedy close by a treaty? If the present propositions are exceptionable, let us know where and how they can be altered, and you wish them altered for the better, and the commissioners will meet you and arrange them so if possible, and rejoice to meet your views if practicable.

And now, to bring this subject to a close, let me advise and entreat you to appoint a committee at this council, composed of the best and most intelligent men among you, of both parties, to see if you cannot settle the difficulties that exist among yourselves, and which I believe are the principal obstacles in the way of a treaty at this time. Why should you suffer your private piques, jealousies, and animosities to operate to the injury and ruin of your people? They are unworthy a place in the bosom of a friend to his people, and who has their interests at heart. At the head of this committee place John Ross and John Ridge. I believe both of them have the interests of the Cherokee people at heart: and add to them ten or twelve other judicious men, and settle your difficulties. The commissioners will meet you next week at the agency, on the 29th instant, when Governor Carroll will be there.

Here the commissioners will examine with you the proposed treaty, and hear your objections to them and the alterations you wish to have made, and agree with you upon some terms of a treaty to be submitted to the nation when they shall be assembled for that purpose. I have done.

Near the close of the council, I inquired of John Ross, the principal chief, whether a committee had been appointed to meet the commissioners? He replied they had not, and that it was deemed inexpedient at that time to do so. I then informed the council of a meeting of the commissioners at the agency on the 29th instant, and requested a committee from two parties in the nation, Ross and Ridge parties, and such principal men as chose to attend, to meet with us and endeavour to agree upon some terms of a treaty, which would give general satisfaction to the Cherokee people when called together to act upon it.

I have already had the honor to transmit to the department the result of the meeting at the agency of the 29th ultimo, and I now forward the correspondence with Ross on the subject alluded to in my last, of the 1st instant, and which is marked No. 13, 14, and 15.

The meeting with the Indians at the Running Waters council ground, and also at the agency, although the money was voted to be paid to the treasurer of the nation, as might have been expected, I consider will, on the whole, be productive of much good. We have had an opportunity to inform the Indians of their true situation; of the advantages the Government offers them in a final treaty, and the absolute necessity there is for them to make this arrangement; as their country has already been virtually sold by the chief, and the price fixed by the Senate of the United States. Had Ross been aware that the Indians would hear and witness what they have at this council, he would rather have lost the annuity than to have brought them out. He has, heretofore, had an uncontrolled sway over the Indians, and the Emperor of Russia and his nobles have not their vassals under more absolute control, than Ross and his principal men appear to have had the common Indians. At the council they were not permitted to leave their ranks or cross a certain line during the day, and marched off to their camp the moment the council adjourned; and every delinquent was marked; no one but the leaders were allowed to mingle with Ridge and his party, nor to eat at the same table, nor drink at the same spring. Indeed, they were drilled equal to a Swiss guard, to do only what they were bidden. They were marched by their leaders in solid columns to give their votes as they were instructed; and without knowing, it is believed, the question

on which they were voting ; as was ascertained by the agent from inquiry of them as they came up to give in their votes.

We ascertained, however, that many of the Indians were dissatisfied with the treatment they received from their leaders, and after the council several left their camps at night and returned to Ridge's party, and about 134 were enrolled in favor of the treaty. I was personally informed, and so was Ridge, by some of the leading men who yet adhered to Ross, that if he does not enter into a treaty by their October council, which meets on the 12th at Red Clay, they will then leave him and form a third party, and unite with Ridge, and effect a treaty for themselves. I deem it important to relax no exertions on the strength of this, but push every means calculated to accomplish the views of the Government.

With great respect,

Your most obedient servant,

J. F. SCHERMERHORN,

Commissioner.

HON. ELBERT HERRING,

Commissioner, Washington city, D. C.

CHEROKEE AGENCY, August 5, 1835.

SIR: I have the honor to transmit to the department copies of my correspondence since my arrival here. It will not be found very important, or interesting, but it will serve to keep you advised of my proceedings.

No. 1 is a communication to Governor William Carroll in reference to Cherokee outrages, committed on the citizens of Tennessee. Instead of receiving a written answer to it, the Governor came to this place personally, and after examining into the matter, ordered a company of mounted volunteers to be raised for the protection of our citizens, and the apprehension of offenders; and Major Nathaniel Smith, of Athens, is placed in command of the company.

No. 2 is addressed to the agent of the land office of Tennessee, at Athens. I deemed it important to ascertain what Cherokees had heretofore received reservations, and who among them were entitled to reservations under former treaties, and had not received them. I hope to be able to obtain all the necessary information on this subject.

No. 3 is a letter from R. J. Meigs, Esq., announcing himself as secretary to the commissioners, and requesting to know when his services will be required.

No. 4 is the answer to it. His letter was addressed to me at New Echota, and I did not receive it until on my way to the council on the 17th ultimo. I there met with Mr. Meigs, and requested him to attend the council, prepared to take notes, &c. of such things as might be transacted in reference to the treaty. He has also attended the meeting at the agency, and has, since that, been engaged in copying the correspondence, and the proceedings at Running Waters.

No. 5 is a short note from Governor Carroll, requesting me to notify a meeting at the agency, of the chiefs of both parties, with the commissioners. I have already informed the department of the result of this meeting on the 1st instant.

Nos. 6, to 15, inclusive, is a correspondence with John Ross. Nos. 6, 7, 8, have reference to the holding of the council at Running Waters. He informed me, in a private interview, that he and his friends would not attend; and that he wished the council removed to Red Clay. I found this was not expedient, and that it would not be done. I therefore urged him to attend, believing it would give me a good opportunity to address the Cherokees, and prepare the way to a final treaty. Mr. Ross professed to yield to the request, and notified his people that he had been requested by the commissioners to attend, and that he would go; and he gave orders for as many as possible to meet him there; and in the course of ten days' notice, upwards of 2,500 Cherokees were assembled at the council ground. I was highly gratified to meet so large a number of Indians, which, I am confident, under no other circumstances, would have been brought together, to hear explained to them the treaty offered to them by the President, and to be informed of their real situation and condition; the impossibility of ever being reinstated here with their former power and privileges, or to get the white people removed from their lands, or to prevent their settling among them. All this, as you will hereafter see, I had an opportunity to do, without jeopardizing the treaty in the least, while it gave us time to take measures to accomplish our objects for carrying the treaty, which, I have no doubt, we shall ultimately do.

Nos. 9, 10, 11, and 12, have reference to taking the census of the Cherokee people, which will now be accurately done in a short time.

Nos. 13, 14, and 15, have reference to a meeting at the agency, between the principal men of the Ross and Ridge parties, and the commissioners. The object of this meeting was to endeavor to unite the two parties, and then to agree upon some alterations in the proposed treaty, so as to make it satisfactory to them all, and thus enable us to conclude the treaty without difficulty, when the Indians should be assembled for that purpose.

I am persuaded that the principal difficulty in the way of effecting a treaty now, is the dissensions and hostilities between Ross and Ridge, and their partisans; and that if the commissioners would sacrifice Ridge and his friends, who have for three years past supported the measures of the Government, and done all they could to bring about a treaty, and enter into a separate negotiation with Ross and his council, who have assumed to be the authority of the nation, to the exclusion of Ridge and his friends, an arrangement could be made with them. But such a measure I would deem cruel and dishonorable, as it would be unrighteous; and such an act as I know the President would never sanction—to *sacrifice a friend to gratify a foe*. I wish to see neither Ross nor Ridge injured; but if a treaty can be carried only by putting down one and exalting the other, I should not long hesitate to make my election.

To avoid such a crisis, I requested the national council, assembled at Running Waters, whom alone I considered had the power to make a treaty, to appoint a committee, composed of the best and most influential men of both parties, to meet the commissioners at the agency, on the 29th instant, to see if they could not settle their difficulties existing between themselves, and agree upon some terms of a treaty, on the basis of the price of the \$5,000,000, which would be satisfactory to the whole nation.

With this reasonable request Ross and his principal men would not comply; probably because they saw that by this act they would yield their assumed power as the constituted authority of the nation. This question of

appointing a committee was not acted upon in open council, but was the conclusion of Ross and his partisans, at some separate council at night among themselves. I called upon Mr. Ross, just before the council broke up, to know if a committee had been appointed by the council to meet the commissioners at the agency. He replied they had not, and that it was not deemed expedient to do so. I then appointed a meeting of the commissioners, at the agency, the 29th instant, and requested the principal men, or a committee, to be chosen by the different parties, to meet us there at that time for the object already specified. Mr. Ross stated the time was very short, and wished to know if it could not be postponed to another day. I told him distinctly that Governor Carroll's public duties would not permit him to meet at any other time previous to the session of their Legislature in October.

From this statement of facts, you will perceive that I consider the whole of Mr. Ross's excuse a palpable departure from the truth. But as it is my determination not to be drawn into a useless correspondence with him, I passed over this and other things in silence, as unworthy of my notice.

I think, by the course I have pursued, and from what has already transpired, as I have been informed, a reconciliation of the parties will take place before long, and then you may be sure a treaty will follow immediately.

I shall not suffer myself to be deceived or amused by any flattering appearances or promises, but carry on, steadily, the measures now in successful progress to effect a treaty, even if Ross should refuse to come to terms. I will take another occasion to inform you of all the plans we have adopted to effect a treaty this fall.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

Commissioner, &c.

HON. ELBERT HERRING,

Commissioner, Washington, D. C.

No. 1;

CHEROKEE AGENCY EAST,

July 6, 1835.

SIR: On my arrival here to-day, I learnt, with deep regret, that Colonel Hiram K. Turk, of Monroe county, Tennessee, and a Mr. Rogers, of North Carolina, have been dangerously wounded by some Cherokees, who way-laid them, no doubt, with intent to kill. I have also read the affidavit of Solomon Foats, in which he states that he was assaulted within the chartered limits of the State of Tennessee, about two weeks since, by three Cherokees, two of whom were taken and imprisoned last year for the murder of Jack Walker, and have since made their escape, as I understand, from the prison at Athens. These cases will be fully detailed in the communications forwarded to you by Major Benjamin F. Currey, the agent. I would respectfully suggest whether these outrages, together with the course adopted by the party hostile to the views of the Government, would not render it expedient for you to demand from the chiefs the persons who

have perpetrated these acts, and notify them, in case the offenders are not surrendered, that you will feel it a duty to seize hostages for the security of the citizens of Tennessee. This course, it appears to me, from the state of feeling and apprehensions that I witnessed at Calhoun, is both necessary and politic, in order to prevent future outrages, the consequence of which may be most deplorable to the innocent and unoffending Indians.

With great respect,

Your obedient servant,

JOHN F. SCHERMERHORN.

His excellency WILLIAM CARROLL.

No. 2.

CHEROKEE AGENCY,

July 7, 1835.

SIR: It may be of considerable importance to me, and indeed necessary, to know what Cherokee Indians have had reservations granted to them by the United States, and which have been recognised by the State of Tennessee. Governor Carroll informed me that I might obtain this information at your office; will you, therefore, have the goodness to furnish me with a map of the purchase by General Jackson, in the treaties with them, in 1817 and 1819, and on which shall be noted, as far as practicable, the several Indian reservations, and to what Cherokees they were originally granted.* Please to send the same to me, by the bearer, Mr. Currey, who will call for it on his return, and pay you the charges for the same, for which you will please to execute duplicate receipts, as received from J. F. Schermerhorn, commissioner to treat with the Cherokees.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

Commissioner.

JAMES BRIDGES, Esq., or

NATHANIEL SMITH, Esq.,

Athens, Register of Land Office of State of Tennessee.

No. 3.

AUGUSTA, GEORGIA, June 8, 1835.

SIR: The acting Secretary of War has advised me to report to you my appointment as secretary to the commission authorized to negotiate with the Eastern Cherokees; and that you would inform me of the time my presence and services are necessary.

You will confer a favor by replying to this letter by return of mail, stat-

*I should also wish to be furnished with the names of the individuals who have claimed reservations which have been disallowed, or have not been perfected; and if not too much trouble, a brief statement why they were not granted.

ing the probable time my attention is required ; and if not inconsistent with the promotion of the public service, an early day would be pleasing.

Very respectfully,
Yours, &c.,

R. J. MEIGS

For the Rev. J. F. SCHERMERHORN,
New Echota.

No. 4.

ROME, GEORGIA, *July 20, 1835.*

SIR: In the course of the last week, I have received your several letters addressed to me at New Echota, and also one from the Secretary of War, informing me of your appointment as secretary to the commission appointed to treat with the Cherokees east. I am not able, at present, to designate the time and place for holding the council for the contemplated treaty ; but, as a national council of the Cherokees will this day convene, and some things may transpire to give us an opportunity to introduce the subject of the treaty, and since you have come on expecting that the commissioners would bring the matter of the treaty before this council, you are requested to attend its meetings, prepared to take minutes of such matters of importance in reference to a further council and treaty, as may be deemed important.

With great respect,
Your obedient servant,
J. F. SCHERMERHORN

Commissioner

To R. J. MEIGS, Esq.,
Council at Running Waters.

No. 5.

KNOX COUNTY, *July 14, 1835.*

DEAR SIR: Please to procure the assemblage of some of the chiefs of both parties at the agency on Wednesday, the 29th instant; on the evening of which day I expect to be with you. I have not time to add more.

Your friend,
WM. CARROLL

Rev. JOHN F. SCHERMERHORN,
Spring Place, Cherokee nation.

CHEROKEE AGENCY, *August 20, 1835.*

SIR: Duty appeared to call for an excursion from me through the Georgia part of the Cherokee settlements, in the early part of this month. Before my departure, information was communicated to me, from sources to be relied on, that James Martin, formerly one of the judges for the Cherokee nation, had threatened the life of John Ridge.

Lieutenant Howe, who had command of the United States troops at this place, having previously left for the springs in North Carolina, the command devolved on Lieutenant Hooper, to whom I addressed the communication, a copy of which is enclosed, marked A, with full confidence that my requests would be carried into effect. When on my way home, I was surprised to hear the Indians laughing about Martin's arrest, and the pains the officer had taken to enable him to make his escape. Unfavorable representations were made, also, by white persons in relation to this matter.

Being unwilling to accredit reports to the prejudice of Lieutenant Hooper's official character, on my arrival at this agency I addressed him a note, of which the enclosed paper, marked B, is a copy, which was followed by a reply, enclosing a warrant, a copy of which is herewith sent, marked C.

On examination, I found this not to be so full and satisfactory as was expected, under the circumstances. I consequently stated to him specifically the points upon which I desired information, in a note, of which the enclosed paper, marked D, is a copy. The copy of his answer to this request will be found herewith enclosed, marked E. Notwithstanding the character of this reply, I was still anxious to give the lieutenant an opportunity to account for a course of conduct which was effectually carrying out the views and wishes of the opposing chiefs, and calculated to defeat the objects of the Government. I, therefore, addressed him a communication, of which the enclosed paper, marked F, is a copy. This he returned without note or comment.

I was then left to resort to those who had the next best opportunity of knowing the facts in relation to this transaction.

From the enclosed paper, marked G, which is the copy of an answer to my inquiries on this subject, from George W. Currey, a clerk in this office, with Jesse W. Edington's statement, I fear there is too much reason to apprehend that Lieutenant Hooper has been unduly influenced by Lewis Ross, with whom he boards, and who is the confidential friend of said Martin.

Mr. Ross has exercised a secret and powerful influence over the destinies of this people, and still continues to do so. I have often had to contend against his influence, shown through whites as well as reds. He lives convenient to the agency, on a tract of land allotted for the use of the agent. By virtue of his convenience to this office, and that unbounded confidence which he seems invariably to have acquired with the inmates of his house, he has been able to give tone to the feelings of the best of men, thwarting the views and purposes of our Government, and at times threatening the peace and safety of the Indian country. He votes at the State elections, and acts the chief at Indian councils. He holds rich and valuable reservations within the ceded territory, and encroaches with impunity on the agency reservation, where, by the use of his wealth, and keeping up a constant system of espionage, through the unsuspecting confidence reposed in him by his boarders, he is able to shape the course of nearly all on whom I have had to rely, in cases of pressing emergency.

Under such circumstances, if the department doubts the propriety of his removal from the agency reservation, which the President verbally informed me might be done, provided he continued his opposition, how would it do to make his removal dependant upon the decision of the commissioners, while, at the same time, full power is given me to remove him, upon receiving written advice from them to that effect?

All of which is most respectfully submitted for the consideration and action of the department, while I have the honor to be, sir,

Your very obedient servant,

BEN. F. CURREY

ELBERT HERRING, Esq.,

Commissioner of Indian Affairs.

A.

CHEROKEE AGENCY,

August 5, 1835

SIR: James Martin, an old Indian man, formerly judge of the Cherokee court for Armoke district, has threatened the life of John Ridge. I am directed to have all persons making threats against any of the treaty party arrested and bound to keep the peace, or committed to jail until discharged by a due course of law.

I must, therefore, request that said Martin be immediately arrested and held in your custody, free from any intercourse with other members of the tribe, until Samuel McJunkin and others, who heard the above recited threats, can be procured to give testimony upon which to obtain a warrant from some acting justice of the peace for the county of McMinn, and the alleged offender tried for commitment.

Very respectfully,

BENJ. F. CURREY,

Sup. Cherokee Rem., and act. Ind. Agent.

Lieut. HOOPER.

B.

CHEROKEE AGENCY EAST,

August 18, 1835.

SIR: Be pleased, at as early a period as practicable, to report to me in writing, what has been done in relation to my request for the apprehension and confinement of James Martin, who is alleged to have threatened the life of John Ridge, one of the chiefs of the treaty party.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY,

Sup. Cherokee Rem., and act. Ind. Agent.

Lieut. J. L. HOOPER.

C.

CAMP CASS, August 18, 1835.

SIR: Herewith I have the honor to transmit to you a warrant taken out by me as acting Indian agent, against James Martin.

This is the only important step taken in the matter; he can (if found) be taken by any civil officer.

Very respectfully,

Your obedient servant,

JNO. L. HOOPER,

Lieut. Commanding.

To BENJ. F. CURREY, Esq.

Acting Indian Agent, &c.

STATE OF TENNESSEE, }
McMinn County. }

To any lawful officer to execute and return, aided, if necessary, by the military troops of the United States, at the Cherokee agency.

Whereas complaint hath this day been made to me, Jesse W. Edington, one of the acting justices of the peace for said county, by John L. Hooper, as acting agent for the Cherokee nation in the absence of Benj. F. Currey, upon the oath of Samuel McJunkin, who swears that on Saturday, Sunday, and Monday, the 1st, 2d, and 3d days of this instant, a certain James Martin, a part Cherokee and native of said nation, did, in his presence, and in the presence of others, threaten to kill, or have it done, John Ridge, a native of said nation, on account of his having used his influence to sell the said nation to the United States.

Now whereas many threats have been made and put into execution by killing, in various parts of the country, and the views of the Government thereby thwarted, these are, therefore, to command you, or either of you, forthwith to apprehend the said James Martin, and him safely keep, so that he may be further dealt with as the law directs; and make return of this warrant. Given under my hand and seal this 10th August, 1835.

J. W. EDINGTON, [L. s.]

Justice of the Peace.

Summons for the State or United States, as the case may be, Leroy May, Asa May, William S. McAlister, and Samuel McJunkin.

J. W. EDINGTON, [L. s.]

Justice of the Peace.

AUGUST 10, 1835.

D.

CHEROKEE AGENCY EAST,

August 18, 1835.

SIR: I have the honor to acknowledge the receipt of your report on Martin's case, and finding it not so full and satisfactory as could have been

wished for, I therefore request you will inform me whether James Martin has not been within your power since the receipt of my requisition of the 5th instant, and, if so, why he has been permitted to escape.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY,

Sup. Cherokee Rem., and act. Ind. Agent

Lieut. Jno. L. HOOPER.

E.

CAMP CASS, TENN., August 19, 1835.

SIR: Your note of last night was received this morning; in answer I have to say that I have already given all the information by me deemed necessary.

During your late absence, complaint was made to me that John Martin, a Cherokee, intends disturbing Amos Hambright, a white man, who has rented a place from Betty Howe. As no particular act could be specified, I did not think it advisable, at present, to take any steps in the matter.

Very respectfully,

Your obedient servant,

JOHN L. HOOPER,

Lieut. Commandant

TO BENJAMIN F. CURREY, Esq.,
Acting Indian Agent.

F.

CHEROKEE AGENCY EAST,
August 19, 1835.

SIR: The following is an extract from a letter of instructions, addressed to myself and the then Indian agent, by the President of the United States:

"You, and the agent, will cause to be apprehended all persons who have made threats against any of the chiefs of the emigrating party, or against yourself, and have them kept in close confinement until they give good and sufficient security to keep the peace," &c.

The following is an extract of a letter of instructions, addressed by the acting Secretary of War, to the commanding officer at the Cherokee agency, dated "War Department, June 23, 1835. He will judge of the necessity of your interference, and the responsibility of all his requisitions will rest upon him," (referring to myself,) thereby making the troops subject to my requisitions.

In a communication of the same date, from the department to the undersigned, the following language is employed: "The authority given to you, by the instructions to these officers, is of a delicate and responsible character. It is intrusted to you for the purpose of producing concert of action between you and them." While, again, this language is employed in the same letter

of instructions: "The relation now established between you and the officers of the army is a novel one to them, and you will perceive the propriety of giving your requisitions the form of requests, and not of orders. Their compliance is not, and cannot be, doubted." And, in conclusion, he observes, "I have submitted this letter to the President, who has given it his sanction."

The object of the above extracts is to show to you the relation intended to be established by the Executive officers of our Government between you and myself. As special agent, it is made my duty to report weekly on all matters of interest connected with Indian affairs. This I cannot do correctly and satisfactorily without having information from those whose duty (as would appear from the foregoing extracts) it has been made to co-operate with me. I hope, therefore, with these facts before you, (on a second consideration,) you will cheerfully yield to my request of yesterday, to wit: "that you would inform me whether James Martin has not been within your power since my requisition of the 5th instant, and, if so, why he has permitted to escape?" Should you not, however, answer, I can consider your letter of this morning in no other light than as a deliberate refusal to comply with my requests in the case of Martin, and shall have to rely on circumstances to find a motive for this strange and unexpected course.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY,

Sup. Cherokee Rem., and act. Ind. Agent.

To Lieut. JOHN L. HOOPER.

G 1.

CHEROKEE AGENCY EAST,

August 19, 1835.

SIR: Before my departure for the Cherokee settlements in Georgia, I addressed a request to Lieut. John L. Hooper, commanding company F, at Camp Cass, to arrest James Martin for threatening the life of John Ridge, one of the chiefs of the emigrating party.

Since my return, I considered it proper to request Lieut. Hooper to make report of his progress. He has evaded, and even refused, to inform me why, when said Martin was in his power, he was permitted to escape. I shall, therefore, have to resort to the next best evidence to ascertain why my request of the 5th instant was not complied with. You will, therefore, state to me in writing all the circumstances which have come within your knowledge during my absence, touching this matter.

Very respectfully,

Your most obedient servant,

BENJ. F. CURREY,

Special Agent.

To GEORGE W. CURREY.

G. 2.

CHEROKEE AGENCY EAST,
August 19, 1835.

SIR: Yours of the present date is now before me, and in reply I have to remark, that, on the 9th instant, Lieut. Hooper came to this office, and informed me that he had James Martin then at Lewis Ross's, and he wanted me to have Samuel McJunkin, and others, sent for as witnesses. I agreed to send, or go myself. Lieut. Hooper said he would not confine Martin, but keep him at Lewis Ross's. I expressed my fears of his escape, unless confined. He replied, in case he got away he would hold Lewis Ross as his prisoner, and appeared to refer to him as an assurance of Martin's remaining without being guarded, until constables, magistrates, and witnesses, could be brought in to dispose of him. I observed, that I thought he had better be confined, and I had doubts of his (Hooper's) right, or authority, to hold Ross in lieu of Martin, unless Ross were regularly bound as bail.

I went after the witnesses on the night of the 9th. While I was gone, the enclosed note to my address was handed in at my boarding-house, which I read the next morning. Sometime after breakfast, I went over to Lewis Ross's, and Lieut. Hooper recommended the taking of a bond before a magistrate upon Martin's acknowledgment, as I had not brought the witnesses along with me. This I considered (after having consulted with a magistrate) to be an unsafe experiment, and went again for Mr. McJunkin, who came in with me; but, on our arrival, Lieut. Hooper informed us Mr. Martin had made his escape. Lieut. Hooper then proposed to take out a warrant for said Martin, which was done, a copy of which will be found in the copy of his report to you of yesterday. I inquired of the lieutenant whether it would not be well to have with him, in the retaking of Martin, a civil officer to serve the warrant. He replied that he would take the warrant himself.

Since the taking out of the warrant, no effort has, to my knowledge, been made to retake said Martin. Lieut. Hooper informed me, however, that he had sent word for Martin to come in.

These are all the facts in relation to the matter which are considered to be of any importance.

Very respectfully,
Your most obedient servant,

G. W. CURREY.

To BENJAMIN F. CURREY, Esq.

G 4.

CHEROKEE AGENCY,
August 20, 1835.

SIR: Yours of the 19th instant is now before me, and, in reply, I have to state, that on the 10th instant, on the affidavit of Samuel McJunkin and application of Lieut. Hooper, I issued a warrant against James Martin, for threatening the life of John Ridge; and after issuing the warrant, there was

something said about having a constable to execute it. Lieutenant Hooper observed that it was not necessary to have an officer, that he would take him (Martin) himself. It was then proposed that Lieutenant Hooper should be deputized, which was accordingly done; the deputation written on the warrant, and he duly sworn to execute.

I since inquired of Lieutenant Hooper if he had taken James Martin; he said not; that he was waiting for him to get home, or come in, I do not collect which.

Very respectfully, yours,

J. W. EDINGTON.

To BENJAMIN F. CURREY.

G 4.

CAMP CASS, TENNESSEE.

August 9, 1835.

SIR: If a messenger has not already started to request Mr. McJunkin's and others attendance, it will be unnecessary, as James Martin is ready to give the security required; the attendance of a justice will, however, be necessary.

Respectfully, sir,

Your obedient servant,

JOHN L. HOOPER,

Lieutenant Commanding.

To GEORGE W. CURREY.

CHEROKEE AGENCY,

August 20, 1835.

SIR: Enclosed I send you a copy of a letter from Mr. Crutchfield, of Will's Valley, A. I have seen and conversed with Mr. Lamarr. These are both respectable members of the Cherokee tribe. I am induced to believe, by ordering the effective men of company F into Alabama for a few days, that the foundation could be laid for a general enrolment of the Indians there. I have, therefore, requested Lieutenant Hooper to repair to that section of the country, with this company.

John Ross, not long ago, appointed officers to value property, from which the reserves had been dispossessed in Georgia. Several of these officers, Elijah Hicks, Thomas Tailor, the son of Judge Tailor, the Rev. Mr. Trott, and Judge Adair, have been arrested, and the Georgia Guards, I am advised, is in pursuit of the others.

It is likely a demand will be made for the delivery of John Ross, for trial before the courts of that State.

In such a case, I have no doubt of the propriety of a compliance. The punishment is four years' imprisonment at hard labor in the penitentiary.

There is to be a great green-corn dance at Ridge's in a few days. Mr. Hermerhorn and myself will be there by invitation.

Ross sent to New Town a few days ago, to get the press, in order to re-

establish it in Tennessee. Stand Wattie, of Ridge's party, had, through the Georgia Guards, succeeded in taking possession of it, giving a pledge that the columns of the paper, when re-established, should be open to all sides for the promulgation of truth among his people.

A company of mounted riflemen have been organized along the Tennessee line, by order of Governor Carroll, for the purpose of suppressing rioting, arresting violators of the law, &c.; and their services have been tendered for these purposes whenever I may consider them important.

Enrolments must become general before long, in the very nature of things. Ross and his party are becoming embarrassed at every turn and step, while Ridge's path is open and plain. Ross holds out the olive branch of peace to Ridge, while his confidential friends speak of slaying him, because they say he has forfeited his life by the laws of the nation. Although energy is necessary and vigilance is all important at this crisis, I am aware that rashness might put an end to our prospects for a treaty, and timidity would increase the dangers of defeat.

A few weeks ago one of Ridge's chiefs was slain by Ross's friends; and young Murphy, another of the treaty chiefs, was stabbed to death a few days ago, by another of Ross's party, who said, if there were any more Arkansas men there he would serve them the same way. A murderer by the name of Took, who had enrolled some years previously, was present, and invited Duck to walk with him. After getting him out a short distance, Took killed him and fled into a neighborhood of whites, who undertook to arrest him for having a hand in the murder of a white family, by the name of Bowman, in 1832; he resisted, and they shot him. The wound was supposed to be mortal.

Would you be so good as to furnish me with an official copy of a letter from the Texas authorities to the Hon. Secretary of War, calling on him to restrain our Indians from encroaching on that Territory? By doing so, it might be turned to advantage.

I have the honor to be,

Your very obedient servant,

BENJAMIN F. CURREY.

ELBERT HERRING, Esq.,
Com. Indian Affairs.

AUGUST 8, 1835.

DEAR SIR: I take this opportunity to drop you a few lines to this effect: There has a fermentation taken place in the Nicholson family, and I have advised Mr. Lamarr, the husband of the widow, to apply to the agents of Government for protection. He will make his views known to you. So much I will say to you; if you will sustain them in all their rights, you shall have all my influence. Here they are wronged indeed; and the laws of Alabama are too short to reach their case. Jack Nicholson has went great lengths to dispossess his mother; and has got all the notes due the estate into his possession by force; and unless you can quell the noise it will raise to a great flame. I think you can do a great good here at this time; and anything you do will confer a great favor on your friend, &c.

I remain yours, truly,

JOSEPH CRUTCHFIELD.

Mr. BENJAMIN F. CURREY.

CHEROKEE AGENCY, August 20, 1835.

SIR: In accordance with instructions received from the War Department, as secretary to the commission authorized to negotiate with the Eastern Cherokees, I reported myself in conformity thereto.

After waiting a reasonable time, and having been informed that a grand council of Cherokees was to assemble at Running Waters the third Monday in July, without any answer to my letter to the Rev. Mr. Schermerhorn, at New Echota, I was induced to set out on my journey to the nation, and met with him on the day that he received my letter, and was invited by him to attend the council to be held at Running Waters on Monday, the 20th of July, prepared to take minutes of the proceedings in reference to a treaty which he would endeavor should be brought before them. The particulars he has already communicated to the proper department at Washington.

He had an opportunity of addressing the greatest collection of Cherokees ever remembered to have assembled together on such an occasion, which was listened to by all with much attention and interest, particularly those that were needy, with large families, as he explained the provisions of the treaty, and made them comprehend what sums they who had women and children were to receive. The treaty provisions were faithfully interpreted by the Rev. Jesse Bushyhead, and had great weight and effect with many of his brethren. The commissioners have concluded to dispense with my services till November; and, if required, I shall be informed. I have accordingly made out my account for travelling and services rendered, amounting to \$209, which is submitted to them for their final action upon it.

I trust before winter sets in that the difficulties of settling this protracted affair will be brought to a successful termination.

With very great respect, sir,

Your most obedient servant,

R. J. MEIGS.

Hon. LEWIS CASS,
Secretary of War.

RUNNING WATERS, GEORGIA,
September 7, 1835.

SIR: From Ross's late movements, directing his officers to place an extravagant value on improvements from which Cherokees have been ejected by the operations of State laws, with the view of obtaining an estimate of spoliations, and his great anxiety to have the census completed at an early period, believing, as he does, that the real number of Cherokees east will exceed the computation heretofore made by the Executive, with the hope, occasionally expressed by his associate chiefs, that when these facts are made known to the President and Senate, they will consent to increase the amount agreed to be given on a final arrangement with the tribe, the undersigned are induced to express an opinion that it would strengthen the probability of a treaty this fall, for the President and Secretary of War to instruct the commissioners or special agent to inform these people that the Government having commissioners in the country, after

having already settled the value of Cherokee claims, by mutual agreement will receive no delegation at Washington until the preliminaries are settled upon and approved by the Cherokee people.

Such a notification, connected with the course expected to be taken by the different State Legislatures convening this fall, and the indefatigable exertions of Mr. Schermerhorn and other officers, if continued, cannot, as we apprehend, fail to put an end to this perplexing question early in the approaching winter, if not before.

And we would further suggest that it is all-important to the success of the treaty that a correct census should be taken of the number of persons composing the tribe, about which there is much difference of opinion among the Cherokees themselves as well as the officers of Government. Without it we cannot make a certain estimate of the amount which will be paid to each individual; nor could the commissioners be certain of the amount that should be appropriated specifically to various objects contemplated in the propositions now before the tribe. To be fully possessed of a knowledge of their number; the number of each man's houses; the number of his farms, with the quantity of land under cultivation; the proportion of tillable land; the mineral resources and water privileges of the country, &c., the commissioners would be able to fix a true estimate upon the value of the country, in case the whole tribe does not approve of the gross sum fixed upon already; then, after giving to such as have and will come into the arrangement, their respective shares of the five millions of dollars, that the others may (if they get anything after their stubbornness) be cut off with sheer justice, at which no one, in that event, could complain.

Most respectfully, we have the honor to be,

Your very obedient servants,

BENJAMIN F. CURREY,
WILLIAM M. DAVIS,
WILLIAM H. UNDERWOOD.

Hon. LEWIS CASS,
Secretary of War.

CHEROKEE AGENCY EAST,
September 12, 1835.

SIR: Enclosed. I have the honor to transmit, for your perusal, the copy of a letter from John Ross to Mr. S. and myself, with the reply thereto, which will serve to keep you advised of the disposition of that stubborn chief.

Very respectfully,

Your most obedient servant,

BENJAMIN F. CURREY.

ELBERT HERRING, Esq.

CHEROKEE AGENCY,
September 12, 1835.

SIR: Your letters of the 10th and 14th instant I have the honor to acknowledge the receipt of. Having just returned from an excursion through

various parts of the Cherokee country, I now hasten to answer that of the 10th instant by to-day's mail, and hope to have it my power to answer the other by the next mail.

On the subject of extravagant estimates, I would observe, it has been considered at all times proper not to fall short of what might, in the great uncertainty attending this business, turn out to be the real expenditures. Where an estimate is made in advance, it has been found more difficult in Indian affairs to fix upon the true sum than in almost any other branch of expenditures.

In relation to the estimate for G. W. Currey's services, I had, previous to our last interview, estimated them at not exceeding four dollars per day; but did not intend to make that allowance without your consent. I spoke to Mr. Easton on the subject when at the city. He seemed disposed to refer the settlement of compensation to me, but expressed his opinion that four dollars was too much for a clerk in this back country, yet the specific allowance was not fixed. I myself had a delicacy in attempting to do so, as the clerk is my brother; although I was well satisfied his duties were more laborious and constant than were those of some individuals whose pay exceeds three dollars per day, I did not insist on that amount. He is satisfied with the limit which you have fixed for his services—three dollars per day. He was temporarily employed, but unexpected and accumulating duties gave him constant employment from that date up to the present time. In fact, there will be need of a clerk here until removal of the tribe is effected, or the business abandoned. The services of G. W. Currey, unsettled, commenced September 10, 1834.

On the subject of interpreters, I would beg leave to observe, they are only employed when the active duties connected with removals require it. Each agent, in travelling through the country, whether valuing property or enrolling Cherokees, or urging a treaty, has to speak to the full blood Indian through an interpreter.

These interpreters find their own horses and pay their own expenses, which, on an average, amounts to \$1 50 per day, and strange as it might appear, their lives are almost constantly at hazard, so great is the prejudice which has existed, and still continues, by Ross's adherents against those who urge the speedy removal of the tribe.

I have no regularly appointed office interpreter, but should I have occasion to employ one to stay at the office, your directions in relation to his term of employment and salary will be adhered to.

On the subject of taking the census, I would observe that, in a personal interview with the honorable Secretary of War, I understood it to be the wish of that officer that an accurate census should be taken of the Eastern Cherokees.

A copy of regulations was since sent to me, signed by E. Herring, published during the month of May, which made it the duty of the superintendent or agents to furnish, on the 30th of September of each year, statistical reports, embracing the number, their pursuits, the production of the soil, the mineral resources and water privileges of the country. I was under the impression that, while engaged in this business, ostensible men of character and influence could, indirectly, be of more service in bringing about a treaty than could those whose avowed and known employment it was to press that business.

The commissioners concurred in this opinion. Some interruptions

having previously taken place through John Ross's opposition to the measure, they made arrangements with him by which he was allowed the privilege of sending one of his party along with such persons and their interpreters as I might select, all of whom were chosen and in service before the receipt of your letter, and some of whom have nearly completed their districts. It was contemplated by the commissioners, in the last resort, to treat with the Alabama and Georgia Indians, whose lands are valuable, and whose territory is extensive compared with their population, and the territory and population of those in North Carolina and Tennessee. A provision of this character would at once shock the avarice of those residing in the two last named States, and induce *them* to come into the measure by which means a general arrangement is hoped for.

In order to aid all these views, it was considered expedient to have an accurate census taken of the Indian occupants in the several States. The laws of Georgia have driven off many of the Indians from that State to North Carolina and Tennessee. The dense white settlements in Alabama have driven them from thence in numbers, also.

Should the commissioners then propose to treat with the majority of the whole nation, or the majority of Indians residing in any one or more of the States for their particular sections of territory, it would be necessary to have the number of all, and the number residing in each State, respectively, in order to know when a majority has approved the terms offered.

Please to show this letter to the honorable Secretary of War. I hope, on considering its matter fully, the propriety of my course, and the usefulness of those engaged to take the census, in other respects, to wit: bringing the Indians to a sense of their duty to themselves by encouraging their early removal.

If, however, it should be decided by the honorable Secretary of War that these agents are not to be paid by the disbursing agent, a sense of duty to my own engagements, and the great anxiety I have to bring every legitimate influence to bear in order to bring this business to a final close, will dictate the payment of the same out of my own purse, as I may become able.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BEN. F. CURRIE

Gen. GEO. GIBSON,

Commissary General of Subsistence.

CHEROKEE AGENCY EAST,

September 15, 1835.

SIR: Your communication of the 3d instant is received, to which I hasten a reply.

Enclosed, I have the honor to transmit to you a copy of such letters of authority to respectable traders as have been given by me, with the view of encouraging a speedy enrolment, under Ridge's treaty, of a majority of the tribe.

You will perceive it gives no license to go beyond the amount heretofore fixed upon by the Government in paying debts, except where the poor and

needy are concerned, who compose more than one-half of the nation, and with whom the traders are limited to \$10 per head for grown persons, and \$2 for their children.

This inducement breaks off that influence by which the opposition were accustomed to maintain their power in the country, as their necessities became more pressing; and rallies the same persons around the standard set up by the treaty party, taking off but a very small portion of each individual's distributive share of the five millions, contemplated by the Senate to be given for the country. Scarcely one of these agents expect compensation for any duty they may perform.

By giving these licenses, the trade with Indians is thrown out of the hands of whiskey sellers, and not at all increased, and is brought at the same time under the control of persons of discretion, who will have an eye to the real necessities of the Indians, while the public interest is thereby observed.

I regret the misunderstanding that has taken place in relation to the census, but I flatter myself its utility and even necessity will be so manifest before the session of Congress, as to remove all objections on the score of expense.

The ground now taken by the department, of submitting the treaty for the approval of a majority attending the council to be convened by the commissioners, is one which, if it had been understood by myself and commissioners, would have superseded the apparent necessity of a census, to determine when a majority of the headmen, chiefs, and warriors of the nation had approved it, and which makes a treaty this fall inevitable. But the success of the measure, even under that rule, will depend measurably on the individual influence exercised by the census takers, with the weight of the mercantile community thrown into the scale.

It still appears to me, the treaty could not, so far as individual interests are involved, be based upon substantial grounds, without first having an accurate census of the tribe. This, however, has met the decided disapprobation of the department on the score of expense; but the notice of which has come at a time when the measure cannot be arrested without cutting it off, when it is too late to save any considerable expense, and when it would defeat the salutary influence of those men engaged in the business, by shaking the confidence of the Indians in the agent's acts. Rather than this prejudice should be wrought, or the department should be censured for profuse extravagance, I would prefer to pay the amount out of my own funds, as they may become due.

The very moment the treaty is approved, every species of trading was intended to be interdicted, so far as any authority of mine existed, but to let this fact be known to the traders beforehand might lessen their exertions in favor of the measure, and defeat the very objects of their appointment, to wit: to encourage the approval of a treaty, and supply, to a reasonable extent, the wants of a half famished portion of the tribe.

The object in having the appraisers at work is, that the Indians may have no business to detain them after the approval of the treaty. Many of them would now be on their way west, only for the anxiety we have that they should be present at the council to be convened for the purpose of submitting the propositions, which will not probably be done before the commissioners are satisfied that they will be approved.

There will be a council held at Red Clay in October. Ross's and Ridge's

parties will attend. The different articles of the treaty will be there discussed, and some of them modified.

It is the intention of the commissioners shortly afterwards to call a council of the nation, and submit the various stipulations for approval. In the mean time, no means that could be considered honorable should be left untried to make assurance doubly sure.

The great mass of Indians are in a deplorable condition, and humane considerations would dictate anything but absolute force, in order to get them to save themselves from their fast accumulating troubles and distress.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BEN. F. CURREY.

Gen. GEO. GIBSON,
Commissary General Subsistence.

CHEROKEE AGENCY EAST,
September 20, 1835.

SIR: I have already forwarded to the department a communication of the commissioners to John Ross, of July 10th, on the subject of taking a census of the Cherokee people, and I will now more fully express my views on that subject. This business was commenced before my arrival here, and the persons appointed to this service were interrupted by the interference of Mr. Ross, as they stated to the commissioners, in the absence of Major B. F. Currey from this place, and were ordered not to address Mr. Ross on the subject. It appeared to us that the taking of the census of this people was indispensable, in order to arrange properly all the details under the proposed treaty, so as to make an accurate division of the \$5,000,000, under the different heads of appropriation. An accurate census also might become necessary, to ascertain when we had obtained a majority of the headmen and warriors in favor of the treaty, as well as to know the number of the reservees and old emigrants under the treaties of 1817 and 1819, and who have already sold all their right and interest in the Cherokee country, and received their pay for the same, and also agreed to become citizens of the States in which they took reservation, or else to remove to the Arkansas; in order to exclude them, if necessary, in a future arrangement with rightful occupants of the Cherokee country. We anticipate, also, another good result from this measure, at this time, by thus opening a door of access to the Indians for some of our most influential citizens among them; and giving them an opportunity to speak to them on the subject of the proposed treaty; and point out to them its advantages, and show them the utter impossibility of being again reinstated in their former privileges here, and to get the white settlers removed from their country. In this way much has been effected, in addition to the fact, that this very measure itself is calculated to leave the impression upon the common Indians that all is lost, and they can stay here no longer. With this view of the subject, I deem it important that the census should be completed, which I believe is already the case in some districts, and not arrested. I trust, that on a reconsideration of this subject, the depart-

ment will see the importance and necessity of having the census taken at this time; and that they will not throw this expense on the agent, Major B. F. Currey, nor subject him to censure, for I am fully persuaded he conceived it his duty to have it done, for the communications he had received from the Government, and from a private interview he had on this subject, as he informed me, with the honorable Secretary of War.

I have the pleasure to inform you that the measures which I have adopted and put in operation are producing the desired effect, and I feel more encouraged than ever that we shall have a treaty before long, I hope in October or November; and if not with the whole nation, undoubtedly with the Indians of Georgia and Alabama, in which the United States are mainly interested. The Indian lands in North Carolina and Tennessee belong to those States, and the United States are under no special obligations to extinguish the claim for the benefit of those States.

I trust, sir, the Government will not be deceived by any communications that may be sent on from this quarter of a discouraging nature, and holding out the idea that Mr. Ross will treat at Washington next winter. This is what Ross wants to bring about, and I have no doubt he will endeavor to effect it through some gentlemen in this region. We are sure of a treaty soon, if the Government will instruct us to say to the Cherokees that they will not receive any delegation from them at Washington to close a treaty, but that it must be done, if done at all, during the present administration, by the commissioners now appointed to meet them and conclude a treaty. I trust I shall soon receive such instructions.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

Commissioner.

To the Hon. ELBERT HERRING.

CHEROKEE AGENCY EAST,
Calhoun, Tennessee; October 8, 1835.

SIR: I have the pleasure to inform you that I have just returned from a tour through the Cherokee country in North Carolina. This part of the nation has ever been supposed the most difficult to manage, and the most hostile to a treaty. My object in visiting them was to become acquainted with the people, and to communicate to them such intelligence concerning their affairs as would bring them to see their true situation, and prepare them for the acceptance of the overtures of the Government by the proposed treaty.

After I had obtained the consent of the principal men to collect the people for a talk, and they had sent out their runners to call them together, a message arrived from Ross, to tell the people not to attend any meeting with me. Other runners were then sent to tell the people not to come, and in consequence of this very few attended, and I was defeated in my object. I never continued among them about ten days, and saw several of their principal men and listened to their grievances; and appointed a time to hear a their complaints, and redress them as far as possible, through the agent. Of their proceedings, I will forward you a copy as soon as I can

get them transcribed. It was found that some unprincipled white men had deprived them of their houses and fields, and such were required to be restored to the owners. And when fields had been valued to emigrants who had no right to them, they were promised redress in the event of a treaty. These proceedings collected a considerable number of people together from different parts of the country, and my decision gave great satisfaction to the Indians, and had a tendency to secure their confidence; and also gave me an opportunity to say to them all I wished to communicate; and which has, no doubt, been generally spread through their towns in that part of the nation.

The annual council of Ross commences on Monday next. I have requested Governor Carroll to attend, and I think the prospects very favorable for a final arrangement at this time.

A delegation of the Western Cherokees have come on. I know them all personally; and I have had an interview with William Coody, who says their object is to help on a treaty, by assuring the Cherokees east of their willingness and anxiety to receive them in the west, and re-unite the nation; and to do away the many false reports and misrepresentations that have been made concerning that country to the people here. If they are true and faithful, they may be of great service, and if they are not, I have told Coody what I shall be obliged to do in reference to them.

Major Currey has not yet returned to the agency. We parted on Monday last, and I expect him here to-day. This will account for not receiving an acknowledgment of your late communications to him. We have spared no labor or pains to effect the objects of the Government at this council. If we do not succeed, I do not despair, but am sure of success at the council we shall call, as soon as the Legislatures of Georgia and Alabama have had time to act on the subject of the Cherokees at their next session.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,
Commissioner, &c.

To the Hon. ELBERT HERRING,
Commissioner, &c.

CHEROKEE AGENCY EAST,
October 10, 1835.

SIR: I have the honor to enclose you my accounts, vouchers, &c., disbursements made on account of negotiating with the Eastern Cherokee for the quarter ending the 30th September, 1835.

I am apprehensive that the voucher for a payment made to Mr. Schermerhorn, for mileage, will not be satisfactory, but I hope you will find for me a sufficient apology in the fact, that it was Mr. Schermerhorn's urgent wish that the account should be made out as it is.

I am, sir, very respectfully,

Your obedient servant,

M. W. BATMAN,
1st Lieut. 6th Infantry, Disbursing Agent.

E. HERRING, Esq.,

Commissioner of Indian Affairs,

Washington city.

HUNTSVILLE, ALABAMA,
October 15, 1835.

SIR: I have the honor to state to you that *Edward Gunter*, one of the principal men of the Cherokee tribe of Indians, who resides in this State, and in the Cherokee nation, in the northern district of Alabama, appeared at the present term of our district court now in session, and endeavored to force me, by motion to the court, to prosecute some white men for making *settlements* within the Cherokee country. I *refused* to commence those prosecutions; and in justification of my conduct on that occasion, I ask leave to assign the most prominent of my reasons for that refusal. The defendants were not brought forward in custody, nor were they sent here for trial by any committing magistrate or other authority. There was no presentment of the cases made by the grand jury. I therefore considered that I was not bound, unless in cases of *great public injury*, to notice any case thus situated. It would have seemed that I *sought* the business. But these reasons, separate and distinct from all others, would not, perhaps, have made such a determined impression upon my mind, as to force me to an utter refusal of all interference in the business, but other considerations, which, in my mind, would have rendered a prosecution by me highly culpable, exist at this time. You are engaged, as I understand from the newspapers, in striving to extinguish, by treaty with the Cherokee tribe of Indians, their title to any lands within this and other States. If this be the case, it is highly probable that any prosecution of the kind alluded to, commenced now, with any prospect of success, would retard, and might entirely defeat, the present policy of the administration, of which no one here doubts the propriety now. It is a fact, too well known here, sir, that there are two white persons for one Indian in that part of the nation in which these alleged offenders reside, and that any attempt to enforce the judgment of the court, convicting these individuals, would terminate in a state of things which would make the stoutest heart tremble. The result, sir, I fear would end in a total destruction of those unfortunate heathens, and the destruction of the life of many valuable citizens. These are the facts of the case. I now wait, sir, for your advice and direction in these matters.

I have the honor to be, sir,
Very respectfully,
Your obedient servant,
BYRD BRANDON.

HON. LEWIS CASS,
Secretary of War.

RED CLAY COUNCIL GROUND,
October 22, 1835.

SIR: The annual council is in session. Between fifteen hundred and two thousand Indians are in attendance. Much anxiety prevails amongst them, yet their leaders hold them back and keep them in darkness. A committee of five from Ridge's, and the same number from Ross's party, is now holding a conference. It is hoped they will agree to treat here, but I am satisfied nothing but dire necessity will produce that result.

Mr. Schermerhorn is alone, Governor Carroll being unable to attend. Mr. Schermerhorn; however, has acted with so much firmness, and yet with so much prudence and address, as to give Mr. Ross no excuse to decline a treaty on the ground.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BENJAMIN F. CURREN

HON. ELBERT HERRING,
Commissioner of Indian Affairs.

RED CLAY COUNCIL GROUND,
October 27, 1835.

SIR: I have the pleasure to transmit to the Department of Indian Affairs my transactions since I have been on this ground, and the enclosed papers from A to J, inclusive.

Every effort has been made by Ross to prevent me from addressing the people; and as the council was not called by the commissioners, I could not control it. From the correspondence, you will also perceive his misrepresentations of my communications; and he circulated publicly that I had no commission to act, and therefore he did not know me as a commissioner authorized to meet.

You will perceive Ridge and his friends have taken, apparently, a strange course. I believe he began to be discouraged in contending with the power of Ross; and, perhaps, also considerations of personal safety may have had its influence, but the Lord is able to overrule all things for good.

I have pressed Ross so hard, by the course I have adopted, that although he got the general council to pass a resolution declaring that they would not treat on the basis of the \$5,000,000, yet he has been forced to bring the nation to agree to a treaty, and has got the signatures of at least one thousand names, to empower and authorize him and nineteen others to do so. They have appointed a committee of twenty, to make a treaty here or at Washington.

They have used every effort to get by me and get to Washington again this winter. They dare not yet do it, although they tried to reject me this afternoon, because they did not consider me fully authorized to treat, because I had not the signature and seal of the President of the United States to my commission.

I have now just opened negotiations with them, and I hope to come to a treaty, now I have commenced; but there are still many difficulties in the way, and the only hope I have of accomplishing it now, is, the fear of the Indians of Georgia legislation. Alabama and Tennessee, I think, will also pass some wholesome laws to quicken their movements.

I have the council which the commissioners were authorized to call still in reserve, and if I am broke up here, I shall notify these gentlemen that they will not be received at Washington, and that they must treat here or nowhere, during General Jackson's administration, and at the proper time, when the Legislature begins to press the call, then convene at New Echota.

I am alone. Governor Carroll is confined at home with the rheumatism. Mr. Meigs is not here, and I have appointed Major B. F. Currey to act in his stead. I will write again in a few days.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN,

Com. to treat with Cherokees east.

To the Hon. ELBERT HERRING,
Commissioner.

RED CLAY COUNCIL GROUND,
October 30, 1835.

SIR: We have arrived at such a crisis in our Cherokee negotiation, that I think a treaty is inevitable, if the Government supports me in the steps I have taken; and in order to give you a full view of the subject, and to explain every thing I have done, and the prospects before us, I have sent on Major B. F. Currey as an express to communicate to you confidentially every thing in relation to these matters, and which can thus be done more satisfactorily than in any written communication.

From all my proceedings at this council, which I forward by Major Currey, you will perceive I have used my best efforts to bring about a treaty here, although I never expected to accomplish more now than to bring about a state of things that would eventuate in a treaty at New Echota. This I then expected would be done by a division among Ross's friends, a part of whom I expected would unite with Ridge and his friends, in making a final treaty. In this, through the unadvised and unexpected course Ridge has adopted, we have been disappointed; yet there has been much accomplished even by this move, to secure a treaty. More than one thousand names of the people are affixed to a paper giving their delegation power to make a treaty. The people now expect it, and all expected it to be done here; and it will give great dissatisfaction if it is done out of the nation. Ross has made every effort to prevent its being done at this time, and used every effort to induce me to accompany him to Washington; but I have distinctly informed him publicly, and his friends privately, that I should not vary from my instructions, but hold a council at New Echota, which I have appointed to be held on the 3d Monday of December. You will perceive from the course I have adopted, my communications, and the propositions for a treaty which I offered them, that I endeavored to take away every excuse for going to Washington, by offering them individually such a further sum as the Senate might allow them, if their claims have not already been included in their award.

You will perceive from my last communication to the delegation, that I have distinctly informed them that they will not be received at Washington, which I felt authorized to do from the correspondence of the Government generally, although I had no express instructions on that point. If I am sustained in this, and the delegation are informed by the Government they will not be received, a treaty is inevitable, in my opinion, at New Echota, especially if they receive this communication before they leave there, which they have fixed for the 1st of December. In my opinion,

if this delegation goes to Washington they will again connect this Cherokee question with the politics of the day, and no treaty will be made during General Jackson's administration.

While Major Currey goes to Washington, I shall visit Nashville, Tuscaloosa, and Milledgeville, with a view of using my influence to moderate legislation affecting the Indians, and secure protection and peace, especially for those who accept the terms of the treaty, and enrol for removal. I

(destroyed by seal.)

the present state of exertion people towards the Indians getting the liberal overtures of Government. If I should not visit those places, the Legislature might be indiscriminate, and exceedingly oppressive to the ignorant and uninformed.

I shall expect to receive by Major Currey such further instructions as the Government deem necessary to communicate. I shall confer with Governor Carroll, at Nashville, and hope to be at Milledgeville between the 20th and 30th of November; where, also, I hope to meet Major Currey. I should like to hear the views of the Government on the subject of the reservees, and the course proper to be adopted towards those who oppose the views of the Government.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN

Hon: LEWIS CASS,
Secretary of War.

NASHVILLE, November 11, 1835.

SIR: I arrived here last Saturday, and found a bill had that day been introduced to extend the laws of the State in full over the Cherokee. I received a letter from the chairman of the Committee on Indian Affairs of the Senate and House of Representatives of Tennessee, calling upon me for information in regard to Cherokee affairs and negotiations, which I have given them, and which I understand will be published; and I have requested Governor Carroll to send you a copy. The Legislature, I think, will do all that is desirable. I came here to-night for Tuscaloosa, from thence to Milledgeville, and shall return to the agency by the 1st of December, when I expect to receive all necessary instructions as to what is to be done. Governor Carroll will meet me at that time at the agency. We certainly must have a treaty soon in the nation or at Washington. It cannot be prevented, in the present position of affairs. I have left all my arrangements contingent at the agency upon information from Washington, both with respect to the council and the supplies from the same, for which proposals are out.

In great haste,

Your obedient servant and friend,

J. F. SCHERMERHORN

To the Hon. LEWIS CASS.

WASHINGTON CITY, November 14, 1835.

SIR: As Mr. Schermerhorn may not receive the letter from your department of the 10th instant, in time to prevent the evil consequences likely to attend the departure of a delegation from the Eastern Cherokees for Washington at this juncture of time, and I am anxious to undeceive the people of that tribe as to the attention that will be shown those chiefs desirous of visiting the President and Secretary of War again, I would ask the favor of you to furnish me a copy of that letter, with such remarks upon its contents as may appear to you most proper for the benefit of that deluded people.

I have the honor to be,
 Most respectfully,
 Your very obedient servant,
 BENJ. F. CURREY.

To the Hon. LEWIS CASS,
 Secretary of War.

WASHINGTON CITY, November 14, 1835.

SIR: I have the honor to acknowledge the receipt of a letter from the Office of Indian Affairs, of the 7th of September last, on the subject of removing Lewis Ross from the agency survey, selected under the authority of the 10th article of the treaty of 1798.

The 3d article of the treaty of 1819, granted "a reservation to Lewis Ross, so to be laid off as to include his buildings and ferry, adjoining the Cherokee agency, reserving to the United States all the public buildings, and the continuance of said agency where it now is, during the pleasure of the Government."

This was on the lands then ceded, and is on the northeast bank of the Hiwassee river, from six to ten miles from the present site, which was selected by Colonel R. J. Meigs, under directions from the War Department, in 1820, lying on the southwest bank of said river, and included within the unceded territory. The following will give the relative situations of the houses, out buildings, &c., occupied by Lewis Ross in 1819, and reserved to him by the treaty of that date, and his present residence on the unceded lands. Should it meet the views of the department to remove Lewis Ross beyond the limits of the more recent survey, it will be done only on the contingency that he persists in his expressed determination to visit the city during the next winter.

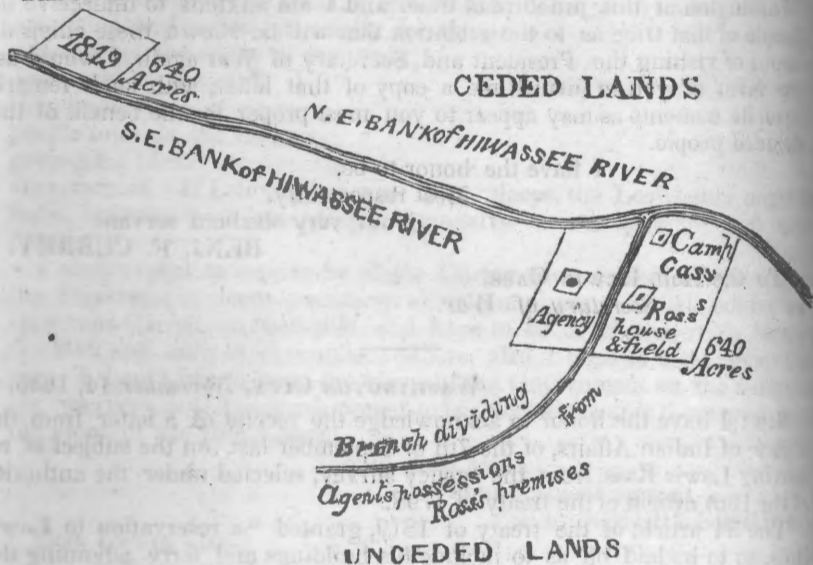
I would, however, suggest, for the purpose of having the will of the department promptly executed in this respect, that orders issue from the proper department at the same time, to the commander of the troops at Camp Cass, to carry the same into effect, when notified of that necessity by the special agent.

Most respectfully,
 I have the honor to be,
 Your obedient servant,
 BENJ. F. CURREY.

Hon. LEWIS CASS,
 Secretary of War.

P. S.—It is my desire to leave in the 6 o'clock boat to-morrow morning.
 B. F. C.

ROSS'S
RESERVATION



WASHINGTON CITY,
November 19, 1835.

DEAR SIR: Having understood that Mr. Meigs has resigned the office of Secretary to the commissioners appointed to consummate the treaty with the Cherokees, I take the liberty (if, in fact, the office be vacant) of recommending the appointment of Western B. Thomas, Esq., of Augusta, Georgia, who, I believe, is very well qualified to do the duties of the office.

I have the honor to be,

With much respect,

Your obedient servant,
JOHN P. KING.

Hon. LEWIS CASS,
Secretary of War.

NEW YORK, November 27, 1835.

SIR: I have just received information that my brother, John Howard Payne, on the night of the 10th of November, instant, while in company with John Ross, the Cherokee chief, at his dwelling in the Cherokee nation, was seized by a party of about twenty-five of the Georgia Guard, and con-

ducted by them to their head quarters, at about twenty miles distance from the place of seizure, where, as I am informed, he is now imprisoned.

Mr. Payne's general object, in a tour through the western and southern sections of the United States, has been, partly to obtain subscribers to a periodical work, in which English and American writers may meet upon equal ground, and partly to collect such materials for his own contributions to the work, as a personal acquaintance with the various peculiarities of our extensive and diversified country may supply. To one acquainted with his pacific disposition and exclusively literary habits, the supposition of his ascertaining any views politically dangerous, either in reference to Georgia or the United States in their respective relations to the Cherokees, if it were not accompanied with results painful and perhaps perilous to himself, would seem ludicrous. My informant, a stranger, states that "it is there reported that he is considered, by the officers of Government, to be a spy." Whether by officers of Government is meant those of Georgia or of the United States, I am not informed. He likewise states that "Mr. Payne is supposed to have had some influence in producing the failure of a late treaty with the Cherokees."

In the present excited state of feeling in that section of the country, on subjects connected with the Indian removal, there may, perhaps, be serious danger to the personal safety of one coming under suspicions of the character above alluded to, however groundless.

I take the liberty (I hope not unwarrantable) to request and urge a speedy inquiry into the circumstances of the case, and the use of the means within the province of your department of the Government to procure his release, if, as will undoubtedly appear upon investigation, he shall be found to have been wrongfully detained.

I am, with great respect,

Your obedient servant,

THATCHER T. PAYNE.

Hon. LEWIS CASS,
Secretary of War.

CHEROKEE AGENCY,
December 1, 1835.

SIR: Be pleased to hand the enclosed to its address, and oblige the writer. I believe Ross and his delegate will go to Washington at all hazards.

Payne and Ross ascribe their arrest to myself and Mr. Schermerhorn. They were in confinement but a short time. Payne's papers, seized by the Georgia Guard, show a strong propensity to alienate the confidence of the tribe from the Government.

He charges Government with tampering with the Indian chiefs, and offering at one time a bribe of fifty thousand dollars to Ross himself if he would make a treaty.

These papers were detained by the commander of the guard, as specimens to justify this arrest.

Ross's papers were of an inflammatory character towards the whites.

Some papers to his address were also found, justifying the murder of the treaty party, and lamenting there were not more avenging patriots, such as slew Eli Hicks, one of that number.

Neither myself nor Mr. S. were in the counties at the time the arrest was made, and if we had been, we had no control over the Georgia Guard, who, from Messrs. P. and R.'s deportment, supposed they were concerning schemes between Indians and negroes against the safety of the whites.

Colonel Hansell is knowing to the fact that Payne denied the commissioner's authority to treat, thereby "delaying the measures of the Government."

His writings were intended to "alienate the confidence of the Indians in the Government." These overt acts, with the circumstances of his and Ross's intimacy, (being often closeted together,) produced alarm, which could only be allayed by examining into the result of their labors. If they were not arrested in Georgia, it was so near the line as to make the question debatable; and if in Tennessee, the want of a regularly organized government over that part justified the crossing to ferret out clandestine instigators of mischief, and bring to the eyes of the world the author of slander and the propagator of falsehood. Upon the whole, it is believed this arrest will supersede the necessity of arresting others.

I will transmit, for the eye of the Executive, a few of the most precious extracts from Mr. P.'s writings, so soon as I can procure a copy.

Very respectfully,

Yours, &c.,

BENJ. F. CURRIE.

General GEO. GIBSON,

Commissary General of Subsistence.

NEW ECHOTA, GEORGIA,

December 1, 1835.

SIR: The undersigned, chiefs, who are in favor of removing to the west, would address you as the guardian of the Indians. At this crisis of our affairs, when we have ceased to exist in our national capacity, we can look to no one to protect the rights of the poorer class of our people, and save them from the miseries which seem to await them, from utter extermination, except our political father. To him, we trust, we can look with confidence for aid and protection.

It is now some years since we became convinced that the policy of removing the Indians beyond the limits of States and organized Territories such an one as you have recommended and urged upon our consideration was the only course that can preserve us as a distinct community. Experience and observation since, has most amply confirmed that conviction. We have seen our Government and our laws prostrated under the operation of State jurisdiction, and we see our people daily sinking rapidly in misery and degradation.

It is well known to you, that we have exerted ourselves to convince our countrymen of their true condition, and to urge them to an arrangement with the Government for a final adjustment of our difficulties. We have had many obstacles to contend with, not the least of which have been the prejudices of our people, and their great attachment to the soil and graves of their fathers. We now, however, congratulate ourselves in the belief that the majority of them are fully convinced of the entire folly of their continuing any longer in their perplexed condition, and that they stand

prepared to give their assent to a treaty with the United States. This was a summation much to be desired, and we feel grateful to that kind Providence, which seems about to vouchsafe to us a speedy termination of our much complicated difficulties.

Although we can comfort ourselves with the favorable prospect of a treaty with the Government, yet we cannot disguise our apprehensions in regard to the nature of the arrangement that may be made, as connected with the best interest and happiness of the Cherokee people. We know not what may be urged by those who have their confidence, and this uncertainty of their views would throw us into painful anxiety, were it not for the assurance we have of your great desire to promote the best general good of the Indians. Permit us, therefore, to express our entire confidence in your full determination to secure justice to the poor Indians. We are among those who look to the time when the two portions of the Cherokee people will be reunited under such a treaty basis as will promote the happiness and prosperity of the whole nation. Those bases must be such as the President has already recommended and urged, viz: the removal of the Cherokees to the lands allotted for them west of the Mississippi; the guarantee of those lands to them and their descendants by a patent; protection in their political rights and privileges, and the security and proper appropriation of such amount of the avails of the lands here, as may be necessary to promote the advancement of the Cherokee people in education, religion, and morals, and in all those things which adorn a virtuous and intelligent community.

Such is our creed, and we look to our political father to place it upon a sure basis, whenever an arrangement shall be made. We are opposed to the reservation system, as most destructive and demoralizing to the Indians. We have only to look to the Creeks, to excite our opposition to this system. We trust no reservations will be granted. Another most fatal course would be the division of the gross amount of money that may be paid by the Government among the mass of the Indians, without securing a home to which they can flee for refuge.

But we need not enlarge; all these things will have already occurred to you. We look to you as the only protector of our rights, and the guardian of our interests, and the interest of our wives and our children; and we are assured, under your administration, we shall not be disappointed.

We are, sir, respectfully,

Your friends and brothers,

Major Ridge,	his x mark.
David Watie,	his x mark.
Jesse Half-breed,	his x mark.
Bear Meat,	his x mark.
Ground Mole,	his x mark.
Ye-sah-daske,	his x mark.
E-de-gung-na-hee,	his x mark.
Scon-ah-dah-hee,	his x mark.
Yo-noo-killer,	his x mark.
Jos. Scon-ah-da-hee,	his x mark.
Gah-lung-doh-quoh-noh,	his x mark.
Elias Boudinot.	

To his excellency **ANDREW JACKSON**,
President of the United States.

CHEROKEE AGENCY EAST,
December 1, 1835.

SIR: The Indian delegation have been notified of the determination of the department and of the President. Some of them have, notwithstanding, set out for the city; some have since declined going. Those who do go on calculate on the company of Spencer Jarnigan, a lawyer of Knoxville. Ross is determined to go for the avowed purpose of removing Mr. Schermerhorn and myself from office. Mr. Jarnigan is the friend and neighbor of Judge White, but is generally acknowledged to be untrustworthy. The council called by the commissioners, it is said, will be attended by a great many members of the tribe.

The ephemeral excitement produced by the arrest of Payne and Ross has passed off, except with the disaffected politicians.

Mr. Payne had, on the information of Colonel Hansell, persuaded the Indians that Mr. Schermerhorn's commission was incompetent, and some of his writings, which are in possession of the guard, and of which I will send you a copy, show an evident intention to alienate the confidence of the Indians from our Government; while papers were found in the possession of Mr. Ross, from his co-chiefs, showing their high approbation of the murder of Eli Hicks, one of the treaty party, and lamenting that there were not a thousand such patriots as his murderers were, to rid the nation of its enemies.

Ross and his coadjutors have endeavored to fix blame upon Mr. Schermerhorn and myself for having issued an order for their arrest; but this is known to be untrue. We have never presumed even to dictate to the guard in a plain case of duty, much more to direct them to cross the chartered limits of their State. They supposed, from the secret and constant conclaves between Ross and Payne, and the strange results of the October council, that the Indians were encouraged by Payne to delay an arrangement with the Government, with a view of taking advantage of contemplated insurrections at home, and the anticipated war with France, to reinstate themselves, and resolved to examine into the results of their labors. They were detained only a short time, and released without corporal injury.

Most respectfully,

I have the honor to be,

Your most obedient servant,

BENJAMIN F. CURREN.

HON. LEWIS CASS,
Secretary of War.

WASHINGTON, GADSBY'S HOTEL,
December 4, 1835.

SIR: Thatcher T. Payne, Esq., of New York (the brother of John Howard Payne, Esq.) has written to me stating that his brother is in confinement at a place called "Spring Place;" that he is under a constant and watchful guard, and that he is allowed no communication, either by word or writing, with others. Mr. T. T. Payne is very anxious to obtain information with respect to this subject; and with this view I wish to know if

the War Department has any other information to communicate, in addition to that already given to me, and which has been forwarded to Mr. Payne, at New York.

With respect, I remain
Your obedient servant,

JOHN McKEON.

Hon. L. Cass.

CHEROKEE AGENCY, *December 5, 1835.*

SIR: Enclosed, I have the honor to forward to you the copy of a letter from myself to Mr. Ross and his coadjutors, on the subject of their contemplated visit to the city, and his reply.

The council called at New Echota, will be attended by a large number of the tribe.

It is asserted by many of the Cherokees that, after the arrangement is made here, a portion of the delegation now gone to the city will sign, and urge its ratification by the Senate.

Most respectfully,

Your very obedient servant,

BENJAMIN F. CURREY.

ELBERT HERRING, Esq.,
Commissioner Indian Affairs.

CHEROKEE AGENCY EAST,
December 8, 1835.

SIR: I have the honor, herewith, to enclose you, for your information, copies of articles of agreement and bond for supplying the Cherokee Indians with provisions at a grand council to be commenced on the 21st instant, at New Echota, Georgia. The contract was not taken so low as I had reason to hope it would have been, owing to the lateness of the season and the distance the provisions will have to be transported, as the supply will have to go from East Tennessee.

I am, sir, very respectfully,

Your obedient servant,

M. W. BATMAN,

1st Lieut. 6th Infantry.

ELBERT HERRING, Esq.,
Commissioner Indian Affairs,
Washington city.

AUGUSTA, GEORGIA, *December 16, 1835.*

SIR: I had the pleasure to receive, by last night's mail, from the Rev. Mr. Schermerhorn, United States commissioner, a letter of the 8th instant, dated at the Cherokee agency, notifying me that an Indian council was to be held at New Echota, the third Monday of this month.

I extremely regret to say, that so short a notice does not allow me time to arrange my concerns here, to meet the council on the day specified; and in accordance with instructions received from the commissioner, have notified Western B. Thomas, Esq., to meet the council at New Echota, the third Monday of this month, and he would there have official notice of his appointment as secretary to the commissioners.

I am, with very great respect, sir,

Your obedient servant,

R. JNO. MEIGS.

HON. LEWIS CASS,

*Secretary of War,
Washington, D. C.*

NEW ECHOTA, December 19, 1835.

SIR: I have the pleasure to inform you that Major B. F. Currey arrived here last night from the mountains in North Carolina. He says that there is great trouble in the mountains among the Indians, and dissatisfaction with Mr. Ross's course. They are holding councils among themselves, and it is not improbable that the whole of them may attend here next week; but, at all events, we shall have about forty or fifty men from that quarter. I am happy to find we have lost none of our old friends in consequence of Ridge's compromise with Ross. His father, Major Ridge, will be here to-day. He and his family take an active part in preparing for this council.

I was called upon, yesterday, by an old chief, of Estimabe, about 65 years old, and the principal man of all the Coosawattee region, who came for information, and brought two of his men with him to witness what passed. After giving him a succinct account of affairs, he said he was satisfied, and that he would immediately despatch runners to several towns on the Hightower, and also attend a council to-day at Coosawattee, and deliver a talk to the people, and advise them all to attend the council here next week. He told me that he called upon Mr. Ross for information, what he meant to do at Washington, a few days before he started; but that he could get no satisfaction from him. To some he has stated one thing, and to some another, so the chief says, and that he can no longer depend upon him. He told the chief in conversation, that last winter, when he offered to sell the land to the Government for \$20,000,000, he asked this price merely to defraud and deceive the Government; that he knew they would not give it; and that he never meant to sell the land. But when I read to him their submission of the whole matter to the Senate, the old chief laughed heartily at the deception that Ross attempted to play off upon him; but said he understood matters now, and I might depend upon his being with us at the council, and do what he could to bring out the old men and chiefs of the nation.

I find that the Indians, after their return from the Red Clay council, reported that now they would get their land back again; that a great man (meaning J. H. Payne) had come from England, and now they would have every thing righted; that he was very busy with the pen, and took down every thing that passed; and how very soon every white man would be driven out of the country, and they would have their land safe. This story was told and believed by even some men who might have known

better, from their general information. They have had this story, no doubt, from Ross, and the leaders; and I am sorry to find that notwithstanding Mr. Payne's pretensions to the contrary, he has been very busy in meddling with Cherokee affairs, and done what he could to prevent an arrangement with the Government. I shall obtain all the evidence I can of this fact.

I shall return to Washington as soon as the business of the council is closed and settled.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN.

To the Hon. ELBERT HERRING,

Commissioner Indian Affairs.

NEW TOWN, *December 29, 1835.*

SIR: I have the honor to announce to you the conclusion of a treaty, by the Rev. Mr. Schermerhorn, on to-day, with the Cherokee people in general council convened at this place.

Most respectfully,

Your friend and very obedient servant,

BENJ. F. CURREY.

To his excellency ANDREW JACKSON.

NEW TOWN, GA., *December 30, 1835.*

SIR: I have the high satisfaction of being able to communicate to you the intelligence that a treaty was concluded at this place on yesterday, by the United States commissioners, with the Cherokee people in general council convened at this place.

Most respectfully;

I have the honor to be

Your very obedient servant,

BEN. F. CURREY,

Special Agent.

ELBERT HERRING, Esq.,

Commissioner of Indian Affairs.

DECEMBER 30, 1835.

SIR: I have the extreme pleasure to announce to you that yesterday I concluded a treaty with the Cherokee nation in general council assembled. The meeting was large and respectable, and every thing conducted in that open and fair manner, that there will be no difficulty in its ratification. I have not time to say more. I leave here as soon as I settle the accounts, for North Carolina, to see the chiefs there who did not attend here, to give them an opportunity to sign the treaty, which I have no doubt they will do.

Ross, after this treaty, is prostrate. The power of the nation is taken from him, as well as the money, and the treaty will give general satisfaction.

Make my respects to the President, and congratulate him on the treaty.

With great respect,

Your obedient servant,

J. F. SCHERMERHOORN

Hon. LEWIS CASS,

Secretary of War.

N. B.—I shall return as soon as possible, consistent with public duty here. Governor Carroll was not here.

NEW ECHOTA, December 31, 1835.

SIR: I have the gratification to inform you that we have at length concluded a treaty with the Cherokees east. The treaty was signed on the 29th instant, and is such as I believe will give general satisfaction to the Government, the Indians, and the public. The council was deemed by many who were here, the largest council that they had ever seen on this ground, the former seat of Government of the Cherokee nation. The number varied from three to five hundred. I found the number of rations regularly issued, amounts to about six thousand, or upwards, in twelve days; and there were present about one hundred and thirty who came on horseback, who were obliged to be supported at the public expense, because there was no range for the horses, and in the notice of the commissaries they were promised subsistence and support if they attended; the whole of the expenditures since I have been in the nation negotiating, not including my own services, &c., or that of the secretary, amounting to about \$3,000; and I believe all the accounts are in, and settled up to this date, having made myself personally responsible to the disbursing agent for all advances, above the money in his hands, for this service.

I have also succeeded in obtaining the signatures of two of the delegates of the Western Cherokees, approving the treaty *in toto*, and inviting their brethren to an equal participation in all the benefits and privileges in the Cherokee country west. This I deemed a very important measure; and to effect it, I agreed to advance them money sufficient to bear their expenses to Washington, and they will come on when the delegates from this part of the country go on, which will be on the third Monday of January.

I have deemed it necessary, in the present crisis of the Cherokee affairs, to advise a large and respectable delegation to accompany me to Washington. They go with directions from the general council to urge upon the Clay delegation to sign this treaty, and those at Washington are instructed to do so, and they also go to secure the ratification of the treaty. Major Ridge is at the head of the delegation, and several fine full blood Indians. Their number will be about fifteen. It must be large and respectable, that Ross and his friends may not be able to look them down. I have pledged the payment of their expenses, and engaged Mr. Boudinot to accompany us as an interpreter. I have been under the necessity of drawing a bill on the Secretary of War for \$1,000, payable when an appropriation is made for the Cherokee treaty, in favor of G. M. Lavender.

This money I had borrowed to pay the expenses of the delegation on their way to Washington.

I leave here to-morrow for the mountains of North Carolina, and I hope to be able to bring the whole of that section of the country in favor of the treaty.

It will also be necessary for me to see the Governor of Georgia, and endeavor to get him to issue a proclamation to prevent the molestation of the Cherokees in their possessions.

I hope to be at Washington about the 25th of January.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN.

To the Hon. ELBERT HERRING,
Commissioner.

ON BOARD STEAMER MISSISSIPPI, OHIO RIVER,
January 1, 1836.

SIR: By the recent death of my father, I was left one of his executors. I have had several urgent calls to repair to my home. The unfinished state of my duties under your department, and the dislike I had, under the circumstances, to ask for leave of absence, has, so far, prevented me from making the application. About the 10th of December, however, I received from my brother a letter, on behalf of the family, of a nature so very urgent and imperative, calling for my immediate presence at all hazards, and setting forth circumstances of a family nature, which it would by no means become me to disregard, partly because my failure to be present must subject them to great loss and inconvenience, that on its receipt, having little to do besides paying the \$4,770 of gratuity, and not having received the rolls from Major Currey showing which of the Cherokee emigrants are from Georgia, without which Captain Vashon had not the data to guide us in paying this gratuity, I turned over the funds in my possession, pertaining to Judge Herring's department, to Captain Stephenson, and agreeably to your and Captain Brown's instructions, reported in person to the latter, at Little Rock, to assist in removing the Seminoles.

With Captain Brown's sanction, I am now proceeding home, in order to do what is most essential there, so as to return to Rock Stone on or before the 10th of February, by the time the Seminoles reach there. I will by no means fail to be there at that time or earlier, and hope that under the circumstances, peculiarly urgent as they are, my absence until that time will be looked upon by you with indulgence, as I believe the interest of the service will in no wise suffer.

All the Cherokee emigrants who were entitled to subsistence were supplied, except a very few who are entirely indifferent about receiving, and do not come after their provisions.

Before leaving Fort Gibson, I mailed a register of those Cherokees who had been subsisted during the disbursing agency. On account of the great imperfection of the rolls in my possession of those who emigrated previously, under Major Currey's superintendence, and on account of the absence of Captain Vashon and Lieutenant Seawell's, I have not been able to

get the information desired by you with regard to the manner in which, and by whom, these last were subsisted, &c. I have registered the whole, but, on account of this deficiency, am obliged to wait until my return, when I can complete this register, and forward a copy of the remaining part of it. The register received from you, as well as the loose sheets were very much damaged and soiled when they reached me: I used them to make the copy for you: you will therefore please excuse the condition in which they will arrive. I would prefer sending a complete copy of the register, when I get this additional information, for which purpose I would be glad to receive another register book.

On my return, the rolls from Major Currey will probably have arrived, and the gratuity can be paid to the Georgia Cherokees.

I have made out my returns for 4th quarter, 1835, which I enclose herewith. I inadvertently left the account current at Fort Gibson, and will be unable to forward it until my return.

I enclose, also, a statement of letters received and written during December. An accident to the steamboat has obliged me to leave my baggage and papers behind. This accounts for my having no printed form for this statement, which I am obliged to make out from memory.

Thirty-five Quapaws, in addition to those I mentioned, passed Fort Gibson a few days before I left, on their way to their new homes. Others were said to be on their way. I also met a party of about 300 Creeks, at the mouth of Ohio, on the 29th December, on their way to their new country.

Very respectfully,

Sir, your obedient servant,

J. VAN HORNE,

Lt. 3d Inf. Sup't, Disbursing Ag't, I. R.

Brigadier General GEORGE GIBSON,
Commissary General of Subsistence.

WASHINGTON CITY,
January 6, 1836.

SIR: Duty to myself, relying upon your candor and magnanimity, requires that I should trouble you with a few inquiries. The propriety of my application will appear, when I inform you that I am a native of, and resident in, the Cherokee nation of Indians east of the Mississippi at the place called the Agency, and am now in Washington, and one of the delegation of Cherokees to settle with the United States the difficulties between them and the Cherokees. About the year 1821, I settled at my present residence, in the Cherokee nation, and got possession according to the laws, usages, and customs of said nation, where I have ever since remained without molestation, having in the mean time, for the comfort and convenience of self and family, made improvements to the value of several thousands of dollars. My family is now threatened with expulsion from their own home and fireside, in the absence of the head of that family at the capitol of the United States on public business; and I am informed this expulsion is to take place under an order from your department. Having no means of knowing what representations may have been made to you or the President of the United States of me and my situation, or

what apology can be found for turning my little children out of doors, and that, too, in the absence of their father, I have only to beg the favor that the honorable Secretary will inform me if any such order has ever been given, or is in contemplation; and if so, I ask to be favored with the grounds upon which it is or can be supported. I take leave to assure the honorable Secretary that this request is not made with the purpose of discussing with him the propriety of any of his official acts, but solely with a view to afford me an opportunity of setting right any misrepresentation of facts that may have been made, that my property may be saved from destruction, and the United States from an act of injustice. Like other men, I have my personal enemies, and am peculiarly unfortunate in finding some of them among the official agents of the United States, and perhaps the bitterest of them all is Major B. F. Currey. I have nothing to expect from his forbearance, where he has the power to oppress. When excited, not by anger, but by that which usually unbridles the tongue, I am informed he has declared he would never be satisfied till he had me dispossessed: but I hope to be heard before he shall be permitted to use an order from the War Department for my destruction. I will forbear to say more, and hope the honorable Secretary will find my apology for the trouble I give him in his own breast, when he looks at my situation; and his known character gives me assurance of an early answer to my requests.

I have the honor to be

Your obedient servant,

LEWIS ROSS.

Honorable LEWIS CASS,
Secretary of War.

ATHENS, TENNESSEE,
January 9, 1836.

DEAR SIR: As I know you feel much solicitude in relation to our Indian difficulties, I am pleased to have it in my power to inform you that I believe there is now a fair prospect for their adjustment. A treaty has been entered into by Schermerhorn and a portion of the nation, upon terms highly advantageous, as I think them, for the Cherokees.

As it will shortly be laid before the Government for ratification, it is unnecessary for me to enter into details. That a better one will ever be had I have not the remotest idea. The agents of the Government, and particularly Schermerhorn, have labored hard and faithfully, and effected much more than has been done for years heretofore.

I wish you to notify Mr. Secretary Cass that drafts drawn by Charles Hicks, then chief of the Cherokee nation, in favor of old Major Walker, many years since, have been long since paid; and if they should be presented for payment by any person, he should protest them. They are said to be lost. My reason for this suggestion is that I am pledged to the nation that these drafts shall never come against it.

Please let me hear from you immediately in relation to Indian affairs; how have the delegates been received, and what is doing in Washington.

Yours, most respectfully,

CALEB STARR.

HON. JAMES STANDEFER.

NEW ECHOTA, GEORGIA,
January 10, 1836.

DEAR SIR: Something like seven years since I obtained license from the agent of Indian affairs east of the Mississippi to carry on trade and intercourse with the Cherokees, and during my residence here the Indians have committed several depredations on my property, amounting, agreeably to the best evidence I can produce, to \$1,928 49, which I have placed in the hands of my friend, General Glascock. About a year since I collected a part of the evidence of my claims, and had it laid before you by Colonel Foster; and not until after I had received your answer was I aware that there had heretofore existed any regulations by which I might have obtained compensation for my losses, until after I had received your answer, which was late last spring, which found me on a bed of sickness, and when I inquired, was told the agency was abolished. Moreover, I was unable to obtain all my testimony until lately, and yet lack one. I have looked forward to the settlement of the long pending question between the Cherokees and Government to obtain compensation for my losses.

You will perceive that some of those depredations were committed since Georgia extended her jurisdiction. And you will easily perceive that it would be a hard case for me to lose my just rights, merely because a certain statute was wrote in the archives of a State, and which I had no agency in bringing about, more than furthering the views of the Government of which I was a citizen, in fact with all my political influence.

This treaty with the Cherokees, is with them, first, a matter of necessity; secondly, a matter of interest. The delegates represent the rights of their nation and their people; and, on the other part, you represent your Government and your citizens, and hence the reason I appeal to you to secure my rights, in the last resort, not that I expect you will audit my claims at once, but that you may prepare the way. There are but two other licensed traders in the nation that I know of, and I don't know that they have any claims for spoliations. For a better acquaintance with me and my affairs, I will refer you to Elias Boudinot and Elijah Hicks, of the Cherokee delegation, and to General Glascock, General Coffee, and Jesse F. Cleveland, of the Georgia delegation in the House Representatives.

With the highest consideration,
I have the honor to be,

Very respectfully,

Your most obedient servant,

WILLIAM J. TARVIN.

HON. LEWIS CASS,
Secretary of War,
Washington city, D. C.

CHEROKEE AGENCY EAST,
January 11, 1836.

SIR: On separating with Mr. Schermerhorn, at Valley river, North Carolina, a few days ago, he desired me to open his public letters which might arrive thereafter.

I find one letter refusing to receive any delegation he may have agreed to

take on. This intelligence was received at too late a period to put a stop to the contemplated visit from the treaty party. I hope, therefore, Mr. Schermerhorn will experience no embarrassment on that account. These delegates were not disposed to make a treaty at New Town, unless they could have an opportunity of seeing their brethren already at the city, before the treaty is submitted to the Senate.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

ELBERT HERRING, Esq.,

Commissioner Indian Affairs.

P. S.—Be pleased to hand the enclosed to Mr. Schermerhorn, and oblige,
most respectfully,
B. F. C.

CHEROKEE AGENCY,
January 12, 1836.

SIR: Having visited the North Carolina part of the nation after the treaty was concluded at New Echota, it was not in my power, at the end of the last quarter, to advise you of the precise situation of the public property here.

The commissioners called the nation together at New Echota on the 21st ult. The Indians were, many of them, destitute of clothing necessary for the season, and, lest the council should be very thin on that account, blankets were provided to such as stood in need, and could not be present without such supplies.

Mr. Schermerhorn, therefore, made a requisition on me for blankets, which were delivered. I felt myself bound to co-operate with him in carrying into effect the measures of the Government. Although not specially authorized to comply with his request in this particular, still the circumstances of the case appeared to warrant it, inasmuch as I had not time, after being satisfied of the necessity of furnishing them, to consult you before the meeting was actually to take place.

It is hoped there will be no difficulty in obtaining a credit for the number of blankets delivered on the occasion.

I herewith forward to you an account current for the quarter ending with 1835.

On this day I expect to leave for Nashville to see Governor Carroll, one of the United States commissioners, and will return forthwith to the agency, where I will remain until otherwise directed by you or the necessity of things.

All the Indians in this country are pretty well satisfied with the late treaty. I find the delegates at the city, by using the names of certain Tennessee politicians, are endeavoring, by letter, to produce excitement.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

General GEORGE GIBSON.

CHEROKEE AGENCY EAST,
January 15, 1836.

SIR: In obedience to instructions from your office, I have the honor to enclose you an estimate of funds required in negotiating with the Eastern Cherokees, together with an estimate for \$79 40, paid for an iron money closet, making a grand total of \$2,320 21. This sum has already been advanced by me from my private funds. You will therefore perceive the necessity of prompt action in the case. I am induced to make these advances from a wish to promote the best interests of our common country. The accounts and vouchers would have accompanied these, were it not that a voucher received from Governor Carroll was informal. I have transmitted an account, made out agreeable to form, to him for his signature, which will be returned in a few days, when the whole will be transmitted to you.

I am, sir,

Very respectfully,

Your obedient servant,

M. W. BATMAN,

1st Lieut. 6th Inf. Disb'g Ag't.

Honorable ELBERT HERRING,
Commissioner of Indian Affairs,
Washington city.

WESTPORT, JACKSON COUNTY, MISSOURI,
January 20, 1836.

SIR: My bill of exchange of this day for three hundred and thirty-two dollars, in favor of William M. Chick, is drawn agreeably to authority of C. A. Harris, esquire, Commissioner of Indian Affairs, dated July 5, 1835, and is to enable me to fulfil instructions which at that time he gave me, to cause the surveys of the Cherokee lands to be completed, &c.

Respectfully,

ISAAC McCOY

Honorable B. F. BUTLER,
Acting Secretary of War.

WASHINGTON, January 16, 1836.

DEAR SIR: I have the honor to acknowledge that I received, last night, your favor under date of the 14th, with its enclosure, in answer to mine of the 2d instant.

The result is so different from what, I think, I had a right to anticipate, that I refrain from any remarks on the contents of the letter written to Mr. Currey by direction of the President.

I have the honor to be,

Most respectfully,

Your obedient servant,

HUGH L. WHITE

Honorable LEWIS CASS,
Secretary of War.

WASHINGTON, *January 18, 1836.*

SIR: I have considered the letter ascribed to B. F. Currey, Esq., and published in the Federal Union of Georgia, together with the Hon. Hugh L. White's, enclosing the paper, which you laid before me; and think it proper to request, that you call forthwith upon Mr. Currey for the reasons which induced him to make that letter public, and for the proofs upon which he made the statements therein contained, in reference to the interest Mr. McConnell has in Indian reservations; his connexion with Payne and Ross; his consultations with them; and particularly in reference to the advice said McConnell gave to Ridge's friends, who had refused to go over to Ross with him; also for his proofs as to the abolition tracts, in whose possession found, and by whom circulated. This inquiry is due to all the persons whose names are brought before the public, and it is due to the Government whose agent Mr. Currey is. It is equally due to Mr. Currey that he should be heard before he receives any additional censure. Let him be first heard, and then judged.

Your obedient servant,

ANDREW JACKSON.

Honorable L. CASS,
Secretary of War.

P. S.—Mr. Currey's proof as to Judge White's agency in having Mr. McConnell appointed, is also expected.

WASHINGTON CITY, *January 21, 1836.*

SIR: Some days since I received your note of the 16th instant, in which you inform me that instructions have not been given to remove me; that, understanding I was on the road, you thought proper to delay any further action till my arrival; and that you are ready to receive any explanation I may wish to give. My silence till now was occasioned by absence from the city, to which I returned last evening, when your note was received. I had with me three of my children, on their way to school in Maryland, where it was necessary I should accompany them. I now beg leave to make my statement.

The charge, if it may be called a charge, is, that I am living upon the agency reservation, to which, it is said, I have no right. At the date of the treaty of the 27th of February, 1819, between the United States and the Cherokee nation, R. J. Meigs, the then agent, kept his office and had established his agency upon lands ceded by that treaty, but he had not claimed a mile square, or other quantity of land, as an agency reservation. About the year 1820, he removed his agency to the present site. I had at this period a mercantile establishment at the old agency, where I then resided with my family, and at the earnest solicitation of Colonel Meigs, I removed, and took up my residence near the place selected by him for his, intending there to make permanent my home, and where I have ever since resided without molestation or complaint from any quarter, till recently. I have made very extensive improvements, to the value of many thousands of dollars. My right, residence, and possessions, are sanctioned and secured to me by the laws, usages, and customs of the Cherokee nation, of

which I am a member. Now if a mile square be laid off, making the house in which Col. Meigs kept his office the centre, it will include me; but to my possessions, no agent has pretended a claim till the time of B. F. Carey, nor has any complained of me or my residence, save him. I will not trouble you with his conduct towards me personally, and will only remark, that I have been told he said in Milledgeville, Georgia, that my continuance in my house depended upon my own conduct; that he had the power, and if I proceeded to Washington, he would turn me out. Shortly after Colonel Meigs fixed upon the present site for his residence and agency, one James Cowan was permitted to settle there as a tavern keeper, to which the Cherokees objected, upon the ground that he was an intruder upon Indian territory, and that he had no right to authorize his residence there. The colonel insisted, that, as agent, he was entitled to a mile square for his temporary use, and made some communications to the War Department on the subject, to which I beg leave respectfully to refer the Hon. Secretary. Colonel Meigs was directed to apply to the authorities of the Cherokee nation, to have surveyed to him such mile square. The nation refused his request for the place described, yet by his own authority he surveyed a mile square. In all this controversy my rights were not questioned, or my possessions sought to be disturbed; but the Indians insisted upon the removal of Mr. Cowan. Thus matters stood at the death of Colonel Meigs. Colonel Joseph McMinn, his successor, renewed the application of the mile square; and the Indians theirs for the removal of Cowan, and there was on this subject a correspondence in the year 1823 or 1824, between a Cherokee delegation at Washington, and Colonel Thomas McKenney, now on file in your department, to which I beg leave to refer. The Indians prevailed, and an order was issued for the removal of Cowan, but was never executed by Governor McMinn. After his death, Colonel H. Montgomery came into office, and gave the Indians to understand, if they would renew their application, he would remove Mr. Cowan. They did so, and Cowan was removed; but a Mr. Hardwick, the son-in-law of Montgomery, was established in his place, and the Indians gained nothing but a change of occupants. My rights were not doubted when Colonel Montgomery settled in the nation; he paid no respect to the lines marked by Colonel Meigs, and in fact cultivated lands beyond them, and never asked for any in my possession. So it will appear, as the truth is, that neither the United States or Cherokee nation ever recognised a mile square, as set apart for the temporary use of their Cherokee agent. I am aware of the treaty stipulation, that the agent shall have a sufficiency of land for his temporary use; this has never been refused; but that he shall have six hundred and forty acres, and his house in the centre thereof, I presume, cannot be found in any treaty; and unless this be so, there is no necessity for interfering with my possessions, which in no way obstruct the business of the agency. I will further remark, that by an act of Congress, passed in the year 1833, the agency to the Cherokees east of the Mississippi was discontinued after a limited time, and I am not informed of any law or treaty that now authorizes the residence of any agent in the nation; then the land upon which I live, if ever included in any agency reservation, being no longer wanted for the temporary use of an agent, belongs to the Cherokee nation, and not to the United States. This is the conclusion to which my mind comes, after an attentive examination of the treaty of 1798, and the act of Congress of 1833. The foregoing views of my rights are, with due respect, submitted to the consideration

the Hon. Secretary. I hope I may be indulged in one or two farther remarks. If the United States possess the right (I know she has the power) to dispossess me, I am not informed by your note of any necessity for an assertion of that right, which has been permitted to slumber for so many years, more especially when I have been encouraged to expend large sums of money in permanent improvements for the comfort of myself and family; and I am slow to believe the interest of the United States requires my little children to be made homeless in the absence of their father. Has the agent nowhere to reside but in my house? Are my fields, store-house, barns, stables, kitchens, cotton gin, ferry, all wanted for the temporary use of the Cherokee agent? Can it be true that the hard earnings of my life, my private property, is thus to be taken from me, and that I am to return and find myself a stranger in my own dwelling, and another occupying what was once mine? I will abstain from further remark on this unpleasant subject, and ask you will pardon any seeming warmth of expression. I am sure there must be something in the matter of which I am yet ignorant. I have long known the President personally, and you from character, and that knowledge assures me that by neither will I ever be told "the pound of flesh is my rights," and it further assures me, that when the truth shall be told you, I shall not be longer hunted down by my personal enemies, nor expelled from my fireside. If representations have been made to you, that my language or conduct towards the United States has been objectionable, in justice to myself, I have to be informed of the specific charge. For the correctness of my course, I can appeal with confidence to Major Davis, Major McIntosh, Lieutenant Batman, Lieutenant Howe, Lieutenant Harris, and many other officers of the United States, and who have had a fair opportunity to know my course. I might add a list of a hundred names. I have my own opinions of the relation existing between the United States and Cherokee people, but I have never expressed that opinion in harsh or unkind terms towards the people or public functionaries of the United States. It is true, some of those who have been among us have taken occasion to wound my feelings, to step aside from the path of duty to annoy me; of them I have spoken as their conduct deserved; but that conduct has not, by me, been attributed to the United States. In conclusion, I have to request that as soon as the Hon. Secretary shall determine upon the course thought right and proper to be pursued towards me, I may be advised of that determination. Please accept assurances of the respect and high consideration of

Your obedient, humble servant,

LEWIS ROSS.

Honorable LEWIS CASS,
Secretary of War.

P. S.—At the time Colonel Montgomery went out of office, B. F. Currey claimed all the lands in possession of Montgomery, and a difficulty arose between them as to what should be considered public property. The whole matter was referred to the award of Major Davis, and Lieutenants Batman and Philips. They made an award, which I am told is yet in the hands of Major Davis. This award has a direct bearing upon what is termed the agency

reservation, and contains facts useful to be known in reference to my case. I must further trouble you with a reference to Major William M. Davis.

Respectfully, yours,
LEWIS ROSS!

HOUSE OF REPRESENTATIVES,
January 25, 1836.

SIR: By numerous letters I have lately received from persons residing in that part of my district known as the Cherokee nation, I learn that very great excitement and alarm prevails among the citizens there, on account of a report that a treaty has been lately concluded by Mr. Schermerhorn as the agent of the Government, one provision of which is that reservations or pre-emptions are secured to all the Cherokees, to be located within the limits of the States of Alabama, Tennessee, and North Carolina; and that those of the tribe who are within the State of Georgia are allowed the privilege of locating their reservations within the other States named.

Knowing that much solicitude was felt by my constituents living in the Cherokee nation, on the subject of a treaty with that tribe, and their very great anxiety that when the country might be treated for by the United States no reservations should be allowed the Indians, I took the earliest opportunity after my arrival here, to have a personal interview with you as well as the President, on this subject, in order to ascertain the views of the department in relation to such a provision in the contemplated treaty. If I am not mistaken, you informed me that the views of the President, as well as your own, were adverse to such a principle, and that one determination in the formation of a treaty, was, that no reserves should be allowed. You further stated, if I recollect, that this would certainly be adhered to by the department, as one of the terms of a treaty, not to be departed from.

This is a question of so much importance to the interest of the citizens in that country, that it is particularly desirable that the views of the department should not be misunderstood. The policy I understand now resolved on is so manifestly correct, that no argument is necessary to sustain it. The evils that have resulted from the reservation plan under former treaties in practice are well known. The interests of the Indians as well as the citizens of the country have been greatly prejudiced, and a class of land speculators have availed themselves of the opportunity thus afforded them of increasing their wealth, by taking to their own use that which was intended by the Government as a benefit to the Indians, and the honest settlers, unable to come in competition, have been driven before them, abandoning their improvements to seek homes elsewhere. Many, and, indeed, most of them, who were forced thus in the Creek, have settled in the Cherokee nation, and made other improvements, relying securely on the liberality of the Government to preserve them, and confident that a policy which produced such injurious effects would be abandoned in the formation of a treaty with the Cherokees. In this I am glad to find, from the views you expressed to me in our conversation, they will not be mistaken. Should you deem it not improper to do so, I have to ask of you an answer to this letter, and at as early a period as it may suit your convenience, in order that

I may be enabled to remove the fears of my constituents on a subject to them of the most vital importance.

With great respect,

I have the honor to be,

Your obedient servant,

R. CHAPMAN.

HON. LEWIS CASS,
Secretary of War.

CHEROKEE AGENCY EAST,
January 26, 1836.

SIR: I have the honor to enclose you, herewith, my accounts and vouchers for disbursements made on account of negotiating with the Eastern Cherokees, during the quarter ending 31st December, 1835, and part of the quarter ending 31st March, 1836.

I have respectfully to ask your early attendance to these accounts.

I am, sir, very respectfully,

Your obedient servant,

M. W. BATMAN,

1st Lt. 6th Inf. Dis. Agent, Cher. Rem.

HON. ELBERT HERRING,
*Commissioner of Indian Affairs,
Washington city.*

CHEROKEE AGENCY,
January 27, 1836.

SIR: Letters have been received recently, as I am advised, from John Ross, instructing his second principal chief to call the Cherokees together, and get them to protest against the ratification of the late treaty.

Until letters were received from Washington advising this course, all the Indians here appeared well satisfied. So you may date their late dissatisfaction with the receipt of letters from that stubborn and perverse chief, Ross, and his coadjutors.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BENJ. F. CURREY.

E. HERRING, Esq.,
Commissioner of Indian Affairs.

WASHINGTON, *January 29, 1836.*

SIR: The undersigned are a part of a deputation of Cherokees, representing those of their nation who have recently concluded, at New Echota, a treaty with the United States commissioner, Mr. Schermerhorn.

Having, a few moments since, called upon Judge Herring, we were in

formed that Mr. Schermerhorn had been directed not to bring on a delegation, and we were left to infer that our coming here as such is contrary to the will and wishes of the department.

That this information should render us unhappy must be obvious; coming here, as we have, at the request of the commissioner, and under an assurance from him that our expenses on the way, and whilst here, should be paid, we were altogether unprepared for what we have heard.

In order that we may be relieved from our unpleasant situation, we have to request that you will communicate, as soon as may be convenient, what is the will of the department with regard to us.

Mr. Schermerhorn and the remainder of our delegation are on the way, and will be here in a few days.

We have the honor to be

Your obedient servants,

WILLIAM ROGERS,
JAMES FOSTER,
JOHNSON ROGERS,
ROBERT SANDERS.

HON. LEWIS CASS,
Secretary of War.

Joint memorial of the Legislature of the State of Alabama, to his excellency the President of the United States, and the honorable Senate of the United States, in anticipation of a treaty between the United States and the Cherokee tribe of Indians, praying that they may not grant reservations to the said Indians.

To his excellency the President of the United States, and to the honorable Senate of the United States:

The memorial of the Legislature of the State of Alabama,

RESPECTFULLY REPRESENTS:

That in anticipation of a treaty between the United States and the Cherokee nation of Indians for their lands lying east of the Mississippi, the subject of granting reservations to the heads of Indian families, attracted the attention of a highly respectable number of the people of Alabama, and is not, in the opinion of your memorialists, indifferent to any portion of them. Indeed, it is a subject which calls for the soundest reflection of the statesman and philanthropist. It has been most unquestionably one of the leading traits of policy in the administration of the present distinguished Chief Magistrate of the United States, to acquire the Indian lands within the limits of the States; and, by removing the Indians west of the Mississippi, to settle those vexatious questions of conflicting jurisdiction, which have so often threatened to disturb the public harmony. But to effect this in a manner which, while it removes this cause for disturbance of the public tranquillity, shall, at the same time, secure the best interests not only of the native Indian, but of those white persons who have settled among them, is alike the dictate of enlightened humanity and of sound policy. In this aspect of the subject, the consequences of granting reservations naturally came up for consideration. The practical operation of the system in the Creek nation has furnished a painful commentary on its

past effects, and affords the safest criterion by which to judge of its future consequences. Near four years have elapsed since the treaty with the Indians was concluded. Their reservations were numerous, and comprehended nearly all the good land in the country. These lands have very generally been disposed of, and reserves are now in a miserably poor, destitute, and degraded condition, with not a dollar of the money for which they were sold; their aversion to labor, their ignorance of our laws and our habits, and of the value of property, together with the limitations upon their rights and privileges, are not more effectual in preventing them from becoming citizens, than is that fondness for savage life, which seems to be deeply seated in the very constitution of their nature. These things, together with their fondness for excitement, and their proneness to indulge in dissipated habits, when the means of doing so could be had, rushed them into the arms of speculators, by whom their lands have been obtained, and afforded them the means of their indulgences, which have reduced them, almost without exception, to their present degraded condition. They are now among our citizens, but they can never amalgamate with them; and unless removed by the General Government, they must dwindle out a miserable existence in peril of starvation and of violence, in return for the excesses which their condition prompts them to commit. Indeed, acts of violence and discrimination between the whites and the Indians are becoming of frequent occurrence. Had these things been represented to them prospectively, and had they been induced to relinquish their rights to reservations, in consideration of a large amount of money paid for the lands, and to remove to the west, *en masse*, there can be no doubt but that their condition would have been infinitely superior in every respect to what it is at present. Too ignorant to perceive the ruin that is fast overtaking them, they yet linger about their miserable homes, in contented and blind indifference, obstinately refusing to emigrate, yet wholly unprepared to remain. These are melancholy facts, and show, most conclusively, that the Indians themselves have not been benefitted by the reservations; and it is, in the opinion of your memorialists, equally clear that the numerous and highly respectable citizens, who have been induced to settle on these lands, have not. The honest husbandman, who has subdued the forest by his toil and labor, has uniformly become the victim of the land speculator, and been forced to purchase his improvements at a price far above its real value, or abandon his home forever. Your memorialists would further most respectfully represent, that the territory claimed by the Cherokee Indians is no longer a wilderness covered with immense forests, but that the greater portion of it is settled by worthy, industrious, and highly respectable citizens, many of whom have made permanent and valuable improvements. These improvements have been so made as not to interfere with the rights of individual Indians, and have been made by persons going into their country, under the sanction of the laws of the State. To grant reservations, which would embrace, in many cases, these valuable improvements, would be to take from the industrious laborer the earnings of his industry, and to confer them upon men whose trade is to grind and oppress the unfortunate poor; for it cannot be questioned, but that they would pass into the hands of unprincipled men for a mere song. This, in the opinion of your memorialists, would be the means of working out for the settlers and cultivators of the Cherokee territory a crying and most oppressive injustice, against which there is no relief, but in convincing the Cherokees that it is their highest in-

terest to receive a larger sum in total extinguishment of their title, and to remove in a body to their brethren west of the Mississippi, where they can relight the torch of civilization at the base of the Rocky mountains. If they are invested with valuable reservations, they are at once made an easy prey to speculators, who will caress them until they acquire their lands for less than their value, and then turn them over to the retailer of ardent spirits, who will complete the work of degradation and ruin, which the speculator has commenced; and the poor Indian, linked to the habit of intoxication and penniless, friendless, and degraded, will have little else to do than to look around for a miserable grave in the land of his fathers. The Government cannot desire this, and the voice of humanity cries aloud against it. Your memorialists would further represent, that the granting of reservations, with a right on the part of the Government to supervise the contract by which they are disposed of, is attended with great expense and trouble, as is known in relation to the Creek reservations, opens the door, on the part of the buyer, for the indulgence of the worst passions of the human breast—to fraud and perjury of the most unmitigated character. In every point of view, therefore, in which this subject has been viewed, the system of granting reservations is fraught with evil. And your memorialists would, therefore, respectfully suggest that the Indians should be urged to consult their interests by receiving a fair equivalent in full extinguishment of their whole title to their lands, and that no reservations be granted; but that they may go in a body to join that portion of their tribe who have gone before them; and they most respectfully ask that a treaty be made with them conformably thereto; and, as in duty bound, they will ever pray, &c. Therefore,

Resolved, That the Executive of this State be required to forward a copy of this memorial to the President of the United States, and each of the Senators in Congress.

J. W. McCLUNG,
Speaker of the House of Representatives
SAM. R. MOORE,
President of the Senate

Approved, January 9, 1836.

C. C. CLAY

A true copy from the rolls:

E. A. WEBSTER

SPRING PLACE, GEORGIA
February 3, 1836.

SIR: I have the honor to communicate to you the fact that the Cherokees held a council which was called to meet on Friday, the 29th of January last, under the reputed orders of John Ross, by George Lowry, to protest against the proceedings at New Echota, which meeting I attended on the 1st, 2d, and 3d instant. The number attending this council did not exceed two hundred, men, women, and children.

Another delegation was to be appointed to go to Washington, to carry on the proceedings had at this meeting, and contributions were called for to pay the expenses of said delegation.

While at this council, I was informed by a gentleman of integrity that Mr. Ware, a white man residing in Ross's family, said Ross had written to his friends that he had got Mr. Bell, the Chairman of the Indian Committee, to recommend the passage of a resolution by Congress, which was intended to authorize a call for persons and papers, to show the reasons of the arrest of J. H. Payne and himself by the Georgia Guard.

Previous to the receipt of this and other communications from the city, the treaty appeared acceptable to all. But while false information is used here to delude the Indians into the belief that they will obtain a strong support from Mr. Bell and his friends, and that through the discussions growing out of this resolution the late treaty will be defeated before the Senate of the United States, when aided by the protest of the more recent council held at Red Clay, threats of war against the whites are occasionally heard to come from the incautious devotees of Mr. Ross, in the event of that treaty's being ratified.

As a specimen of the feeling inculcated by events passing here at this time, and elsewhere, I transmit to you a statement of Eli Bolan, a respectable white man residing within the Indian settlements of Georgia, and beg leave to assure you similar indications are not unfrequent, arising more from the alleged opposition shown by our own politicians, and communicated through their chiefs at Washington and elsewhere, than from any hostile array of the Seminoles and discontented Creeks, or the prospect of a war with the French Government.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

ELBERT HERRING, Esq.,

Commissioner Indian Affairs.

P.S.—Enclosed, I have the satisfaction to forward to you the copy of a letter from myself of this date to Governor Schley.

Very respectfully,

B. F. C.

SPRING PLACE, GEORGIA,

February 6, 1836.

Sir: I have the honor to transmit to you the copy of a communication from myself to the Commissioner of Indian Affairs, and at the same time to advise you that, while large numbers of the Creeks are flocking into the Cherokee settlements of Georgia, intimations have been made by vindictive Cherokees, that, at a short notice, they could avail themselves of all the physical force of the Creek nation to resist the contemplated removal of the Cherokees from your territory.

Although, in the sequel, these intimations may all be found to be momentary ebullitions of fancy or passion, more than any settled design to commence hostilities hereafter, it is considered highly proper that you should, as the

executive officer of the State, be informed of all that militates against your local laws, and directly or remotely threatens evil to your citizens.

Very respectfully,

I have the honor to be

Your most obedient servant,

BENJ. F. CURREY

To his excellency WILLIAM SCHLEY,
Governor of Georgia.

STATE OF GEORGIA, }
Murray county. }

Personally came before me, B. F. Currey, superintendent of Cherokee removals, Eli Bolan, one of the judges of the superior court of Murray county, and, on oath, sayeth: That on or about the 25th day of December last, Wattie, an old Cherokee woman, with whom he has had a personal acquaintance for several years, told him through Anny Falling, who interpreted on the occasion, that whenever the Cherokees saw that their lands were sold, and they had to leave this country, they would kill as many of the whites as they could, and advised affiant that if he wished to save himself and family, he had better settle near an Indian family, and cultivate a good understanding with *them*, through whom alone would they be able to be preserved: and further this deponent sayeth not.

E. I. BOLAN.

Signed and sworn to before me, B. F. Currey, superintendent Cherokee removals, February 5, 1836.

WASHINGTON CITY, *February 8, 1836.*

SIR: I have the honor herewith to transmit to the department the treaty concluded with the Cherokees at New Echota, Georgia, on the 29th of December last; the journal of the commissioner of the proceedings of the council; also, the minutes of the council kept by the Indians themselves; and certain papers in reference to the claims of old traders, referred to in the supplementary article of the treaty.

It has been a source of great regret to me that this matter has been so long delayed; but the difficulties we had to contend with from the divisions among the chiefs and people, the determination of a few influential chiefs to resist all the offers of the proposed treaty, the interference of some of our own citizens, as we have reason to apprehend, both in the Indian country and out of it, has greatly embarrassed us, and retarded our proceedings in bringing this business to a close sooner.

I trust the treaty, as it is, will be acceptable to the Government. Indeed, I can anticipate no objection to it, unless it may arise from the pre-emption rights granted by the treaty; and if these are inconsistent with the rights of the States interested in these lands, I hope the treaty may still be accepted and ratified with the proviso, "*That the Legislatures of North Carolina and Tennessee agree to the same.*"

I have had the pleasure of an interview with the Governor of Georgia,

who has examined the treaty, expressed his satisfaction with it, and assured me that he would carry out its provisions, as far as Georgia was concerned, to the uttermost of his power.

I can only assure you, sir, that under all *the* circumstances of the case, I have done the best I could to settle this difficult subject in a manner the best and most satisfactory, both to the Government and the Indians, in my power.

I have only to add, that Governor William Carroll, the other commissioner, could not attend the council; but I forwarded to him the treaty, which he has returned to me with his signature.

Very respectfully,

Your obedient servant,

J. F. SCHERMERHORN,

Comm'r to treat with the Cherokees east.

Honorable ELBERT HERRING,

Commissioner.

A *Journal of the proceedings of the council held at New Echota, Georgia, December 21—30, 1836, with the Cherokee people, by John F. Schermerhorn, commissioner on the part of the United States to treat with the Cherokees east.*

On the 30th of October last, the Cherokee chiefs and people, while assembled at Red Clay council ground, were requested and notified by the United States commissioners to meet them at New Echota, in general council, on the third Monday of December, for the purpose of negotiating and making a treaty with the United States. In addition to this, the commissioners also had the notice accompanying this, marked A, printed in the Cherokee language, and extensively and generally circulated among the people, in order that they might all know the time, place, and object of the council. They were also assured that they would be provided with every necessary subsistence and support, and that they should not be molested, but be protected by the United States at the council and on their return home. They were also distinctly informed that those who did not attend would be considered as giving their sanction to what was done and transacted by those who did attend.

DECEMBER 22.

The Cherokee people having convened at New Echota, according to the notice of the commissioners, the council was opened by J. F. Schermerhorn, one of the commissioners, (Governor William Carroll, the other commissioner, being absent, in consequence of the state of his health.) After the notice which had been published calling the meeting had been read, the commissioner fully explained to them the object of the meeting, and stated that to-morrow he would submit to the council certain propositions from the Government of the United States for a treaty with the Cherokees.

It was then publicly stated, in open council, by persons from different parts of the Cherokee country, that runners had been sent by Mr John Ross and his chiefs into the different districts of country, to prevent the people from attending this council; that they had circulated various reports to defeat the council, by endeavoring to prevent the people from

attending; among others, it was currently circulated that a great man had come from England, meaning John H. Payne, who was very busy with the pen, taking down every thing that had taking place among them, and he would soon get all things right. That John Ross and the delegation had not gone to Washington to sell the land, but to get troops to drive the whites out of their country. Notwithstanding all the artifice, threats, and misrepresentations that had been used to prevent the people from attending this council, a large concourse of Cherokee people assembled, and especially of the most intelligent and best informed among them. It was also stated by those who did attend that the people generally were very anxious to have their difficulties settled, although they were deterred from attending on account of the influence and fear of some of the chiefs.

There was but one prevailing opinion among the people present, and that was that the best interest and salvation of the whole people required that their difficulties with the United States should be speedily settled by treaty, and that before they separated from this council.

The council was then organized by appointing John Gunter to preside, and Alexander McCoy secretary, when they adjourned until to-morrow.

DECEMBER 23.

The council having convened, the commissioner submitted to them the propositions for a treaty, which were then read, interpreted, and fully explained to them in their own language. The acceptance of the proposed treaty was urged upon them by various arguments and considerations as the only means of saving the Indians from utter ruin and destruction. They were reminded that they had tried, for several years, various ways to obtain relief, by appeals to the public through the press; by petitions and memorials to Congress, and the Executive Government of the United States; by resorting to the judicial tribunals of the country; but all in vain. Their difficulties had only been increased by the very means they used to obtain relief. That, indeed, there was no way to save themselves from degradation and final ruin, if not extirpation, but by accepting the liberal overtures of the Government, and a removal beyond the territorial limits of the States.

After solemn deliberation among themselves, they informed the commissioner that the council had resolved to receive the propositions, and enter into negotiations for a treaty; and that, for this purpose, they had chosen and authorized a committee of twenty persons to confer with the commissioners, and settle the terms of the treaty, and then report their doings to the council.

DECEMBER 23-28

The commissioner and committee were engaged in consultations and conferences, and settling upon the terms of the treaty. In these conferences the committee insisted,

1st. That the Senate of the United States, in their award, by which they advised, "*That a sum not exceeding \$5,000,000 be allowed to the Cherokees for all their lands and possessions east of the Mississippi river,*" did not include any allowance for claims for spoliations, the losses and dangers sustained by their people from the intrusion of the citizens of the United States, and taking from them their possessions and property by the extension of the laws of the States over them.

In order to meet and get rid of this difficulty, the commissioner agreed that this matter should be again referred to the Senate of the United States,

to determine whether anything had been allowed by them for these claims in the award of the 5,000,000 or not; and, if no allowance had been made for the same, then an additional sum of \$300,000 should be allowed for them, which is \$50,000 more than they were estimated at a year since; but not more than they have since been increased during the last year.

The committee, however, insisted there should be no contingency in this matter, as it was evident from the language of the resolution itself, that these claims had not been taken into consideration. The commissioner then agreed that the treaty should not be presented to the Senate without the consent of their delegation, until we had satisfied ourselves that no allowance had been made by the United States Senate for the same, in their award of \$5,000,000.

2d. The committee insisted that reservations should be made and allowed to such of their people as were averse to a removal west, and were determined to continue in their residences under the laws of the States. This they urged very strenuously, on the grounds that reservations had been granted to their neighbors, the Creeks, Choctaws, and Chickasaws, and they could see no good reason why their people should not have the same privilege.

The commissioner informed them distinctly, that, according to the instructions of the commissioners, no discretionary power was given them on this point, and that they were inadmissible in the treaty. In order, however, to get over this difficulty, and satisfy the Cherokees in some measure, it was finally agreed to allow a limited number of pre-emption rights of a quarter section, not exceeding four hundred in all, in the States of North Carolina, Tennessee, and Alabama, to such heads of Cherokee families only as were qualified or calculated to become useful members of society; and, in order to prevent, as far as possible, all fraud and imposition, none can be entitled to this privilege unless recommended by a committee of their own people, a majority of whom will remove themselves, and are strongly in favor of the removal of the whole nation. They must also have certain qualifications for citizenship; they must become actual settlers, and they must receive the certificate of the commissioners before any one can be entitled to this privilege; and then it must be confined to the residence or improvements in North Carolina, Tennessee, and Alabama. The Georgia Indians have the privilege of making their selection in those States.

The commissioner was aware that the Cherokee lands, after their title is extinguished in the States of Georgia, North Carolina, and Tennessee, belong to these States; and, as Georgia had already disposed of her lands, no pre-emption privileges were given there, and in the States of North Carolina and Tennessee it was proposed to make them contingent upon the consent of the Legislatures of those States. To this power the Cherokees objected, because they supposed the influence of the citizens of the United States, who already had settled on their lands, and wanted these privileges for themselves, would have influence enough in their Legislatures to defeat them, and said their only reliance was upon the United States, who, as the treaty-making power, could grant it if they pleased, as the States had no powers to make treaties.

On an examination of former treaties, especially those of 1817 and 1819, I found the fee simple reservations of 640 acres had been made in all these States, and in which North Carolina and Tennessee had acquiesced; and I was informed by gentlemen learned in the law, that the right had been

Contested by the State of Georgia, but that the grants of reservations under these States had been held good. From the precedents of former treaties, I inferred that if the United States had the right in those States to grant fee simple reservations, there could be no doubt or difficulty in granting a few pre-emption rights. If in this an error has been committed, I hope still the treaty may be sent to the Senate and ratified, with such qualifications as the rights of the States may render necessary, and which, I have no doubt, will be accepted by the delegation who have come on with the treaty, and who have power to make such alterations as may be necessary to secure its ratification.

3d. There was, also, I found, another subject which had occasioned much difficulty among the Cherokees, and which they insisted should be provided for in the treaty, and that was reservations under former treaties. By the treaties of 1817 and 1819, the United States acquired about 4,000,000 of acres of lands from the Cherokees, in the States of Georgia, North Carolina, Tennessee, and Alabama, for which they gave the Cherokees an equal quantity in the Territory of Arkansas, and a certain number of reservations in those States. This as appears was the only consideration allowed by the United States for this extensive and valuable cession of lands by the Cherokees. Those, however, who removed to Arkansas were paid for the improvements, and removed at the expense of the Government. The complaint of the Cherokees was, that some of those reservations in Alabama and Tennessee had not yet been granted, and that in some instances the reservees had been obliged to purchase their lands from the State of Tennessee, rather than engage in a long and expensive litigation, to obtain or retain them. Those made in North Carolina, had all been bought by that State from the Indians, and those in Georgia, the Indians had been paid for by the United States, in compliance with the special agreement on the part of the United States, to extinguish the Indian title to the lands within that State.

In order to remove, if possible, these complaints, and satisfy the Indians of the disposition of the United States to do them ample justice, the article 13th of the treaty was inserted on this subject, which only provided for carrying into effect the provisions of former treaties, as far as practicable, and which the honor and good faith of the nation renders indispensable.

4th. It was also represented at the council, that there must be great distress and suffering among the common Indians this season, unless some provision was made for their relief, as their crops have been neglected in consequence of the unsettled state of their affairs, and also been cut off by the early frosts. For their relief, two years' annuities were set apart and appropriated by the treaty, which it is stipulated shall be advanced for this purpose by the United States, as soon as the treaty is ratified. It is important that this should not be delayed, as many are already in a suffering state.

When we were about to close the treaty, the committee brought forward the supplemental article, making provisions for the payment of certain old claims of their former traders. On the examination of the papers submitted to the commissioner, and which are herewith transmitted to the department, (see B.) it appears that the claim was originally a just one, and that it never was paid; although the Indians made a large cession of lands for this express purpose, just previous to the war of the revolution, and in consequence of it these debts never have been settled and paid. The com-

Commissioner, however, is of opinion, that the claim is most properly due from the State of Georgia, and therefore he utterly declined to have it appear in the body of the treaty, or in any way to make the United States liable for the same. But in order to bring the matter under examination, that justice may be done to the claimants, if they have any equitable demand upon the United States, and to remove all anxiety from the minds of the Indians on this subject, it was agreed it should be attached as a supplemental article, so that it might be detached without jeopardizing or defacing the treaty, if it was disapproved or rejected by the President or Senate of the United States.

I will only add, that in the other articles of the treaty no material alterations will be found, from the propositions as originally draw up. The Indians insisted that the commissioners appointed to make this treaty should also be continued to settle all the business under it, as they have been conversant with all their business; and therefore their names have been inserted in the treaty.

DECEMBER 28.

The committee reported their proceedings to the council, and the treaty as agreed to by the commissioner. It was then again read and explained in open council, and interpreted to the people, with the alteration that had been made. After due deliberation and consideration they were approved by the council, and the committee were instructed and authorized to sign the same, in behalf of the people of the Cherokee nation.

DECEMBER 29.

The treaty was transcribed and signed by John F. Schermerhorn, commissioner on the part of the United States, and the committee in behalf of the Cherokees.

DECEMBER 30.

The council again convened, and the committee reported that they had signed the treaty, according to the directions and instructions of the council, and by their authority, which act was then unanimously approved by the council.

The council then appointed a committee to accompany the commissioner to Washington with the treaty, and instructed them to use their best influence with the Red Clay delegation to sign this treaty, and to do what might be necessary to secure its ratification by the Senate of the United States.

After distributing among the Cherokees a blanket each, which had been brought to the council ground for the accommodation of the Cherokee people at that inclement season, the council adjourned. A more particular account of the proceedings of the council, signed by the chairman and secretary, is herewith transmitted.

All of which is respectfully submitted.

J. F. SCHERMERHORN,

Commissioner to treat with Cherokees east.

A.

Notice to the chiefs, headmen, and people of the Cherokee nation of Indians.

FRIENDS: The United States commissioners, by the direction of the President of the United States, do hereby notify you to meet them in a general council of the nation, after the manner of your old usages and customs, at your old council ground, New Echota, on the 3d Monday of December next, being the 21st day of the first winter month; then and there to deliberate and determine, and settle by a treaty, all the difficulties between the Cherokees and the United States.

The delegation or committee, whom you appointed at your late council at Red Clay, and whom you expected would settle all your difficulties there, with the commissioner then present, would not hear him, nor listen to the liberal propositions of the Government for a moment, but were determined beforehand to go to Washington, and we know not for what, unless they were afraid to let you know what they meant to do; or else to try to get your money into their own hands, which they knew the commissioner would not give to them, because he believed your money was safer in your own hands than in their hands.

You must not listen or believe any man that is sent to you to tell you not to come to the council at New Echota, and that nobody will be there. Such a talk as this, your delegation, whom you expected to settle the business at Red Clay, at the last council, may send to you, because they may want to sell your land for themselves, as many of them did in 1819, when they secured reservations for themselves, which has made them rich while you are poor.

We want you all to come to New Echota to the council, and see for yourselves, and act for yourselves, and see that you get your own money for your own lands. There will be a great many people at the council; and all who come shall be provided with rations, and shall be safely protected while there, and on their return home.

You need not be afraid to come; no one shall be permitted to molest you or harm you, if you conduct yourselves well and peaceably. The commissioners will be there, and prepared to make a treaty with the Cherokee people who will meet them there; and those who do not come, we shall conclude give their assent and sanction to whatever is done at this council.

From your friends,

WM. CARROLL,

J. F. SCHERMERHORN,

U. S. Com. to treat with Cherokees east.

NOVEMBER 3, 1835.

DECEMBER 30, 1835.

It is understood and agreed, between J. F. Schermerhorn, commissioner on the part of the United States, and the sub-committee who were authorized to sign the Cherokee treaty in behalf of the Cherokee people, that pre-emption privilege or rights, under article 12 of the Cherokee treaty, signed

December 29, 1835, shall be granted, if required by the committee, who have a right to recommend persons for this privilege, to a number not exceeding four hundred in all. And it is also agreed and understood by the parties to said treaty, that it shall not be submitted to the Senate, without the consent of the delegation, unless satisfactory assurances are obtained that the additional sum of three hundred thousand dollars for spoliation claims, will be allowed by the Senate of the United States, on its ratification.

J. F. SCHERMERHORN,
U. S. Commissioner.
WILLIAM ROGERS,
ELIAS BOUDINOT,
JOHN A. BELL,
Sub-Committee.

It is also understood that the commissioner will use his best efforts with the Governor of Georgia, to obtain a release and discharge of all the Cherokees confined in the penitentiary, when the nation removes west, on condition that they remove with them; and, also, that all prosecutions against the Cherokees now pending, except for murder or other high criminal offences, be stayed.

FEBRUARY 11, 1836.

Whereas, by the understanding and agreement between the United States Commissioners and the committee of the Cherokee council, held at New Echota, December 21st and 30th, and who signed the treaty then made and concluded, the said treaty should not be submitted to the Senate, without the consent of the delegation, unless satisfactory assurances were obtained that the additional sum of three hundred thousand dollars will be allowed by the Senate for spoliation claims, we, the undersigned delegation, having entire confidence in the liberal justice of the Senate, consent that the same shall be sent to them for their action on the subject.

Major Ridge	his x mark.
James Foster,	his x mark.
Longshell Turtle,	his x mark.
Toh-ye-ske,	his x mark.
James Starr,	his x mark.
George Welsh,	his x mark.
James Fields,	his x mark
J. Foreman,	
John Fields,	his x mark.
William Rogers,	
John Gunter,	
Robert Sanders,	
Andrew Ross,	
John A. Bell,	

Cherokee Delegation.

Elias Boudinot,
Interpreter to the delegation.
Johnson Rogers,
Secretary.

SPRING PLACE, GEORGIA,
February 9, 1836.

SIR: I have the honor to acknowledge the receipt of your communication of the 9th ultimo, conveying to me the President's disapprobation of certain expressions contained in a letter from myself to the Federal Union of the 1st December last.

Had there been the least possible danger likely to accrue to the person of Mr. McConnell, by naming the nature of his employment among the Indians, I would have been the last to utter a syllable publicly on the subject. Mr. McConnell never mentioned to me the nature of his employment, but I had been repeatedly informed, by persons intermarried with the tribe, that he had communicated this fact himself to them, and also that he was appointed through Judge White.

While he may have induced the authorities at Washington to believe that he was usefully employed here, all the dignity and weight of character attending a confidential agency appeared to be used to thwart the benevolent purpose of other agents in bringing about a final settlement of our difficulties with this tribe.

Shortly after the delicate and responsible duties of superintendent were committed to my charge, Mr. McConnell, both in person and through his friends, solicited employment of me as an assistant.

I had known him while attending upon the Legislature of Tennessee and informed myself of his character during the pendency of his application. His indolent habits and supposed desire to avail himself of the use of public money, without force or energy of character enough to be useful to the Government in return, induced me to reject his application. This rejection I believed, and still believe, suggested to him the character of employment, favored, as I am now informed, by Mr. Lea, Judge White's particular friend, and approved by the Judge himself.

This point attained, his vindictive feelings have since followed me in his employment among the Indians in the discharge of my public duties, and were, as I have reasons to believe, with the influence of letters from a certain member of Congress to Indians within the Indian territory, the means of generating, on one occasion at least, a conspiracy against my own life. It was, therefore, that when speaking on the subject of the various obstacles which we have had to contend against, that I supposed it would not be amiss to hold up to public view the imposition practised upon our Government by his employment.

The name of Judge White had often been brought in contact with our exertions, and the influence of many of his friends had been wielded to the prejudice of our success. Of this, the Judge was partially advised by the Hon. Joel Yancy, while in this service, who is the Judge's equal in age, and whom, from a letter of recommendation now in my possession from the Hon. John Bell, I would suppose to be his equal in point of character. Colonel Yancy requested Judge White, in the most delicate and respectful terms, to disavow any authority claimed by the Indian chiefs to interpose the influence of his name to delay an adjustment, because it was believed his disavowal would have a tendency to undeceive those who might be laboring under a delusion on this subject. To this letter I have the word of Colonel Yancy no answer was ever received.

The Judge's private, and to me apparently uncalled for, opposition to Andrew Ross's conditional treaty, which, had it have been ratified, would

have ended, and put forever to rest this unpleasant controversy, with the subsequent use of the Judge's name against us by the Indians, and his failure when called upon from so respectable a quarter to discountenance it, induced a public allusion to that venerable gentleman, in order that he might in a public manner, if innocent, clear his skirts of any participation in the opposition experienced from some of his friends, and the unwarrantable use of his name by Indian chiefs, to mislead the common and suffering Cherokees.

I would beg that you make these things known to the President, and present to him my acknowledgements for the disposition manifested to have justice take place under all circumstances; and for the further satisfaction of Judge White, if it be deemed proper, it would be agreeable to me for him to be furnished with a copy.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BENJ. F. CURREY.

HON. LEWIS CASS,
Secretary of War.

COOSWATIE, GEORGIA, *February 11, 1836.*

SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, enclosing the copy of a communication from the President of the United States to the Hon Lewis Cass.

At as early a period as possible, it will be answered fully, and I hope satisfactorily.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJAMIN F. CURREY.

ELBERT HERRING, Esq.,
Commissioner Indian Affairs.

P. S.—The census return would have been sent on ere this, but its bulk induced me to hold it up until I go on in person, which will be as shortly after the required testimony is collected as possible.

EXECUTIVE DEPARTMENT, GEORGIA,
Milledgeville, February 13, 1836.

DEAR SIR: The situation of Georgia at this time, in relation to the Indians on her borders and within her territory, is by no means a pleasant one. We are sending troops to fight the Seminoles in Florida, and are now raising a battalion of men to guard the southwestern frontier against the hostile incursions of the Creeks. The expense of this protection will have to be borne by the United States. General Scott has agreed to sanction what I shall do in the matter.

In addition to these sources of disquietude, we are not easy upon the subject of the Cherokees. I have received several intimations of hostile views and intentions among that people, and herewith enclose to you copies of communications I have received on the subject.

John Ross will never be satisfied with any treaty unless it be made by himself, and in accordance with his exorbitant demands; and, therefore, if the treaty concluded between the Cherokees and Mr. Schermerhorn should be ratified, as I hope it will be, I should not be surprised if he (Ross) should sanction and even advise any violence on the part of the discontented Cherokees.

Whether there be any real cause for alarm among the people in the Cherokee country, is a question not to be determined now; time alone can do it. But we think there is good ground for fear, under all the circumstances.

Would it not be well, and I make the suggestion with deference to your judgment, to disarm all the Cherokees, in the event of the ratification of the treaty, until they are removed? Why should this people be permitted to possess the means of destroying our citizens, when those means are in no sense necessary to their safety and subsistence? They are disposed to be hostile, and nothing has restrained them but a sense of their weakness. And now, when the Seminoles are in a state of actual war, and the Creeks constantly committing murders on the Georgians, the Cherokees may, in a moment of desperation at the idea of losing their lands and being forced by a treaty, not made with the sanction of their leader, who has unbounded influence over them, to leave the graves of their ancestors and the scenes of their childhood, make a desperate effort to obtain what they may consider revenge on the white people, in the hope that they can escape punishment by flying to the Creeks and Seminoles.

Many of the Creeks have gone among the Cherokees, and are now there, it is supposed, for the purpose of stirring up a hostile spirit.

If it be in your power to do anything for the protection of that part of Georgia, either by disarming the Cherokees, or, if you cannot do this, by authorizing me to keep a militia force in that section of the country in the event of the ratification of the treaty, I would be glad you would do so.

I have the honor to be,

Very respectfully,

Your obedient servant,

WILLIAM SCHLEY.

General ANDREW JACKSON,

President of the United States.

CHEROKEE NATION,

February 1, 1835.

DEAR SIR: With great fear and uneasiness, I take the liberty of informing you of what will save the white people of the nation. If the treaty is ratified, the Indians will rise between the 25th and 1st of March, and will massacre all the whites that is in the nation, in one night; and then will go to the Creek nation, and then will go to the Seminoles, and will kill all that is opposed to Ross. You must never tell any person that you got this letter, or I would be killed in an instant. I am a half-breed, and I know it.

is a foolish plan. I would advise you to order Colonel Nelson to take care ; him and Bishop they will kill ; if you will believe your friend, you will, to save Nicklesville and Dahlonega, order Colonel Shaw and Colonel Gibson to keep a standing army about that time. To let you know I am your friend, the Ross party has been all through the nation and making under pretence of getting all the Indians willing to go to South America. But Jackson has treated Ross with contempt, and they will be revenged ; and I went to the missionary school ; and I know they are all your enemies ; and there is an understanding between the Creeks and Cherokees and Seminoles, and there has been white men at the head of it ; all you know very well. I will not fight against you, for I would have to fight against my father. I love my father, and will not fight on either side. If I was in Milledgeville, you would know me ; but in one month you will know whether I am telling you the truth, and that will prove whether I am your friend or not. If it was known, they would kill me ; and if I would tell the white men they would laugh at me, and the Indians would kill me.

The sheriff King would make a good officer, and Colonel Shaw and Colonel Gibson. I sign my name your friend.

A CHEROKEE.

Governor WILLIAM SCHLEY.

AT HOME, MURRAY COUNTY,
February 1, 1836.

DEAR SIR: I feel it my duty to lay before you the facts in relation to the number of Creek Indians now settled and daily expected to arrive and settle in this county, in the neighborhood of Coosawattie, Oldtown. Their movements have excited considerable alarm amongst many of our citizens.

On yesterday, Mr. L. Atkinson and myself, from the solicitation of some of our neighbors, who appeared to be alarmed, rode down to where they are settled and settling, to ascertain, if possible, the facts. Agreeable to the best information we could get, there are from 75 to 80 in number, consisting of men, women, and children, and perhaps as many more expected shortly. They say they are from Tarapin creek, Alabama. Some of these Creeks have relations amongst the Cherokees, I learn, where they have settled. They appear peaceable as yet, and are building good cabins, and say they intend to remain here. Threats are frequently made by the Cherokees, those opposed to the treaty saying they will fight for their country before they will leave it, and the Creeks will help them. The Ross party meet in council to day, I learn, to protest against the proceedings entered into at New Echota, by order of Ross. A great many Indians have gone on much opposed to a treaty. We need not be surprised if the difficulties with the Cherokees end as with the Seminoles, as we have plenty of such men now amongst us as Powell, though I still hope for the better.

I have the honor to be,

Your friend and obedient servant,

ISAAC BAKER.

His excellency WILLIAM SCHLEY.

SPRING PLACE, GEORGIA,
February 6, 1836.

SIR: I have the honor to transmit you the copy of a communication from myself to the Commissioner of Indian Affairs, and at the same time to advise you that, while large numbers of the Creeks are flocking into the Cherokee settlements of Georgia, intimations have been made by vindictive Cherokees, that, at a short notice, they could avail themselves of all the physical force of the Creek nation, to resist the contemplated removal of the Cherokees from your territory.

Although in the sequel these intimations may all be found to be momentary ebullitions of fancy or passion, more than any settled design to commence hostilities hereafter, it is considered highly proper that you should, as the Executive officer of the State, be informed of all that militates against your local laws, and directly or remotely threatens evil to your citizens.

I have the honor to be,
Very respectfully,

Your very obedient servant,
BENJ. F. CURTIS

To his excellency WM. SCHLEY,
Governor of Georgia.

WASHINGTON, February 15, 1836.

SIR: The undersigned are desirous to have a copy of the communication, recently addressed by the department to John Ross and others, informing them of their mistake in supposing that they had been received and acknowledged as the legal representatives of their nation. We wish to transmit copies of that document to our people at home, in order that they may understand the true situation of Mr. Ross and his friends, and be relieved of the false impressions they are at present laboring under, which impressions have been made by letters which they have received from this place.

We have the honor to be,

Very respectfully,

Your obedient servants,

his

MAJOR x RIDGE,

mark.

WILLIAM RODGER,

ANDREW ROSS,

In behalf of the Delegation

Hon. ELBERT HERRING,

Commissioner of Indian Affairs.

CHEROKEE AGENCY,
February 24, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, directing the discharge of the clerk employed here, enrolling agents, census takers, &c.

Major Davis, the enrolling and appraising agent, and G. W. Currey, clerk, have been accordingly notified, and will, after to-morrow, cease to perform duties under pay from the Government, they being the only ones now in employment, except the disbursing agent, superintendent, and one interpreter.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

Gen. GEO. GIBSON,

Com. Gen. Subsistence.

CHEROKEE AGENCY,

February 25, 1836.

SIR: Information reached me, some time since, that the Creek Indians were coming over on the Cherokee part of Alabama, in large numbers, wearing an unfriendly and hostile appearance. Also, that the Cherokees were embodying on Look-out and Raccoon mountains, in Alabama.

Considering it to be my duty to learn the truth and report it to the proper departments, I accordingly visited that part of the nation, and am happy to inform you the Cherokees are quiet, to all appearance; and that, although there has been a considerable ingress of Creeks, some of whom, driven by necessity, have destroyed stock belonging to the white settlers, yet, so far as I have been able to learn, their intentions are not of that unfriendly character reported in the first instance.

Enclosed will be found copies of communications from myself on the subject, to Governor Clay.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

ELBERT HERRING, Esq.,

Commissioner of Indian Affairs.

WILL'S VALLEY, ALABAMA,

February 19, 1836.

SIR: It is conceived to be my duty to inform you, that considerable alarm exists among the white settlers on the Cherokee part of your territory, in consequence of the late eruptions of the Creeks. It is reported that a company of twenty-five or thirty Cherokees were seen passing on top of the Raccoon mountain, armed and going southwestwardly, perhaps to join the Seminoles.

As these are times of alarm, the statement as to the Cherokees may prove untrue. I am, however, now on my way to examine, and will report to you the result of the investigation.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

To his excellency CLEMENT C. CLAY.

WILL'S VALLEY, ALABAMA,
February 20, 1836.

SIR: On inquiry, I find the report of twenty-five armed Cherokees proceeded from the circumstance of twenty-five or thirty whites having passed Byrant's, on Raccoon mountain, to ascertain the reason of the ingress of the Creeks.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

To his excellency CLEMENT C. CLAY.

WASHINGTON CITY, February 25, 1836.

We the undersigned delegation of the Cherokee nation, hereby notify all whom it concerns, particularly the President and Secretary of War, that during the last winter a part of the Cherokee delegation, to wit, Archilla Smith and Samuel Bell, were sent by the delegation, headed by John Ridge, to explain the propositions for a treaty to the Cherokees of the Arkansas, and to get from that nation an expression of their willingness to receive their brethren in friendship from the east, who should remove from the country west.

This was done, and the head chief, John Jolly, and the Cherokee council sent, appointed Capt. James Rodgers and John Smith, distinguished chiefs of that nation, and they arrived in our country, bearing friendly messages from our brethren of the west, stating through them, they were willing to re-unite the two nations; and the said chiefs were openly recognised as such, in open council at New Echota, in the month of December last, and in token of their national feelings, signed the treaty concluded by the Cherokees and the United States commissioners. We, therefore, the said delegation, state that these chiefs were officially recognised in our general council, and we hereby certify the same.

John A. Bell,
William Rodgers,
James Foster, his x mark.
Robert Sanders,
James Fields,
Tarye-ske,
Longshell Turkle,

John Gunter,
Maj. Ridge, his x mark.
Andrew Ross,
George Welch, his x mark.
Jos. A. Foreman,
John Fields,
James Starr.

McMINN COUNTY, TENN.,
February 26, 1836.

SIR: I wish to inform you of an affair which took place yesterday, in the office at the Cherokee agency, between Benj. F. Currey and myself, that you may be informed to what extent an officer of this Government may degrade himself, with a request that you will take the matter under consideration, and pass some order on the subject. You will have been informed perhaps, before this reaches you, by Col. Standefer, of my being removed from the agency by Currey. I had, previously to my being removed, bought

the good will of a small improvement of Jack Spur, an Arkansas emigrant, which lies about one mile and a quarter from the agency, which I rented to a Mr. Harvey, and on the return of Currey from the city, he made some threats on Harvey, which induced him to give Currey his obligation for the rent. A few weeks ago Currey sued Harvey, and I became defendant in the case, and it was decided in my favor, which I suppose has ruffled the agent's temper a little; and on yesterday I had occasion to call at the office with a note on an emigrant which had been endorsed by Currey as agent; when, before my business was settled, he commenced his abuse on me respecting this improvement, and I was ordered in a very insulting and abusive manner to leave the office. I replied that I should not leave until my business was settled. He then swore if I did not leave he would take my life, and made an attempt, as it appeared from his arms, and a Mr. Cowan being present prevented the execution of his plan, or his own cowardice, I do not know which. He now threatens my life if I attempt to interfere with the improvement, or even cross the river. I do not believe he will ever accomplish it, for several reasons. But will this Government in which we live suffer its officer to insult its citizens in their lawful business. I should not have taken his abuse and insults on yesterday, but for his being an officer of the Government, for I am well assured that an attempt of the kind would have cost me more than I should have been able to have met. I refer the case to your consideration, hoping that you will pass some order on the subject that will put the question at rest.

Yours, respectfully,

JOHN HARDWICK.

HON. LEWIS CASS.

CHEROKEE AGENCY,
February 27, 1836.

SIR: Yours of the 15th instant, has just come to hand, and I have to apologise for my failure to send the requisition alluded to in mine to you of the 12th and 30th ultimo.

I was, when I wrote the letter of the 12th January, on the eve of setting out for Nashville, in obedience to a request from Mr. Schermerhorn, to see Governor Carroll on the subject of the treaty; and supposing the original requisition was in the office, requested the clerk to find and enclose it with the account current which was forwarded at that time.

He was not able to find the requisition, and sent on the account current without remark. Strict examination has been made since the receipt of yours of the 15th, and I am still unable to find the original. I however find a copy, which is herewith sent, and which I hope you will do me the favor to allow Mr. Schermerhorn to acknowledge at the city.

I also send herewith the wagoner's receipts for the blankets, with his promise to deliver them to the United States commissioner at New Echota; also the copy of a certificate of the delivery of three hundred and ninety blankets as presents by the United States commissioner, the balance being since returned and in my charge.

I write by to-day's mail to Mr. Schermerhorn, requesting him, if he has

these papers (which I think it probable he took to enable him to have this matter adjusted in person) to call and do so at as early a period as practicable, and which I hope he will be able to do.

Most respectfully,

I have the honor to be

Your very obedient servant,

BEN. F. CURREY.

General GEORGE GIBSON,

Commissary General of Subsistence.

WASHINGTON CITY,
February 27, 1836.

SIR: I have the honor, herewith, to transmit to the department a communication, which I received yesterday, from Messrs. John Ridge and Stand Waittee, two Cherokees who constituted a part of the delegation, with Mr. John Ross, at present in the city. They give us a plain statement of facts, as to the present state and condition of the Cherokees, the course that has been pursued by the self-constituted authorities of the nation to perpetuate their authority and powers, and the means they have used to deceive their own people, and obtain their signatures to protests and papers which they did not understand, and also thus imposed upon the Government of the United States.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN.

Honorable LEWIS CASS,

Secretary of War.

WASHINGTON CITY,
February 26, 1836.

The undersigned, part of the delegation appointed by the people at the Red Clay council, have examined the treaty and proceedings of the Cherokee people in general council at New Echota, held during our absence in the month of December last, and we now cheerfully obey their instructions through their subsequent delegation, who have arrived, and unite with them to urge the ratification of the said treaty. It is well known, for a number of years that are passed, the Cherokee people have suffered the greatest calamities. They are now in the midst of the fiery furnace of oppression. They now cry aloud for relief. If obstacles to a speedy release from their heart-rending situation did not exist by a combination of a few rich half breeds, it would be needless to say any more than to urge the ratification of the treaty. But since, for three long years, our Government has been suppressed by the jurisdiction of the States; a few men, at the head of whom is John Ross, who is nearly a white man in color and feelings, have affected to be the "constituted authority" in the nation, by holding councils in the frontier of our nation, in the form of a committee and council of his friends, who have used up all the Cherokee annuities, and exhausted

the credit of the nation, under the pretence of defending and saving the Cherokee lands. While this was believed by the Cherokees, he maintained his authority in controlling their confidence, and with it their funds, until, for any practicable use, the poor Cherokees have no homes, no country, no laws. Their condition is worse than the poorest of the slaves of the south. Men there were who urged their people to consider their condition, and release themselves by treaty to exist as a nation out of the limits of the States; but this self-organized council told them to rest assured that they would all be restored to their rights, and the white people and their laws would be expelled by the General Government out of the country.

Previous to the extension of the laws of Georgia, Alabama, Tennessee, and North Carolina over our nation, our government was elective, according to a constitution: this government ceased in 1830, and no elections have been held since, and all the members of that government, chiefs, members of committee, and council, became private individuals; but, being still united, this government, which was thus expiring contrary to the constitution, in a small council of the people selected twenty-four men to hold a convention, to decide how the government should be continued. They decided that the chief, John Ross, and the members of the committee and council, should hold office until the nation should be restored.

This committee consisted of sixteen members, and the council of twenty-four members: if vacancies occurred, they were to be filled by the principal chiefs. This, of course, was adopted in the form of a law, by the very men who had chosen the twenty-four to say that they should continue in office.

This council thus organized was tolerated while the people retained confidence in it; but eventually the people rose and held councils in other parts of the nation, and called aloud for a treaty, and bid defiance to the Red Clay authority. Whenever any of the chiefs left the council, John Ross would put in their places his friends: so he has retained the influence of that council, and on the same principles he can keep it organized all his life, without any responsibility, if the General Government will allow this man to be the speculator of a ruined nation. At various times, Major Ridge, Alexander McCoy, Alexander McDonald, William Boling, John Ridge, David Vann, W. S. Coodey, Tesahtaske, and George Chambers, abandoned this council, and John Ross filled the vacancies.

Since our delegation left the nation, Captain James Foster, Mr. William Rogers, and John Timpson, have left Ross's council, and he will be enabled to fill their places on his return. All the members of the delegations, for a number of years past, he has nominated to his council, who confirm them, always adding to their number John Ross himself, who lives more of his time in Washington than he does at home.

He derives his pay and his expenses from the Indian annuities, or from loans on the credit of the nation, which he is authorized to borrow by his council at the rate of giving eight per cent. interest per annum.

He gives due bills, also, on the credit of the nation to the members of his council for their legislative wages, when they can't pass any laws, and these are accounted by his brother Lewis, who keeps a store on his council ground, at the rates of 10 per cent. in goods.

This is the way he keeps up his "constituted authority." But to this exaction, taxation, and extravagance, the Indians submitted while they thought it was spent to save their country. Poor deluded people: while this man intended to pay all his "constitutional" debts whenever he should

make a treaty out of the price of their country. To this great opposition began to spring up, and at the last council he was constrained to compromise with the treaty party to treat at Red Clay or elsewhere, and when the people consented and gave the authority, having the majority of his friends in the delegation, he refused to treat there, and determined to come here. On the frontier he was officially notified that he could not be received at Washington, as the President had determined to treat with the people at home. Notwithstanding, he hastened out of the country, choosing to make a treaty here. In the mean time, his best friends of the Red Clay council, and the treaty party, and the people of all parties met at New Echota, and concluded the treaty with you. During the session of that great council, no protests were made, and the Ross men did not dare to bring those under their influence to the council, because they would have joined their brethren, to relate themselves by the treaty.

We say that it was a great council of the true Indians of the nation. Who are John Ross, Lewis Ross, Richard Taylor, John F. Baldridge, James Brown, and John Benge? They are all reservees, and have become rich from our common property, and are now here calling themselves the "constituted authority." We have shown how that "constituted authority" has been formed, and how continued in organization. The general council, held at New Echota, have sent Andrew Ross, brother of John Ross, John A. Bell, son-in-law of John Martin, Joseph Foreman, son of Thomas Foreman, who is now on the Ross delegation, and Captain James Foster, one of the oldest and distinguished members of Ross's council; and the balance of their delegation, in regard to number, and representing the various interests of the nation, and their intelligence, never equalled before.

The majority of the delegation appointed under the influence of Ross and his "constituted authority," have determined, as we believe, most seriously to protest against the treaty, and for this purpose, their friends at home collected names, which they have appended to protests which they will call the voice of the nation.

The way these names are procured, either in the shape of protest or memorials, is this: The instrument is written in the English language, and generally, the names affixed are written in the Cherokee character, by men hired for the occasion. These men ask the question of the head of a family, or leading men of a settlement, *do you love your land? do you wish the white people driven out of the country?* The answer is yes. They then proceed to learn the names of the men, women, and children, and the babes, and set them down to the protest. In the same manner, if those who are in favor of the ratification of the treaty were disposed to do so, can procure names of equal amount for the ratification. Their question would be, *Will you choose to live in this miserable condition among the whites?* the answer is, no!—*Would you then like to have the treaty ratified, so that you can go to another country, where you can live on your own land and be governed by your own laws?* the answer will be, yes. Protests obtained in this way make a large show. It is imposing at a glance, but it is all effected in a manner entirely *ex parte* and false representations; it is an imposition.

Of this character, a protest against the New Echota treaty was brought to our delegation, from the chartered limits of North Carolina, by a member of John Ross's committee, who came as a special messenger.

Out of a population of about 3,600 souls, he brought a protest written in English, and signed in Cherokee character, by 3,250. He was asked how

this number was obtained, and he confessed that *runners* were sent out to procure names to the protest. The protest itself is ably written; this of course is a fraud. In other parts of the country the same fraud has been resorted to, by those who are defending John Ross and his party.

We will not enlarge; if we did, it would require a large volume to tell all the *cunning* operations of this "*constituted authority*." We will now only add the discovery we have made of the designs of the majority, at least of the leaders of the Red Clay delegation who oppose the treaty, and they can oppose it with safety. If the treaty is ratified, they lose nothing—they will freely participate in its benefits; but if they defeat it and secure their object, it will be of vast importance to them. No treaty can be acceptable unless they make it, and get all the funds into their hands for disbursement. All the agents for executing the treaty they wish to be appointed by their committee and council; even the valuing agents of the Indian improvements. This has been openly argued by some of the members, as the greatest reason the treaty ought to be opposed.

On this discovery we were indeed astonished. The poor Indians, after all their sufferings, dragged to the brink of destruction, should at last receive their little all, from the hands of such *disbursers* of their money. This accounted for their repugnance to make the treaty at home, in open council. Sir, the President will never allow this! The Senate of the United States can never tolerate such a scene. We know, and all the authorities of the United States ought to know and feel, that the poor children of the forest are in the midst of death; their sufferings are intolerable; they now beg for a treaty. If the Senate should not ratify this treaty, when the next Congress meets they may be required to appropriate money to suppress them, as it has been done to suppress the *Séminoles*. Two-thirds of the *Cherokees* will be out of house and home and food by the next fall, if this treaty is not ratified. Our people will be compelled to make another treaty, which could not be submitted and appropriations made until the next session of Congress, and as it will require a long time to execute the treaty, the *Cherokees* cannot begin to emigrate until the fall of 1837. It will readily occur to you, the awful state of things which would result from such a course.

Having just left John Ross's delegation, and knowing the powerful exertions which will be made to deceive the Senate into a rejection of the treaty, and also knowing that you have acted with indefatigable zeal, to secure the rights of the poor Indians in this treaty, and ably seconding the President's views on that point, which has never been done to our satisfaction before, and your desire to preserve them as a nation, we have taken the liberty to address this through you to the Government of the United States, for the information of the Senate.

We are, sir, your friends,

JOHN RIDGE,
S^r WATIE.

Rev. J. F. SCHERMERHORN,
United States Commissioner.

FEBRUARY 29, 1836.

We have no hesitation in stating it to be our impression, sir, that the Senate of the United States did not intend that the allowance for *spoliations* or

the expenses of removal should be deducted from the amount of five millions recommended to be offered to the Cherokees as the price of their territory. It is also our confident opinion that the Senate will readily add six hundred thousand dollars to the sum of five millions to meet these two expenditures.

With the greatest respect,

A. CUTHBERT,
JOHN P. KING,
WILLIAM R. KING.

To the PRESIDENT of the United States.

WASHINGTON CITY, March 3, 1836.

SIR: I have the honor to inform you that I have received and examined the papers, referred to me for information, from Mr. John Ross and others, in reference to the treaty concluded with the Cherokee people, at New Echota, December 29, 1835. I find they contain copies of two protests against the treaty, one purporting to come from the Indians in North Carolina, with 3,250 signatures, and the other as coming from the committee and council of the Cherokee nation in general council convened, and which is signed by Alexander McCoy, clerk, and Samuel Gunter, president of the national committee; and this is said to be concurred in by the signatures of 12,714 persons, and dated Red Clay, Cherokee Nation, February 3, 1836. The ground assumed and relied upon in these protests, to destroy the validity of the treaty, is, that it was made by unauthorized individuals of the nation, and without the consent of the constituted authorities of the same, the national committee and council.

I am happy, sir, in thus having an opportunity afforded me to meet the objections to the treaty, and to communicate such additional information as may have a bearing on this subject. In the preamble to the treaty is set forth a brief history of the negotiations in reference to this treaty, from which it will appear, that Mr. John Ross and others were duly authorized by "the constituted authorities of the nation," last year, to settle all the difficulties between the Cherokees and the United States; and that they did agree to sell the United States all their lands east of the Mississippi river, for such a sum as the Senate should agree to allow for the same; and further stipulated to abide by their award. This subject was submitted to the Senate, and that body fixed the price at \$5,000,000, for the lands and possessions of the Cherokees. When Mr. Ross and his delegation was called upon by the Government to make preparations as to the details of the treaty, and for the disposition of this amount, he and they declined, and proposed "that this matter should be referred to the Cherokee nation, in general council, to deliberate and determine upon the subject, in order to produce harmony and good feeling among themselves, and to prevent any unjust imputation or prejudices against themselves or others." Propositions were then drawn up and entered into with John Ridge and others, a delegation from the Cherokee people, and which I was subsequently instructed to submit to a general council, to be convened at New Echota.

I arrived in the Cherokee country in July, and used my best endeavors immediately, to heal the divisions and produce harmony among the people, as the best and most effectual means to succeed in making a treaty which

should be satisfactory to all parties. At a council convened by the agent, for the distribution of the annuity, on the 20th of July last, I embraced the opportunity to explain to the people the propositions of the Government for a treaty; but did not submit them for their decision at this time. I did not think it proper or prudent to do so, because the people had not been assembled for that purpose, and I also knew that great pains had been taken to prejudice the minds of the common people against these propositions by misrepresenting them. I also found it was impossible to obtain a fair expression of the sentiments of the people, while overawed by their leaders, who would not even permit their men to eat at the same table, or drink water from the same spring, with the friends of the treaty; and the people were as perfectly at the command of their leaders as a Swiss guard, drilled to do only what they are bidden. My talk, however, made a very favorable impression on the minds of the people, and several came after night over to the treaty party, and enrolled in favor of it, and during the last season about 3,000, I was informed, enrolled under the propositions for a treaty, and in favor of it. Such was the effect and influence of this public interview with the people, that runners were despatched to different parts of the country, warning the people to beware of me, and by no means to meet me in council, should I visit their different settlements; and such is the power and influence of the chiefs, on a few principal men of the national committee and council, that I could not obtain a hearing again until the meeting at New Echota.

The commissioners requested the chiefs and principal men of the Cherokees, of both the Ross and Ridge parties, to meet them at the agency, with a view to use their best endeavors to restore peace and harmony among themselves, and to agree as to the terms of a treaty, such as should be acceptable to all parties, and then to be submitted to the people. Mr. Ridge and his friends attended; but Mr. Ross and his men did not come. They, however, informed the commissioners that the annual council of their nation would meet on the 12th of October, and requested them to attend, and that the council would then be prepared to act definitively upon such business as the commissioners might bring before them.

This meeting Governor W. Carroll was prevented from attending, on account of the state of his health. On my arrival, I immediately addressed a communication to the chiefs, headmen, and people, in general council, informing them that I was present, as commissioner on the part of the United States, by the request of the principal chiefs, and was prepared to enter into negotiations for a treaty; and although I endeavored, in various ways, to get an opportunity to address the people on this subject, but in vain, as every measure was used by Mr. Ross and his council to prevent it. At this meeting, however, Mr. Ridge and his friends agreed to terms of reconciliation with Mr. Ross and his council, with a view, as they supposed, of expediting a treaty and concluding it immediately. In this, however, they were deceived, for they found that Mr. Ross, and the delegation selected by himself, and appointed by his committee and council, were determined not to conclude the treaty in the nation, as Mr. Ross and his then delegation had agreed with the Government to have done, in their communication of March, 1835; but that they would go on to Washington city, and there make the treaty, as they pretended. But this, I then and do still consider as merely intended to create delay, and raise new difficulties, in hopes that at last they would bring the Government to their terms, if not in the price of

their lands, at least to give the entire disposition of the avails thereof to the *self-constituted authorities of the nation.*

When I had fully satisfied myself, after making every reasonable overture and effort to bring them to terms, I notified them that the commissioners would meet the Cherokee people in general council at New Echota on the 21st of December next, with a view of submitting to them the propositions of the Government, and concluding a treaty, and that they were notified to meet accordingly, and also to give general information to the people. The delegation were then also officially informed by the commissioners that the President would not receive them at Washington to conclude a treaty, and that, according to my instructions, the treaty must be concluded in the Cherokee country. Of this the delegation were again officially informed by the communication from the Secretary of War, before they left their homes to come on to this place. From all this it is evident they were advised of what kind of reception they might expect from the Government; and also of the time, place, and object of meeting of the general council of the people at New Echota. For the proceedings of this council, I refer you, sir, to my report accompanying the treaty.

It was stated at the council that Mr. John Ross had drawn up a protest before he departed for Washington, and directed it to be circulated through the nation, and to be presented to the commissioners at the council. This, however, was not done, because only 119 names of men, women, and children, had been obtained to it, and Nathan Hicks, who was intrusted with it, was ashamed to present it. This paper fell into the hands of Mr. Andrew Ross, and is now in his possession, in this city. If there had been any good and substantial reasons to object against the authority and proceedings of the council, then and there was the time and place to make them known.

In reference to the communication of Alexander McCoy, addressed to Mr. John Ross, a copy of which has been sent to the department, I would state, that this man appeared to act cordially with the council in making the treaty, and approved of it. The people, however, had no confidence in his stability and integrity, he having repeatedly been both sides, for and against a treaty; and because they would not appoint him one of the delegates to come on with the treaty, nor secretary to the delegation, he took offence, and went over and joined the opposition to the treaty, and acted as secretary to the national committee who drew up the protest at Red Clay. The meeting he refers to was the first meeting of the council, before the people had generally collected, and not the meetings when the treaty itself was under deliberation, and at which it was adopted, during which time there were at least between four and five hundred on the council ground, and sanctioned the proceedings. I would next call your attention to the protest said to have been signed by 15,964 names. In order to ascertain how much importance is to be attached to the number of names affixed thereto, I here insert a summary of the census of the Cherokees, completed last Decem-

CENSUS of the *Cherokees*, December, 1835.

STATES.	Males under 18 years.	Males above 18 years.	Females under 16 years.	Females above 16 years.	Total Cherokees.	Whites connected by mar- riage.	Slaves.
North Carolina - -	950	900	825	969	3,644	22	37
Tennessee - - -	667	573	664	624	3,528	79	490
Alabama - - -	363	353	331	377	1,424	32	299
Georgia - - -	2,257	2,166	2,155	2,368	8,946	68	776
	4,237	3,992	3,975	4,338	16,542	201	1,592
Cherokees - - -	-	-	-	-	-	-	16,542
Whites - - -	-	-	-	-	-	-	201
					Total	-	16,743

According to this census, then, there are in the whole Cherokee nation, of all ages and sexes, of red, white, and mixed, only 16,743. Of this number, about 400 reside out of the Indian country, in that part of North Carolina which was ceded by the treaties of 1817 and 1819; so that in the Indian country proper, there are not more than about 16,343 Indians. Take from this the number of names to the protests, being 15,964, and it leaves about 381 souls that have not the names affixed to them. The constituted authorities of the nation certainly overshot the mark when they put so many names to this protest, for there were at least as many persons at the New Echota council, (381,) as is wanting on their lists to make out every man, woman, and child belonging to the nation, besides their families at home, which they represented; and how formidable must be these protests made up about three-fourths at least of women and children, for by the census there are only 3,992 men above eighteen years of age. But is it reasonable to suppose that the 3,000 persons, or whatever the number may have been, enrolled under the treaty the last season, could knowingly and understandingly and voluntarily have put their names to the protests? This is not credible; and we also know very many who have not enrolled, and still were in favor of the treaty.

The Legislature of Georgia, at their last session, passed an act for granting titles to her own citizens, to all the lands at present possessed by the Cherokees in that State; and the Indians are permitted to occupy their improvements only until December next, unless further time is allowed them for removal by a treaty arrangement with the United States. From the census, it appears that 8,878 Indians, and whites intermarried with them, reside in Georgia; that is, more than one-half of the whole Cherokee nation; and can it be supposed that they would, if correctly informed, protest against a treaty, which is their only security for their homes, until they can remove west, and an indemnity for damages if left unprotected? It is not credible, and if their names have been put or obtained to these protests, they must have been most grossly imposed upon, deluded, and deceived.

With regard to the protests from North Carolina Indians, of 3,250 signatures, it is evident they must have taken down, without discrimination, every man, woman, and child, in that part of the Indian country. I visited this part of the nation since the treaty, and I have explained it to some of the chiefs and principal men, who expressed themselves well satisfied with the provisions of the treaty, and anxious to send on with me delegates in favor of its ratification. The old chief, La-ta-wa-ge despatched runners to summon the people to meet me for that purpose, and sent word to me to that effect; and that he would come and eat with me on the morrow, (January 7.) The night previous, however, there was a private council of some of the leading men; and they would not consent to have me to meet the people, and explain the treaty to them, because it had not been made by the *constituted authorities of the nation*. At that time Mr. Warford was very anxious to come on with me as a delegate in favor of the treaty, although he has since come on with the protest. About fifty men, however, met me on the day appointed, to whom I read and explained the treaty, and they were well satisfied with its provisions. I have no doubt, if the people were left to hear and act for themselves, three-fourths, if not nine-tenths, of the nation would be, under their present circumstances, in favor of the treaty.

In reference to the Red Clay council and protest, information has been received by a communication from the agent of the Government, who attended it, that there were present not exceeding two hundred, men, women, and children; yet it is stated that the proceeding of the council and protest was concurred in by 12,714 persons, on the 3d of February, the very day the council met and drew up their protest. The papers presented convey the idea that all these were present. This certainly cannot have been the case; and there must have been some magician to conjure up so many names to a protest in a day. Indeed, we question very much if, with any reasonable diligence, so many names could have been fairly obtained to a paper in the Cherokee country, between the 3d of February and the 3d of March, this very day. To say the least, all this array of names looks very suspicious, that all has not been fairly and openly transacted; that the people have not had an opportunity to act understandingly on the subject.

According to the Government established under the Cherokee constitution, the general council is not composed, in conformity with the ancient usages and customs of the nation, of the chiefs and people assembled in their collective capacity; but is composed of a national committee of 16 members, and a national council of 24 members; and these were formerly elected by the people according to their constitution. but now they are appointed by the principal chief, John Ross. But I perceive this protest, while it purports to be the act of the national committee and national council in general council convened, yet it is signed only by the president and secretary of the national committee. Where was the national council? Is it possible that even the constituted authorities of the nation are divided in opinion on this subject, that there was no protest from the national council? We do not notice this because we attach any importance to it, but as something rather singular.

In examining the protests I find the principal if not only ground of objection to the treaty is because it was made by unauthorized individuals, and not by the self-constituted authorities of the nation. To this point I wish to direct your attention more especially, for the objections in the protests as to the provisions of the treaty are sufficiently refuted by the treaty itself.

which provides a permanent home for the Cherokees, secures to them their political rights and privileges, which they cannot enjoy where they are at present; it secures all the rights of individuals to their property, makes ample provision for public purposes and benefit of the nation, such as schools, &c., and afterwards makes an equal distribution of the funds of the nation, which will give to each individual, without regard to age or sex, upwards of \$100, and which will enable them to settle in their new country under more favorable circumstances than any portion of the United States has ever been settled.

Let us now inquire, who and what are these men styling themselves the constituted authorities of the nation, and who arrogate to themselves all the powers of the people, and deny to them the right and privilege of assembling together in general council, according to ancient usage and custom, for the purpose of treating with the United States for the security of their rights and interests? These are some of the same men, who, in May, 1817, got themselves appointed a committee of the nation, and in reality, under pretence of saving their lands, gradually deprived the proper chiefs and council of the people of all their power and authority, and had themselves invested with it, so that no treaty could be made without their consent, and who, in the treaties of 1817 and '19, obtained for themselves reservations of 640 acres each, and agreed to become citizens of the United States, and reside permanently on the reservations; but who, in violation of their solemn engagements, on the first opportunity, sold their lands at high prices; removed back again into the Indian country, and took possession of the best berries and stands for public business; and, by means of their wealth and education, in a short time assumed the power and authority over the people, and got into their hands all the funds and annuities of the nation, which has amounted, within the last eighteen years, to near \$200,000, which has all been expended in paying themselves for salaries and services, and of which the people, the poor red men, have received not a cent of benefit. Not content with this, these men, in 1828, organized under the Cherokee constitution an independent foreign government within the chartered limits of the State of Georgia, North Carolina, Tennessee and Alabama, and enacted laws which subjected every man who should question their authority to one hundred lashes on the bare back, and which made it death for any person or persons to make a treaty for any part of their lands with these States, or the United States, without the consent of the national committee and council; and that no treaty should be valid without the sanction and signature of the principal chief. When the States of Georgia, Alabama, and Tennessee extended their laws over the Indians within their territorial limits, and dissolved the Cherokee Government, these men, in order to perpetuate their authority under the Cherokee constitution resolved themselves into the constituted authorities of the nation, and gave the principal chief, Mr. John Ross, full power and authority to fill all the offices under the Cherokee Government; and who has from time to time, in consequence of this power, driven from the committee and council every man who had the independence to express his opinions in favor of a treaty, and filled their places with men more subservient to his views and pleasure. These are the men, too, who, through their ambition and love of power, are persisting in maintaining their independent government, even now; which has brought upon the Cherokee people all the troubles they have experienced for some years past, and has been the principal obstacle in the way of

the settlement of their difficulties with the United States, and who have heretofore successfully rejected, resisted, and defeated all the liberal overtures of the Government for a treaty on just, liberal, and equitable principles. Such are the men who compose the self-constituted authorities of the nation, and who, for the sake of maintaining their power and authority, have brought the Cherokee people to the very verge of ruin, from which nothing but a treaty at this time can save them.

The object of this self-constituted authority of the nation, in bringing forward all this array of names to the protests before the Senate, is to test and have the question decided by that honorable body, whether any power exists in the Cherokee people to make a treaty for themselves, without the consent of the national council and committee, and the signature of the principal chief, John Ross, according to the laws enacted by the Independent Cherokee Government, organized under the Cherokee constitution. Should the decision of the Senate be in favor of these self-constituted authorities, by rejecting the treaty with the Cherokee people, then the Cherokee Foreign State Government will be sanctioned and approved within the chartered limits of the States of Georgia, Alabama, Tennessee, and North Carolina; a result which Mr. John Ross and his friends, and they only, anticipate; and then, too, no treaty will ever be concluded with them which they do not dictate, and which does not give them the sole and entire disposal of the \$5,000,000 for their lands and possessions; and if they get this into their hands, then the poor Cherokee red men may go to Arkansas, if they please, with a blanket, a kettle, a rifle, and a pound of tobacco, while a few white Indians will divide the spoils of the nation between themselves and their friends.

Permit me also to make a few observations in reference to the arrest of Messrs. John H. Payne and John Ross by the Georgia guard, which I perceive from the public papers, they charge or insinuate was done by the direction of the commissioner and agent of the Government. Although the statements of Mr. Payne in reference to myself were exceedingly unjust and incorrect, I could not condescend to a newspaper controversy with him, therefore I have passed it by in silence; but lest my silence should be interpreted by some of the members of the Senate, as I find it has been by some others, into a tacit acknowledgment of the truth of his statements, I now say, that I had no knowledge or agency, directly or indirectly, in the matter. The first information I received on this subject was through the Georgia newspapers, while I was at Tuscaloosa, Alabama; and immediately on hearing it I left there, to use my best endeavors to obtain their release, and I arrived at the agency only a few days after Mr. Payne had been liberated. It was owing to my interference, that Mr. Ross was not taken by the Georgia guard last July, for some violations of the laws of that State.

I must, however, say that it is evident from Mr. Payne's own statements, which he has given to the public, that he did interfere at Red Clay, in a very improper and unwarrantable manner, with the negotiations then pending between the Government and the Cherokee Indians, and I should have been perfectly justifiable to have had him arrested and removed from the

treachery ground; and if I had known what he has since disclosed of the part he acted there, I should have done it.

Very respectfully,

Your obedient servant,

J. F. SCHERMERHORN.

To the Hon. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, *March 5, 1836.*

SIR: Some days since we drew an order in favor of John Martin, treasurer of the Cherokee nation east of the Mississippi, which we were informed you declined to accept. Our authority to draw such an order was derived from the Cherokee people, in open council assembled at Red Clay, in October last, and which is here enclosed, as is also said order. Being informed the annuity due the Cherokees west of the Mississippi had been paid to their delegation in this city upon a similar resolution of their nation in council, we thought it proper to request Mr. Martin to renew his application, which we are informed has been equally unsuccessful with the first.

Of the special reasons for the difference we are uninformed, and therefore address you this note, for we are apprehensive there is some misapprehension in the matter. The Cherokee nation appointed us a delegation to transact their business, and clothed us with full power to receive the annuity due, and to apply so much thereof as might be necessary to defray our expenses.

This was the act of the nation, and has not been rescinded. By an act of Congress of the 30th of June, 1834, we find the following: "That the payment of all annuities, or other sums stipulated by treaty to be made to any Indian tribe, shall be made to the chiefs of such tribes, or to such person as said tribe shall appoint," &c.

We beg leave here to remark, that in the year 1834, the Cherokees were required by the Government agent to meet at the agency, to vote how the annuity should be paid.

They did direct it to be paid to the treasurer of the nation, and it was so paid. In 1835, the Government agents required the people to assemble again at their own expense, to vote how the annuity should be paid. They again voted it again to be paid to the regular treasurer of the nation. It is presumed the Government agents have duly informed your department of these two elections, and of the result at each. The members of our tribe have a treasurer to whom their annuities are to be paid, and that treasurer, John Martin, being one of the delegation, they thought proper, for the purpose of avoiding all difficulty, to adopt the resolution herein enclosed, and thereby appointed the persons to receive the same, according to the provisions of the act of Congress. The people have a treasurer to whom the annuities have been paid by their direction, and that treasurer is John Martin, as papers in your office will show. After the passage of the act of Congress before referred to, we believed our annuities would be paid without further difficulties, as they had been withheld for several years, but in this we were mistaken. After the two elections before stated, we had hoped there would be no further difficulty, but in this, it seems, we

are also mistaken, and have now to ask that you will inform us if it be the intention of the War Department to have elections each year, to direct how the annuities are to be paid, and whether our order will be accepted or not, or payment made to John Martin, the person known to be appointed by the Cherokees to receive their annuities.

We do this because it will be necessary, if protested, to look elsewhere for funds.

We have the honor to be, sir,

Your obedient, humble servants,

John Ross,
 Lewis Ross,
 John Benge,
 Joseph Vann,
 Charles H. Vann,
 T. Fox Taylor,
 Bark, his x mark.
 John F. Baldrige,
 Sleeping Rabbit, his x mark.
 Oolenowah, his x mark.
 Jesse Bushyhead,
 James Brown,
 John Huss,
 Thomas Foreman,
 Peter of Aquakhee,
 Archibald Campbell,
 R. Taylor,
 John Martin,
 Elijah Hicks,
 Richard Fields,

Representatives of the Cherokee nation east.

Hon. LEWIS CASS,

Secretary of War.

CUMMING, FORSYTH COUNTY, GA.,

March 7, 1836.

SIR: On last Friday I attended a council of Cherokees, on Hiwassee river, in North Carolina, called together by Mr. Wofford, an express bearer from John Ross to the Cherokees east.

They endeavored to keep every thing communicated to them from me. My interpreter, however, got to hear a part of what had been translated into the Cherokee language, as he believes, by the Rev. Evan Jones, which was full of abuse against Mr. Schermerhorn and those who made the treaty at New Echota, and which, I suppose, was intended to inflame the minds of the ignorant Indians against the treaty party. A collection of money by contribution was made at that place, and it is believed this was done to defray the expense of runners to other parts of the nation, bearing copies of a letter supposed to have been addressed by Ross to Jones.

The reasons why I suspect Jones, are the following: On the day before the council, Colonel Hunter and Mr. Mountcastle visited Jones; they saw

Mrs. Jones first, and inquired what news Wofford had brought from the city? She replied, Mr. Jones had got letters from Mr. Ross and Mr. Bushyhead, but she did not know their contents. Mr. Jones was afterwards seen by them apart from his wife, and before she had an opportunity to inform him what she had told them. They made the same inquiry of him, when he denied having received a letter from Ross at all, but said he had got one from Bushyhead on the subject of translating the Bible, but little or nothing in relation to a treaty. I visited him on the following day, in company with Col. Hunter. On entering his room we found him engaged in writing a communication in Cherokee characters, with a host of Indian men about him, whom he immediately dispersed, and ceased at the same time to write any more. The address read at the council, and of which my interpreter got a glimpse, he informs me could not have been written by a Cherokee, because the stroke of the pen was too fine.

Jones acknowledged to myself and Colonel Hunter, in the presence of the interpreter, he had received a letter from Ross by Wofford, although he had denied it, while his wife said he had, only the day before. This letter he informed us only assured him nothing had yet been done. He informed us that Ross ascribed their failure to the New Echota council. Judge Martin to David England, who is known to Mr. Schermerhorn, substantiates the same.

Should any great disquietude take place, or mischief ensue, be assured it will be owing to the inflammatory communications received from Ross and his coadjutors, as we fear, dictated by bad counsellors at Washington city.

Most respectfully,

I have the honor to be,

Your very obedient servant,

BENJAMIN F. CURREY.

ELBERT HERRING, Esq.,

Commissioner of Indian Affairs.

P. S.—Having collected all the testimony necessary to sustain my communication to the Federal Union, except that which can only be derived from persons at the city, I shall, on my return to the agency, take pleasure in answering your letter of the 23d of January last, on that subject.

B. F. C.

CHEROKEE AGENCY EAST,

March 14, 1836.

SIR: Enclosed, I have the honor to transmit you an account of moneys received and refunded by me on account of the Cherokee negotiations during part of the quarter ending 31st of March, 1836.

I am, sir, very respectfully,

Your obedient servant,

M. W. BATMAN,

1st Lieut. 6th Infantry, Dis. Agent.

The Hon. ELBERT HERRING,

Commissioner Indian Affairs,

Washington city.

CHEROKEE AGENCY EAST,
March 14, 1836.

SIR: I have the honor to acknowledge the receipt of your communication of the 22d ultimo, in which you take notice of the expense of the census takers and their interpreters, as exhibited by Lieutenant Batman's accounts, and for which I never made an estimate as required by the regulations.

Lieutenant Batman, for the 3d quarter of 1835, was furnished with the following estimate for officers or agents.

One superintendent, salary \$2,000 per annum, per quarter	\$500 00
One clerk, pay not to exceed \$4 per day	368 00
Four census takers, say sixty days each, at \$4 per day	960 00
One interpreter for acting Indian agent and superintendent, at \$2 50 per day	230 00
Four interpreters to accompany census takers; time estimated sixty days each, at \$2 50 per day	660 00
Two enrolling agents, members of the tribe, their pay to be proportioned to services performed, say \$4 per day	726 00
	<hr/>
	\$3,444 00

Lieutenant Batman had been in the habit of calling on me regularly before the termination of the quarter, for estimates, and, as nearly as they could be made in advance, they were given to him. As he was the disbursing agent, I believed estimates made through him to your department would prove satisfactory; and in the hurried movements necessary to accomplish a treaty during that year, I presume I did not so closely examine the letter of the regulations on this subject as duty required.

After the foregoing estimate was made, and before another quarter ended, the disinclination of the department to pay the census takers became so manifest, that I expected nothing else than to have to defray this expense myself, inasmuch as instructions had issued to the disbursing agent not to pay the same.

Seeing the unfavorable bearing likely to attend the discontinuance of these agents, after Ross's opposition had been publicly shown at various times among the Indians, my zeal for the accomplishment of the purposes of the United States commissioner led me to conclude that I had better pay for this nature of services, than prejudice the contemplated treaty by their timely discontinuance. Sometime subsequently, however, the Commissioner of Indian Affairs addressed me a letter, saying, substantially, that if the public interest was likely to suffer by the discontinuance, the census takers might proceed, &c.

In estimating for the fourth quarter of last year, which was done after the receipt of the letter referred to, from the Commissioner of Indian Affairs, I consequently named G. W. Underwood, (whom I had appointed in place of J. S. Barnett, who had died in the service,) with his interpreter. I then believed their duties would be completed in a few days, but having an opportunity of hearing from them but seldom, and being much otherwise engaged in this I was liable to be and was under a mistake.

Colonel C. H. Nelson, too, whose district had not yet been completed when this estimate was made for the fourth quarter, had some further service to

perform, but this was unknown to me at the time of making the estimate. His name consequently omitted to be given. The extent of the country and a want of mail facilities from most parts of it to this agency, makes communications otherwise than personal, extremely uncertain.

In the estimate for the third quarter of last year, I mentioned four census takers only, because it was my intention to perform the duties of one myself. But, upon the suggestion of the United States commissioner, that my services could be more efficiently employed otherwise, I employed Rezin Rawlings, Esq., to take the census of Alabama.

However accurate one may be disposed to be, it is impossible to foresee all the expenses attending exertions to conquer Indian prejudices, moulded by avaricious chiefs, and heated by the political frenzy of our own color. Ridge's account, from the 2d to the 9th September, I believe, was for services rendered Major Davis, and not known to me until after the estimate was made out.

I am aware I have, from my zeal to accomplish a treaty, given you much trouble, and the Government much expense. But, sir, without the united exertions of myself and Mr. Schermerhorn, rely on it, no arrangement would have been made, perhaps for years, and finally it would have cost the Government more than has accrued from the measures adopted by the commissioner and myself during the past year.

The number enrolled and subject to be removed is between 2,500 and 3,000; most of these persons, however, would be unwilling, from past circumstances, to leave this country, until an infallible rule is established, to determine beforehand their respective interests in full. The census takers have performed some service in this way; while, by the determined course pursued by the Government, the Indians are nearly all satisfied that Ross stands committed, and that taking the census was but a preparatory step to that general removal, which is regarded by them now as unavoidable.

I thank you, sir, for reminding me of my omissions in relation to the estimates required by the regulations quarterly. I shall endeavor hereafter more strictly to comply with the letter of your instructions, and hope there will arise no emergency, calling for any departure from them in future.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

Gen. GEO. GIBSON,

Com. Gen. Subsistence.

P. S.—The census returns have been sent to Judge Herring's office.

WASHINGTON CITY, *March 16, 1836.*

SIR: We beg leave again, from a sense of duty to our nation, to trouble you with another communication in relation to Cherokee annuities.

By the treaty of the 27th of February, 1819, between the United States and Cherokee nation, "the contracting parties agree, that the annuity of the Cherokee nation shall be paid, two-thirds to the Cherokees east of the Mississippi, and one-third to the Cherokees west of that river, as it is estimated that those who have emigrated, and who have enrolled for emigra-

tion, constitute one-third of the whole nation; but if the Cherokee west of the Mississippi object to this distribution, of which due notice shall be given them, before the expiration of one year after the ratification of this treaty, then the census, solely for distributing the annuity, shall be taken at such times, and in such manner, as the President of the United States may designate." Of this distribution, the Cherokee west never complained, knowing they received more than their due portion. The annuities were regularly paid, from the year 1819 up to the year 1830, two-thirds to the Cherokee east, and one-third to those west, according to this treaty stipulation; and we are not informed that the latter have, at any time, claimed more than one-third.

Prior to the year 1819, at the suggestion of Return J. Meigs, the agent of the United States, the Cherokee had appointed a treasurer to receive their annuities, and the United States being bound to furnish them with provisions, while attending to receive their annuity stipend. After the appointment of a treasurer, twelve hundred and eighty dollars were added regularly paid to the treasurer, for many years, as receipts in the War Department will show.

On the subject of Cherokee annuities, no difficulties whatever occurred till 1830, at which time, for reasons best known to the War Department, a circular letter was addressed to the Indian agents, bearing date the 18th of June, 1830, saying: "the Secretary of War directs that in future the annuities transmitted to you for the Indians of your agency, be distributed among the chiefs, warriors, and common Indians, paying to each Indian and his family the amount to which he or they may be entitled in proportion to his grade, and in no other mode; and when there are individuals without families, payment must be made to such individuals, and not to the chiefs." It is not readily seen how the agent could tell the amount each individual would be entitled to, without a knowledge of the number of the tribe, or by what rule he would fix the "grade" of each applicant for a portion of the annuity, unless that was determined by a supposed influence among the Indians. But the propriety of the course pointed out by the Secretary of War, we have, at present, no disposition to discuss. It is sufficient for us to know the Cherokee refused to receive their annuities in the mode prescribed, nor were they paid to them for four years, though annual appropriations were made by Congress. In the year 1834, an act was passed directing Indian annuities to be paid to the chiefs, or such person as the tribe might appoint. This act of Congress would seem to have removed all difficulties in the way of our nation receiving their annuities, inasmuch as we had a treasurer regularly appointed by the nation, and to whom payments had been made, before the date of the order of the Secretary of War; but it was made the source of further delays and embarrassments by your department requiring an election to be held each year, to decide how the annuities should be paid, and to whom.

Our treasurer was a public officer of the Cherokee, and known to the Secretary of War of the United States as such, and to whom sundry payments had been made. The first election was held at the Cherokee agency, in the fall of 1834, when every vote, save one, and he an Arkansas emigrant, was given that the annuities be paid to the treasurer of the nation; yet out of the annuity for the year 1831, three hundred and nine dollars and eighty three cents were retained, and returned to your department by the agent, Hugh Montgomery, when he went out of office. This amount

has been demanded by the same treasurer, and payment refused by the Commissioner of Indian Affairs, who says another election must be held to decide who must receive it. This treasurer has made advances to the nation of his individual funds, to the credit of the money due. The Cherokees once decided this money should be paid to John Martin, who was then, and is yet, the treasurer of the nation; but it has been withheld for near six years, without interest, and now a third election is required to take place to decide who shall receive it, and perhaps the Cherokees to be again notified to attend, at such time and place as the Government agent may think proper to designate, at their own expense, to vote.

We protest against such a useless and temporizing course. The Government had better withhold the claim from the nation altogether. Before we make an application elsewhere, we respectfully ask to be informed, if the decision of the Commissioner of Indian Affairs is sanctioned by you, and whether the treasurer is to receive the sum above stated.

Out of the annuity due for the year 1834, there was deducted the sum of one thousand and forty one dollars and sixty seven cents, which the Commissioner says, in his letter to Hugh Montgomery, of November 18, 1834, "was caused by the alteration in the proportion due to the Eastern Cherokees, occasioned by the increase of the number of the emigrants to the west;" and that "this alteration was made upon data furnished by Major Currey." We are at a loss to understand how it happened, Major Currey was permitted to regulate the amount to be paid to the Eastern Cherokees, or upon what data he proceeded, as the census recently taken shows they have increased. We are informed that, for the year 1834, the agents for each part of the nation made requisitions for the annuities due, two-thirds east, and one-third west, and that the delegation of the Western Cherokees received of their annuity nine hundred and fifty eight dollars and thirty-three cents, and the residue sent to the disbursing agent, which two sums made the amount of his requisition; and that the annuity accounts are settled with him, without any reference to the one thousand and forty one dollars and sixty seven cents. Thus it is apparent, the sum of one thousand and forty one dollars and sixty seven cents has been withheld from the Cherokees east. We have to ask to be informed by the honorable Secretary, to whom this one thousand and forty one dollars and sixty seven cents was paid; when, and by what authority; for either the United States or the Cherokees west, owe our nation the amount. We will, in conclusion, remark, that the surplus of the annuity for 1831, refunded by Col. Montgomery to the United States Treasury, of three hundred and nine dollars and eighty-three cents, herein referred to, and the sum of one thousand eight hundred and eighty-one dollars and sixty-seven cents, distributed by the agent to Arkansas emigrants, out of the same annuity, together with the sum of one thousand and forty one dollars and sixty seven cents, curtailed, as before stated, from the annuity for 1834, make the sum of three thousand two hundred and thirty-three dollars and seventeen cents; which amount we claim to be justly due from the United States to our nation by treaties agreeably to law, and ought now to be paid over to John Martin, the treasurer of the Cherokee nation, in compliance with the votes of the Cherokee people, given in 1834 and 1835, at the elections which were imposed upon

them by orders from the War Department. We hope the honorable Secretary will favor us with an early decision upon this claim.

We have the honor to be, sir,

Your obedient servants,

John Ross,
 Lewis Ross,
 Joseph Vann,
 James Brown,
 Richard Fields,
 John Huss,
 R. Taylor,
 John Benge,
 John Martin,
 Elijah Hicks,
 The Bark,
 Sleeping Rabbit,
 John F. Balridge,
 Jesse Bushyhead,
 Charles H. Vann,
 Thomas Foreman,
 Peter, of Agushee,
 Soft Shell Turtle,
 Archibald Campbell,
 Thos. F. Taylor.

Honorable LEWIS CASS,
 Secretary of War.

COLUMBIAN COLLEGE,
 March 17, 1836.

SIR: Understanding that there will, probably, be certain appointments in the gift of the Secretary of War, in relation to the removal of the Cherokee Indians, I beg leave to recommend to your notice Dr. Clarke Lillybridge of Norfolk, Va., as a suitable person for the appointment of conducting agent, or for any other agency that may be preferred by the department. I have been acquainted with Dr. Lillybridge from his youth, and am happy to say he sustains the character of a gentleman of correct morals, and religious principle; and from the interest I am persuaded he will take in the welfare and moral improvement of the Indians, I think his appointment would be judicious.

I am, sir, yours, with
 Sentiments of the highest respect,
 S. CHAPIN.

Hon. LEWIS CASS,
 Secretary of War.

WASHINGTON, March 17, 1836.

SIR: I have understood that Dr. Clarke Lillybridge of Virginia, has been recommended to your honor, as an agent for the removal of the Indians.

Dr. Lillybridge was once a citizen of Maine ; and, having some acquaintance with him, I consider him a very suitable person, and a medical gentleman of good acquirements, and whose moral and religious character stands good.

With sentiments of high respect,

I am, sir, your obedient servant,

MOSES MASON, JR.

Hon. LEWIS CASS,
Secretary of War.

WASHINGTON, *March 21, 1836.*

SIR : While at the Cherokee agency east, I ascertained that there were in the hands of the agent for Cherokee removal, a quantity of public blankets for distribution among the emigrants under the treaty of 1828. The council at New Echota being appointed on the 21st of December, at the most inclement season of the year, and when those who attended must necessarily be much exposed, it was deemed advisable, for the comfort of the Indians, to supply them each with a blanket; and I therefore made a requisition on Major B. F. Currey, marked A. After the council I found it was expected by the poorer class that a present would be made them, as had been the custom at their former councils when they sold their lands; and knowing many of them to be very destitute, and believing it would have a good effect and influence upon them, I directed a blanket to be distributed to each Cherokee present, who would accept of it; and three hundred and ninety were delivered to the Indians, as per certificates marked B. Several of the more intelligent and wealthy of the Cherokees declined taking any; and about a dozen were delivered to Major Ridge, and some other chiefs, for as many old and infirm Cherokees who had left the council before the distribution, or who were unable to attend, but who were in favor of a treaty. Although I had no express instructions on this subject, under all the circumstances of the case, I hope this act of the commissioner's will be approved by the department, and credited to the accounts of the agent for Cherokee removal.

With great respect,

Your obedient servant,

J. F. SCHERMERHORN.

Hon. ELBERT HERRING,
Commissioner.

KNOXVILLE, *March 26, 1836.*

SIR : Some time ago, (date not recollected,) I took the liberty (as a friend of the administration, and for the public good) of addressing you concerning Cherokee affairs, and particularly the employment of Mr. McConnell. I retained no copy of my letter, as I could not then anticipate that I should ever have any use for it; but I have now to ask you to cause a copy to be sent to me.

Another object of this communication is to protest against the conduct of

your department towards both Mr. McConnell and myself; to let you know that, humble as I am, I do not acquiesce; but feel, as I ought to feel, indignant at such treatment. Towards him it has been faithless and cruel; towards me, indelicate, unkind, and unjustifiable.

My reasons for saying so must be familiar to you, with your intimate knowledge of the circumstances.

Predisposed to respect you, both as an officer and as a gentleman, I sincerely regret the existence of this occasion for addressing you in terms of complaint.

I am your obedient servant,
PRYOR LEA

Hon. LEWIS CASS,
Secretary of War.

CHEROKEE AGENCY EAST,
 March 30, 1836.

SIR: Enclosed, I have the honor to transmit to you an account current for the past quarter, with vouchers for the articles delivered and placed to my credit.

Most respectfully,
 I have the honor to be
 Your very obedient servant,

BENJAMIN F. CURREY.

Gen. GEORGE GIBSON,
Commissary General of Subsistence.

CALHOUN, TENN., April 1, 1836.

SIR: Yours of the 14th of March has this day been received, in which you say, when Major Currey makes a report, that then the department will be able to decide on the proper measures to be taken. If it depends solely on his reply, the matter is not left in doubt. If the department wishes to be correctly informed on the subject, call on Wm. W. Cowan, who was present when the transaction took place. As to the property in dispute, I have it in my possession, and the laws of the State will protect me in the occupancy; he rented the field to a Mr. Rodgers, who I have dispossessed, according to law, and if he should attempt any other violence, either on my person or property, I shall deal with him according to the laws of the State, to which I shall always feel myself amenable.

Very respectfully,
 Your obedient servant,

JOHN HARDWICK

ELBERT HERRING,
*Commissioner of Indian Affairs,
 Washington city.*

COMMITTEE ROOM OF INDIAN AFFAIRS,
April 4, 1836.

SIR: By a letter from John Ross, addressed to the chairman of the committee, they are informed that, since the President's message to the Senate, transmitting the treaty made with the Cherokee Indians in December last, a communication has been made to you by Major William M. Davis, one of the Government agents in the Cherokee nation, giving very material information in relation to the circumstances attending the negotiation of the treaty, and that certificates of respectable men accompany that communication; and a request is made that, before the committee decide upon the treaty, they make themselves acquainted with the contents of the communication and certificates.

The committee now have the treaty before them; and as it may be some days before they can have an opportunity of calling by resolution, they have instructed me respectfully to request, if no injury will result therefrom, that you will furnish them, as soon as you conveniently can, with a copy of the communication and certificates referred to, and with any additional information in your power, which may be of use, in enabling them to come to a just conclusion upon the subject referred to.

The apology of the committee for this call upon you, will be found in their desire to hasten, by all the means in their power, a decision upon the matter referred to them by the Senate.

Most respectfully,

Your obedient servant,

HUGH L. WHITE,
Chairman.

The Hon. LEWIS CASS,
Secretary of War.

WASHINGTON, D. C., April 11, 1836.

SIR: In making some of the surveys which I have, or my son has been, or may be, required to make in the Indian Territory, this year, will lead us far west of the settlements; it is possible, though I trust it will not be the case, that a military escort may be necessary to secure the party from injury from war parties of remote tribes.

This is respectfully to request, that provision be made for furnishing an escort, should one be necessary.

Most respectfully, sir,

Your obedient servant,

ISAAC McCOY.

Hon. ELBERT HERRING,
Commissioner Indian Affairs.

WASHINGTON CITY,
April 16, 1836.

SIR: Yours of the 23d January last, enclosing a copy of the President's letter to the honorable Secretary of War, of the 18th of that month, was received in due time.

This letter first requires me to give the reasons which induced me to make my letter to the editors of the Federal Union public.

In order that the department may be able to form a proper judgment on the considerations which led me to make that letter public, I shall be obliged to give a brief narration of the circumstances which operated, at that time, against the policy of the Government, and were prejudicing the public mind against the agents who were employed to bring to a close the negotiations for removing the Cherokees west of the Mississippi. When this is done, I feel assured that the publication of that letter will be found to be consistent with my duties, and that, both in its spirit and in its facts, it is supported by truth and justice.

At the date of that letter, untrue statements had gone out from the October council to the Governors and Legislatures of four States of the Union, whose citizens were deeply interested in the success of the treaty with the Cherokees. These statements were signed by John Ross and his coadjutors, but they were obviously dictated by Mr. John H. Payne, who was at that time well understood to be an enemy to the policy of the Government, and to be busily employed in doing whatever he could to render unavailing the steps which had been taken to reconcile the Indians to the idea of removal. Of the same character had been the exertions of the honorable James Standefer eighteen months before, though their design was not so apparent, being concealed under the form of accusations against me. That such was the consequence of the countenance afforded by this gentleman to the malicious and groundless complaints of those who were anxious to prevent the enrolment and emigration of the Indians, is apparent from the accompanying statements, marked numbers 1 and 2. The paper marked number 3, from General Samuel Houston, and those marked part 1st, number 4, and part 2d, number 4, from the honorable James Standefer, one to myself, and the other to John Walker, junior, an Indian, then residing within the Indian country, and opposed to the policy of the Government in removing Indians by enrolment, authorizes the supposition that there was a systematic effort to obtain my removal, without giving me an opportunity to meet my accusers. That marked number 1, given by Andrew Ross, in his own letter to Walker, number 4, part 2d, will show that James Standefer was the individual who countenanced such an effort. At this time all my exertions were employed in bringing the difficulties with the Cherokees to a close. It will be recollected that a delegation, appointed by a council representing a numerical force of eighteen hundred Cherokees, convened at the agency on the 10th of January, 1834, and were instructed by said council to proceed to Washington city, and there make the best terms possible for that portion of the nation and such others as might choose to come into the measure. This proceeding derived additional importance, in the estimation of all those who were acquainted with the true situation of the Indians, from the circumstances that the States had determined upon the extension of the laws over the Indian country; and it was obvious that the interests of the Indians, as well as the Government, required a speedy settlement of the difficulties which retarded the removal of these Indians. Hence, the fate of the conditional treaty made by this delegation with Governor Eaton, which was submitted by the President to the Senate, and which was to take effect provided a majority of the tribe gave their assent to its provisions, depended, in a considerable degree, not only on the assurances which it contained of the wishes and views of the Executive

branch of the Government, but on the preservation of a just confidence in the agents through whom these wishes and views were to be communicated to the Indians. It is obvious, therefore, that the attempt to injure my character was at this particular time, taken in connexion with the disposition made by the Senate of the treaty submitted by the President, and with the subsequent resolution reported by the honorable chairman of the Committee on Indian Affairs, requesting the President to negotiate with the State of Georgia for a portion of her territory for the use of the Cherokees, although not adopted, were well calculated to raise serious and lasting obstacles to the efforts which have been since made to negotiate a treaty for the removal of those Indians; and, as subsequent events have shown, still encouraged them to hope that such a measure might afterwards be effected. Both the resolutions of the Senate, that declaring that the delegation representing the party in favor of the treaty had no authority to make a treaty, and that requesting the President to negotiate with Georgia, were understood to have the sanction, and to have been drawn up by the honorable Hugh L. White, as may be inferred from his letter to Mr. Whiteside, published in the Nashville Banner of the 28th of September last. Judge White's view and advice upon this subject could not fail to have a controlling influence upon the decision of the Cherokees. It is no part of my duty, and it is far from my intention, to speak disrespectfully of the motives of this honorable Senator; but it was impossible for me not to feel, when I witnessed the effect which these measures had upon the temper and expectations of the Indians, that insurmountable difficulties had been thrown in the way of a treaty upon the terms originally proposed by the President. Those measures not merely enabled John Ross to increase his party, but to create an expectation in regard to an ultimate settlement of the Cherokee question in such a manner as to maintain his independent Government, within the limits of the States of the Union, wholly inconsistent with the views of the President, and contrary to the spirit of all the instructions under which the agents of Government had been acting.

To those who have been familiar with the arts by which the power of John Ross is upheld, and who have seen the ease with which the mind of the common Indian has been blinded to the humane policy of the Government, in endeavoring to withdraw them to a country where they will be free from all collision with the laws of the States, it was natural that a course of measures, however well designed, which was to confirm so fatal an influence, should be regarded with deep regret. When they saw that an infatuation was produced by them which induced men in the Indian nation, of more than ordinary intelligence, to look forward to the day when John Ross would have the patronage and sole distribution of millions of dollars, they could not wonder that any hazards, however annoying to the whites or destructive to the real interests of the Indian, should be incurred so long as there should be a prospect of his attaining his objects. From such causes, it was easy to account for the reliance which John Ross and his party placed on the aid of the honorable Hugh L. White. It was certain that his name suddenly acquired all the romance which Indian credulity could give it, as a shield not only for the protection of the party opposed to a treaty, but as an instrument to render ineffectual the labor of the agents of Government; and it will appear from the accompanying communication from Colonel Joel Yancy, marked number 5, that

this honorable Senator was not unapprized of the use which was thus made of his name.

Under such circumstances, seeing that the business of removals had been stifled, and that I was falsely charged by men known to possess the confidence and friendship of the same honorable Senator with delaying removals for the selfish purpose of enjoying a salary, it was scarcely possible to resist the conviction that his influence had a tendency in defeating the objects of Government in this respect. In regard to the connexion which Payne had with the circulation of the abolition tracts, I will call your attention to the following circumstances. By the accompanying paper marked No. 6, it will be seen that that portion of the country was supplied with papers of that character. It was known that Ross had recently visited New York, and that said Payne reported himself to the Indians as having arrived from the same place, after he had been received at the house of John Ross. Impressions derived from Payne himself identified him as the particular friend of the party in the nation opposed to the policy of the administration, and it was certainly believed he was an emissary from England for the purpose of enabling the Indians to resist the oppression of the American Government. He wrote his appeal to the American people from the house of Ross, and also a communication charging the Government with an attempt to bribe Ross, and much other matter calculated to stir up the Indian feelings and endanger the peace and security of the country. To designs of such a character those of the abolitionists were naturally auxiliary, and certainly could be imputed without injustice, when all the circumstances attending the distribution of the abolition tracts pointed to him as the real agent. How could the author of those tracts in New York become acquainted with the post offices and the address of the humble individuals living in the Cherokee nation; and even if they had been familiar with their names, what motive existed to send such papers to this people? The answer of those questions was easily made when it was known that this man found a welcome in John Ross's house, and that John Ross had not long before visited the city of New York, where he had an opportunity to form an acquaintance with Mr. Payne, and to employ his literary talents in a crusade against the policy of the Government. When we look at the situation of the country at the time; the apprehension which existed that we were about to be involved in a war with France; and the general political excitement which prevailed, no one can doubt there was in the operations of Ross and Payne a settled design to connect the Cherokee question again with the party discussions of the day.

Had a war with France have taken place, it would not be hazardous too much to say that at this time, instead of repressing the hostilities of a small portion of Seminoles and negroes in the south, our Government would have been involved in a war with the whole of the southern tribes. It will be seen, from all the testimony on which I have relied to make these declarations respecting the intentions of this man Payne, that his operations, like those of Ross, were always cloaked under professions of friendship to the Cherokees, and were given effect by indirect assurances that Judge White, if elected President, would recover for these Indians their country and lands. Being fully sensible that the acts of Payne and Ross, if not exposed, would defeat the exertions of the United States commissioner, with whom I was instructed to co-operate in furthering the views of the Government to bring about a treaty, which has since been made and submitted to the Senate, I felt myself justified by the facts which were within

my knowledge, to make the statements contained in the letter, whose publication I have been called upon to explain. It was obvious that the various misrepresentations which were circulated respecting the arrest of Payne by the Georgia Guards were calculated to bring Georgia and Tennessee into collision; and whatever should be said within the bounds of truth and justice to prevent this consequence was laudable. The idea that my holding an office under the Government should prevent me from giving such information, never occurred to me, and I am confident it will never be mentioned by those who acknowledge an accountability to the people for their conduct and opinions. Mr. Payne's representations and complaints were mostly false and unfounded, and designed to produce mischief. It will be seen by communications marked 7, 8, 9, 10, 11, 12, 13, and by a reference to the 13th and 15th sections of the intercourse law, passed in 1834, that he had violated its provisions in the attempt to alienate the confidence of the Indians from the Government, and defeat or delay its measure, an offence not punishable, as was pretended, under the laws of Tennessee, in the shape they were extended over that territory, which provided for the punishment of murder, rape, and larceny, and the enforcement of Indian customs by the State tribunals in other respects. Indeed, no friend to the true interests of the Indians or the citizens of the States immediately affected by their position, can examine the appeal of this man to the American people, which was written prior to his arrest by the Georgia Guard, nor the calumnies with which it was subsequently accompanied in the Knoxville Register, without admitting that he had meddled in matters over which he had no rightful control, and about which he was utterly unfit, as a partisan and fanatic, to form correct opinions. As an evidence of Mr. Payne's destitution of truth, I would here introduce a short extract from his explanatory remarks accompanying the appeal before mentioned. While on the subject of his communications on Cherokee affairs, he says: "*But having written one number, I thought I would lay it by;*" and again, in speaking of this number which was thus laid by, he says: "*The number in question was consequently put aside, and no second number ever written; it was signed WASHINGTON.*" As it has no signature to it, and from its tenor, it must have been intended for publication. I would cite another instance of his want of capacity to take a fair view of the facts, or the presentation of truth. In his communication herewith sent, marked No. 14, in his own handwriting, he ventures the assertion that "*an innocent Indian, a few days ago, actually hung himself in the guard house, to escape the torture apprehended from the guard.*" The history of this case will be found in the paper herewith submitted, marked No. 15, which is substantially a copy of a report written by me and sent as directed to the editor of a paper to refute a similar calumny, but which, from some cause not known to me, was never published. The Indian who hung himself stood accused of the offence of *murder and robbery*; an offence more common of late among the Cherokees than formerly, owing to their poverty and the wickedness, perhaps, of such advisers as Mr. Payne. I shall for the present dismiss this man, because to follow him through his whole story would be attended with a loss of time to me, and too great a tax upon your patience unnecessarily. I consequently come to that portion of the letter in question where I spoke of McConnell as deriving his appointment from the Hon. Hugh L. White, who, in that event, became obnoxious in my judgment to some of the

censures which deservedly fell upon the mischievous conduct of that individual, if he was previously acquainted with his conduct and designs.

How far I have erred in the expressions made, ascribing the appointment of McConnell to Judge White, and whether for that error I deserve the epithets which have been applied to me by that honorable Senate, will appear from the following facts: It was a matter of notoriety among the Cherokee people and those intermarried with them, that said McConnell represented himself as the friend and correspondent of Judge White, and that from this circumstance his operations derived an influence and importance which would not otherwise have belonged to them; knowing, also, that he was often in company with certain lawyers who resided in the immediate vicinity of the Judge's residence, and who were understood to be the Judge's confidential friends, and that McConnell occasionally visited Knoxville himself, where Judge White resides, and who, as chairman of the Committee on Indian Affairs, would, as a matter of course, feel a deep interest in whatever steps were taken to settle the difficulties with the Cherokees, it was natural for me to suppose that such an agency as McConnell would not have been resorted to without his knowledge and approbation. When I was, therefore, informed by persons who had opportunity to know how the facts were, that he obtained his appointment from the Senate, I could not hesitate to credit the information, and did not suppose, in doing so, there could be the slightest injustice done any one. But did the declaration which I frequently heard in the nation, ascribing the appointment of McConnell to the agency of Judge White, do him such manifest injustice as to authorize the denunciations which have been heaped upon me for crediting them? It appears from the papers which have been presented to the public, that it was Mr. Lea who recommended McConnell. Mr. Lea is the confidential friend of Judge White, and lived in the same village with him. Standing in such a relation to Judge White, and knowing him at that time to be chairman of the committee in the Senate, which had under its consideration the relation with these Indians, can it be presumed that Mr. Lea would designate an individual for the execution of such a trust as that committed to McConnell, without first consulting with the Judge? or, if this supposition is unjust, is the case at all changed by the proof afforded by the Secretary of War, in the following words: "*as all the necessary circumstances were not fully known at the department proper instructions were given to McConnell, and enclosed to Judge White, to be delivered if he thought the arrangement would be useful.*" Here it is evident that the Secretary of War cast the responsibility upon Judge White. The Judge was to deliver or withhold the appointment. It was upon his knowledge of the character and fitness of the man to be employed, and the objects to be attained by his services, that McConnell obtained his appointment. If this is not a virtual derivation of the power from Judge White, I am at a loss to conceive what more could be necessary to make it so. His confidential friend being in the same village with him, and well acquainted with his situation as chairman of the Committee on Indian Affairs, recommended an important measure, having a direct bearing upon the policy of both the Indians and the Government, and nominates an individual to the Department of War to execute this measure—an individual who is also his neighbor, and the chairman's old acquaintance and constituent, which will appear from the Judge's remarks, taken in connexion with James Cowan's statement herewith sent, (marked A.) The Government,

not having satisfactory information, encloses a commission to the individual, to be delivered or not, at the discretion and on the responsibility of Judge White. The individual receives the commission, and enters upon the discharge of the duties imposed by it. But if these circumstances do not justify the declaration, that McConnell derived his appointment from or "through the procurement of Judge White," they were *certainly not calculated to destroy the general belief that the fact was so*—a belief which arose from McConnell's own conduct, who disclosed not only the objects of his mission, but attempted to promote them, by representing himself as the intimate friend and correspondent of Judge White. That McConnell did so, is apparent from the paper marked No. 16, and also Nos. 8, 9, 17, and 18. If, therefore, there has been any mistake in the words I have used, to express the real connexion which existed between Judge White and McConnell, the blame is not mine. It was impossible for me to know, literally, how all the facts were in the case of his appointment. These I could not have obtained without seeing the papers themselves, and thus sharing with McConnell the consequences of violating the seal of secrecy, under which it appears his duties were designed to be performed. I spoke of his conduct as I saw and felt it operating against the true interests of the Indians, and thwarting the policy of the Government. I said that he derived his appointment from Judge White, or "*through his procurement,*" because such was the general belief, founded not only on his own acts, but corroborated by all the circumstances attending his appointment and employment. Whether, therefore, the statement in my letter, respecting the mode of his appointment, is justified by the facts or not, I trust the Government, after an examination of the letters now laid before it, will be satisfied that it is one which was innocently made, and which can in no wise bear the construction which has been placed upon it to my prejudice.

The idea that I have endangered the life of McConnell, by disclosing the secrets of his mission to the Indians, from whom they were to be concealed, is too serious to be dismissed, without such a notice of its injustice as will induce that honorable Senator to declare, as publicly as he announced it, that it is erroneous and unfounded. Were the fact so, there is no punishment which would be too severe for me. If it is not true, the atonement which is due to my innocence need not be invoked from one holding so conspicuous a station before his country. The obligations of distinction and honor will satisfy him, that in proportion to my obscurity will be my need of all the aid which truth can give, in removing the censure he has attempted to heap upon me for other causes. From the statements of the various individuals who have subscribed the papers above referred to, you will perceive that McConnell's agency was revealed by himself, and that while all its objects were known, as far as they had any connexion with the public interest, his great desire seemed to be to give himself consequence as the confidential friend and correspondent of the honorable chairman of the Committee on Indian Affairs, and an enemy of the measures the present administration had adopted, with reference to the Cherokees. From my letter to the department, of the 10th of September, 1833, you were informed of my opinion of the man, and how impossible it would be for me to have any intercourse with him. You will see from the statements of Judge Underwood, Samuel Workman, clerk of the circuit court of McMinn county, marked No. 19, Col. Caleb Starr, and Col. Charles

H. Nelson, that he was interested in reservations. See, also, the statement of James Cowan, Esq. on this subject. My letter to the department, marked No. 20, founded on information received from Wm. Hicks, ex principal chief, and John Miller, interpreter, which, taken in connexion with those of Cols. Starr and Nelson, Isaac Anderson and A. B. Weir, also show that while he was the first to disclose the nature of his appointment, he did it to unite the selfish feeling growing out of these reserves. These statements are founded on facts evidently prior to the publication of my letter in the Federal Union, and show conclusively the utter absurdity of the pretence that it was from that letter the Indians derived the knowledge of his appointment. I beg of the department the perusal of these statements, beyond which I shall not notice further the attempt to make the treachery of that man the basis of a charge against me almost as atrocious as that of a direct attempt to murder one of my fellow citizens. I cannot, however, take leave of this branch of the subject, without expressing a hope that the department and the President will at least do me the justice to say, that the opprobrium attempted to be cast upon my character by the language of Judge White was wholly unmerited, and that the censure expressed through the department, founded upon the Judge's declaration, that I had jeopardized the life of McConnell by the notice taken of his employment in my letter to the Federal Union, will be withdrawn. The papers marked Nos. 19, 21, 22, 23, and 24, will show the conduct of McConnell, in the arrest of the Georgia surveyor; and, besides his general interference to thwart the exertions of the commissioner, they sustain my statements in relation to his talks to Ridge and Foreman, the proof of which has been required of me by the department. The fact of Ross and his coadjutors having entered into a written agreement with the Secretary of War last winter, to take for the Cherokee claims east of the Mississippi whatever sum the Senate should award, is well known to the department and Senate, and cannot be denied. The fact that Mr. Ross and his party acted on that occasion under power of attorney, has been tacitly admitted in all their correspondence with the United States commissioner, and which they have never pretended to deny. The fact that Mr. Ridge and others, after the Senate award was had, and Mr. Ross had refused to negotiate, entered into a provisional arrangement, is supported by the correspondence between the department and Mr. Ross's party, and the terms submitted through Mr. Schermerhorn last year to the Eastern Cherokees, in the form of a treaty.

That Mr. Payne is of a party known to be opposed to the present administration, is evident from his writings as well as from his associations. His precipitate visit to Knoxville, after his release, and the attentions offered to him by the citizens of that place, as a mark of respect for his literary acquirements, and the great services, perhaps, which he had performed, (see Mr. Parsons's statement, marked No. 25,) and his application from Knoxville, through various members of Congress, at the city of Washington, for the immediate dismissal of Mr. Schermerhorn and myself from the Cherokee service, shows also that he had Mr. Ross's selfish views and interests and the defeat of the treaty more at heart than he had the cause of humanity, or of truth and justice; and that rumor made Mr. Payne an abolitionist, I would refer you to statements marked Nos. 8 and 13. That Lewis Ross visited Knoxville at the time stated, will not be denied, and that while absent his brother John inquired where his brother Lewis was is corroborated by the statement of Judge Underwood. That there was a

rumor in circulation about the time Lewis returned from Knoxville to the council ground, "that Judge White, if elected President, would do much for this people," is established fully by the papers referred to, marked Nos. 6, 8, 11, 12, 13, and 26; and the circumstance of Payne's going to Knoxville so soon after his release goes far to show that he was not without his convictions that Judge White and his supporters would support Mr. Ross and his coadjutors. Will any one doubt that this impression was made on his mind by McConnell or by the Ross, or, if not by them, by some higher authority?

In relation to that part of my letter referring to the compromise between Ross and Ridge, and their resolution, urged and carried before the people then assembled, never to treat on the basis of the Senate's award, I would respectfully refer to the proceedings of said council, already submitted to the Senate by Ross and his companions. As to the number present at the time these resolutions were presented, I would refer to Geo. W. Underwood's statement, marked No. 11, who also testifies to the fact of Messrs. Payne and Ross having been found in Ross's room, where, to his knowledge, Payne was reading a paper to Ross in the shape of a memorial. For the facts in relation to the trials for murder, and the decision of his honor, Judge Keith, of the circuit court bench, against the constitutionality of the laws of Tennessee, the appeal to the Supreme Court of the State, and the reversal by that court of the opinion of the court below, and the subsequent appeal from the decision of the Supreme Court of Tennessee, through the aid of some of the citizens of this very town and its vicinity, where Mr. Payne was tendered a public dinner in token of their approbation of his measures, to the Supreme Court of the United States, whereby to defeat the operation of the State laws. Also, for a knowledge of the agency I had in bringing this question forward by becoming prosecutor, &c., I would refer to the statements marked Nos. 27 and 19; the first from the State's attorney for that judicial district, and the other from the clerk of the circuit court of McMinn county, where a true bill had been found against James Foreman, high sheriff of the Cherokee nation, and his half-brother, Anderson Springston, for the murder of John Walker, jr. A synopsis of the testimony in this case may be found on file in your department.

The paper herewith sent, marked No. 14, is mentioned in my letter, in which Mr. Payne accuses the Government of tampering with the Indians, and at one time having offered John Ross a bribe of \$50,000, &c., which was well calculated, by reading, or in conversations, if repeated, to alienate their confidence, and excite their prejudices against the Government and its agents, as well as the whites generally.

Having now noticed all the material points affecting my official conduct, respecting which you have called for an answer, I trust it will not be considered improper to add a word or two on the subject of the general denunciation with which I have been visited by the Hon. Hugh L. White. This gentleman doubtless had information which he supposed authorized all he has said respecting me. But he should have recollected that it was my right to be furnished with this information, for the purpose of exposing its falsity, before he gave it the sanction of his name and office. Had he not have disappointed this reasonable expectation, he would have been spared the mortification which he will feel in finding that his impeachment of my character has been unwarranted by facts, and has been prosecuted with a zeal which would have been much better directed against those who have abused his confidence,

and have injured both the Government and the Indians, in their attempt to procure my removal from the little office I hold.

If my employment in the Indian nation had been illegal, the blame would have been that of the department whose orders I was executing, not mine. But, if on this ground there was any reason for complaint, it is one which Judge White has long known.

You will see from the accompanying letter, (marked No. 28,) addressed by him to me in 1834, and from my reply to it, (marked No. 29,) that he knew perfectly well what my business was in the Indian nation at that time. As chairman of the Indian Committee, he has also seen my documents, which could not have left him uninformed on this subject. It is clear, therefore, that it was the sole object of his call on the Secretary of War to know what office I held, to effect my dismissal from office, or otherwise to endeavor to make a hue and cry against the President for continuing an agent in the service, charged and condemned as I had been without a hearing. What faults had I committed? Those concerning McCorn and my intercourse with the Indians have already been noticed, and are nothing more nor less than such as any public officer who is determined upon the performance of his duties will never fail to commit in the eyes of those who are resolved to prevent the performance of his duties.

I am charged, however, with "*figuring as a politician*," and with being a general slanderer, unworthy of notice except from the circumstance of my holding the humble office of agent among the Indians. In support of the first of these allegations, reference is made to a letter which the President of the United States wrote to me in answer to an inquiry which I made of him at the instance of many of his friends. To understand the true character of this transaction, it will be necessary for me to advert to the fact that Colonel Standefer, who had preferred Indian charges against me, and whose influence had been so invariably brought to the aid of those who were adverse to the steps taken by the agents of Government to adjust the difficulties of the Cherokees, was, at the time I wrote this letter to the President, availing himself of the influence of his name and authority the more effectually to injure my standing. For this purpose, he was reading to the people a certificate written the year before, purporting to be signed by the Secretary of War, and endorsed by the President, the design of which was to strengthen his assurances that he possessed the full confidence of the Executive branch of the Government, and had given to the measures and views of the administration a hearty support at Washington. Many of the President's friends, who doubted the truth of these professions, were desirous that he should be made acquainted with the facts: I communicated them; his reply to me was shown and read to Colonel Standefer, and to some of the citizens, in order that those who had been deceived might be undeceived. This is the history of this correspondence; and on this, no doubt, rests the complaint with which the honorable Senator has thought fit to associate me in his impeachment of the consistency and patriotism of the President, and the administration of which he is the head. The general allegation that I have travelled for the purpose of electioneering either in or out of the district in which my public duties lay, is wholly unfounded. That I have ventured an expression of my political opinions in conversation or in writing to my friends and acquaintances, I do not deny, particularly in my native State, and cannot suppose that the

exercise of this privilege will ever be denied me by any one who really feels that our elections should be as free in practice as they are in theory.

The Charges that I ever had any epistolary correspondence with Mr. Grundy, or of my having pretended to have a letter from him either naming or alluding to Judge White, are equally untrue, and must have grown out of a misunderstanding on the part of the Judge's informant, or proceeded from a wicked and wilful disposition to deceive Judge White, and misrepresent Mr. Grundy as well as myself. In regard to the declaration of Judge White, that "*those who know Mr. Currey will not excuse him for being his slanders generally,*" allow me to say, that the period is not very distant when he entertained quite a different opinion of me. In 1826, he said of this Mr. Currey, as you will see by the accompanying paper, (marked No. 30,) the following: "The undersigned, Senators and Representatives from the State of Tennessee, present, for the appointment of postmaster at Nashville, Mr. Benjamin F. Currey. They are induced to this course from a consideration of his merits: having acted as deputy in that office for several years past; but essentially for the reason that he has been recommended by nearly the entire population of the town of Nashville and its vicinity, whose wishes, whatever our own might be, should be attended to and regarded. But over and above their knowledge and the recommendations respecting him, the undersigned, from their own acquaintance, had by some of them, and information by others, present Mr. Currey as aptly qualified; and as one who will be entirely and altogether acceptable to the citizens of Nashville and its vicinity.

WASHINGTON, March 13, 1826.

HUGH L. WHITE,
 JOHN H. EATON,
 J. C. MITCHELL,
 J. K. POLK,
 J. C. ISACKS,
 JNO. H. MARABLE,
 ADAM B. ALEXANDER,
 ROBERT ALLEN,
 SAML. HOUSTON,
 JOHN BLAIR."

And, in 1834, he wrote a letter to me expressing the same continued confidence, as you will see by the letter marked No. 28.

Since the date of the paper in which Judge White, as I believe, without any solicitation from me, presented me for the highly important and responsible office of postmaster at Nashville, I am not conscious of having done an act which deserves his censure. It is true that I have resisted with all the zeal I possessed, the attempts which were made through his name and influence to mislead the Cherokees, and have formed an opinion most reluctantly unfavorable to the wisdom and justness of the counsel which he has given the Ross part of that tribe of Indians. I have, however, never concealed from him or any of his friends the grounds on which I acted, nor do I fear any investigation of their correctness before any tribunal.

It is true that I am an humble individual, and have struggled hard to obtain my bread and what little character I have formed. But my situation is not unlike that of the great body of the yeomanry of my country, to whom Judge White, as well as myself, is responsible. It is not yet, thank God, in

the power of a Senator or of any public functionary, however high in office, to deprive an humble citizen of the right of defending his own character when assailed, and a confident reliance that justice and truth will be a shield against the assaults of detraction and denunciation from persons in high places; and I am happy to believe that those under whose orders I have been acting, will never do anything to weaken this reliance. On this principle, I deem that I am transcending no rule of decorum or propriety when I beg that this communication may be laid before the President, and pray that he will cause it to be submitted to the Senate, whom I have not the privilege of appearing in person, to refute the misrepresentations and unfounded charges of which I have been the subject on its floor.

Very respectfully,

I have the honor to be

Your most obedient servant,

BENJ. F. CURRIE

ELBERT HERRING, Esq.,
Commissioner of Indian Affairs.

No. 1.

CHEROKEE AGENCY EAST,
May 6, 1835.

DEAR SIR: I have received your communication of this date, requesting my opinion of the investigation into the conduct of the officers engaged in the emigration of the Cherokees, said to have been gotten up at the instance of the honorable James Standefer and others, last year.

Being engaged myself as one of the agents in Cherokee emigration in connexion with yourself, and having an intimate knowledge of the whole subject, and as no charge was exhibited against my conduct, I feel no embarrassment in responding freely to your inquiry. I unhesitatingly state that the investigation was entirely unnecessary, as the result has proved; your official conduct had to pass the searching scrutiny of Return J. Meigs, Esq., the investigation agent, a gentleman eminently qualified by his impartiality and talents for the task. You passed this severe ordeal, unscathed and uninjured. All who had a knowledge of your official conduct, including myself and others who were associated with you, testified to your zeal, fidelity, talent, and faithful services in promoting the cause of emigration. You had been very successful in your efforts to promote the service; an unusually large number had emigrated last season; this excited the ambition of both white and red, who were opposed to the policy of the Government here, and through them the investigation was caused, and I feel confident it was conceived more in a spirit of malice and envy towards you and the officers associated with you, than with a view to promote the public good.

In answer to your inquiry, as to the effect and consequence of this investigation upon the emigrating service among the Cherokees, I have no hesitation in declaring that it has operated very injuriously to the service here, and for a time rendered the efforts of the Government to promote emigration almost useless, by causing a long delay in the payment of the amount of the valuations of the abandoned improvements, promised the emigrants at an early day after their arrival at their new homes in the west, which has caused the Cherokees to lose faith in the promises of the Govern-

ment, and which I fear will operate injuriously against the new treaty shortly to be submitted to them for their ratification. And I would further state, that I believe the expense of the investigation, taking into view the injury done the Government in a pecuniary point of view, by delay, will cost considerably more than was saved to it, by the amount docked from such valuations as were conceived to be improper.

With great respect,

Your most obedient servant,

WM. M. DAVIS,

Enrolling and Appraising Agent.

A true copy :

DYER CASTOR.

I have examined Major Davis's statement of facts, and agree with him in all that is set forth. I would further remark, that Colonel Standefer showed me a letter while at the city, in February, 1834, from Jack Walker, who, I knew not only your personal enemy, but at that time an enemy to emigration, accusing you of unofficer like conduct. The Colonel told me that he was obliged to lay this before the President. I informed him the charges were malicious, and that to investigate them would ruin the cause of emigration. As I predicted, the cause suffered, while your character was exalted, or you would not have been appointed by the President to perform the double duties of superintendent of Cherokee removals and United States Indian agent. Colonel Standefer, it might be well to remark, always talked in favor of Indian removals, although his acts in this particular gave a death blow to the cause.

ANDREW ROSS.

A true copy :

DYER CASTOR.

No. 2.

HEAD OF COOSA, CHEROKEE NATION,
May 6, 1835.

In answer to your inquiries, "what effect the late investigation, by Mr. Meigs, has had on emigration," and whether, in our opinion, the ultimate object of the Government, in effecting a general arrangement with the tribe, has been retarded thereby, we are compelled, through justice to truth, to reply, that in both respects, that it has. And we deplore the investigation, for these reasons: First. Because it has abstracted the attention of the officers of Government from the business of enrolling. Secondly. After the departure of the emigrants, and in their absence, their titles to property were a second time investigated, when themselves and their witnesses had perhaps set out for a distant country, under a pledge that their early removal should not prejudice their rights. After this removal, effected under these pledges, there appeared to be manifest injustice in having this *ex parte* investigation, by which little else could be expected than loss to the emigrants. As an evidence to the truth of our opinion, scarcely any removals have taken place since that examination commenced. The

people are not willing to place themselves in a similar situation with those who have gone before them.

In conclusion, this whole matter has ever been viewed by us as one of those diplomatic expedients, of which Mr. John Ross and his party have ever shown themselves so capable: that of throwing obstacles in the way of a treaty, and the removal of the tribe by detached parties.

Permit us to express our decided conviction of your usefulness and fitness in the station assigned you by the Government of the United States.

We are, sir, respectfully,

Your friends,
MAJOR RIDGE, his x mark.
JOHN RIDGE,
JOHN FIELDS, Jr. his x mark
CHARLES H. VANN,
T. J. PACK.

A true copy :

DYER CASTOR.

No. 3.

APRIL 29, 1834.

Mr. A. Ross: I believe B. F. Currey a capable, faithful, and honest agent as the Government ever had. I know him to be an honest, brave, true hearted, sincere, and generous man.

If removed upon vague and idle charges, growing out of malice, bad and selfish feelings of any individuals of the nation, it will be an act of most glaring and outrageous injustice.

If accused, let him know the accusation; and if he does not meet and repel it as an honest man should do, I will forfeit my life.

The delegation who are in favor of the removal, can all testify in his behalf.

He is entitled to a chance to meet and face his accusers.

HOUSTON.

A true copy :

DYER CASTOR.

No. 4.

WASHINGTON, *March 5, 1834.*

DEAR SIR: I received two letters from John Walker of the Cherokee nation, dated on the 15th and 19th ultimo, in which he made complaint against you. I showed them to the Secretary of War; he requested me to give him the letters, and said he would have them copied and send the copies to you, with a request that you should make answer to the complaint, and also that Walker should be requested to make such proof of the subject as he might have in his power, so as to enable them to come to a satisfactory conclusion on the subject. The delegation has not as yet said what they intend doing. Andrew Ross, West, and Pack, have arrived here. They

are very sorry the others of their delegation have not come on. There is no telling what will be the result of their *meeting here* this winter, but it is to be hoped they will fall on some plan that will bring to a close this subject, at any rate by the next fall. I am astonished they should hesitate a moment, for the longer *they* put it off the worse, for it will be the means of a great number of the poor class almost starving. I think it is most likely they will not petition Congress to restore them to their original situation. I think they are satisfied it would be of no effect whatever.

Your friend, and humble servant,
JAMES STANDEFER.

FEBRUARY 25, 1835.

I have examined the within copy and compared it with the original, and find it a copy of the same.

WM. M. DAVIS.

A true copy :
DYER CASTOR.

WASHINGTON, *April 6, 1834.*

DEAR SIR : Your two favors of the 18th, and 19th, have been received. I think strange you have not received Judge Herring's letter requesting you to make out your charges against Currey. I also wrote you on the subject. The President has got to believe Currey is acting badly, and if charges are made out against him and sworn to, he will remove him instantly. He says no man shall remain in his service, who will not discharge his duty well, and treat the Cherokees well. The President has been informed there are frauds practising on the Government, by valuing white men's improvements for the Cherokees. He has directed an inquiry on this subject ; says he will remove any man that knowingly has anything to do on this subject. I have not the least doubt but what the President will act correctly on all those subjects, where he is well informed. The people of Athens and others petitioned to have McMillen appointed postmaster, which has sometime since been done. Should you come on, you can give better information on this subject than any one here. The delegation as yet are saying but little. Should the most influential men come on, I think it likely something could be done to promote the lasting happiness of your people. The delegation is all well, and conducts very well. I shall at all times be pleased to hear from you.

Your friend, and humble servant,
JAMES STANDEFER.

A true copy :
DYER CASTOR.

No. 5.

WASHINGTON CITY, *April 10, 1836.*

SIR : I have received yours of the present date, relating to an impression which appeared to have been made on the minds of a number of Cherokees,

when I was in their country as an appraising agent of the Government, in 1834, that Judge White, Senator in Congress from Tennessee, had, at the session of Congress previous to that, made some motion or taken some step, having for its object the purchasing of Georgia their title to the lands of the Cherokees in the said State for the benefit of the said Cherokees; and to such an extent did the idea prevail, that it manifestly tended to prevent, in my opinion, a number of them from enrolling for emigration. They seemed to have imbibed this idea from some source, I know not what. I felt it to be my duty to write a letter to the Judge on the subject, which I did, and put it in the post office at Calhoun, Tennessee, not long prior to the commencement of the session of Congress, and in substance stated that the above idea seemed to impede the progress of emigration, and asked him, in reply, to disavow it if not true. Whether he received my letter I am not advised; but of this fact I am certain, that I never received an answer. I therefore concluded that he had not received my letter, or that, having become sensible that the step he had taken (if any) was of pernicious tendency, and therefore did not wish to promulgate it any further.

I am, most respectfully,

Your friend and obedient servant,

JOEL YANCY

A true copy:
DYER CASTOR.

No. 6.

DE KALB COUNTY, ALABAMA,

February 18, 1836

SIR: I have the satisfaction to say to your inquiry, that I was at Red Clay council in October last, where I saw Samuel McConnell, who was looked upon by myself, and all others with whom I conversed on the subject, as one opposed, from some cause, to concluding a treaty at that place with Mr. Schermerhorn. He was often seen in apparently private conversation with a Mr. Paine, also with John Ross, and the party who acted in concert with Ross. He was an object of suspicion from those circumstances, as from his apparent anxiety to know what the commissioners and the agents were about, he was seen on some occasions, as I was informed, near the commissioner's room, under the eave of the house, and after night, near the door, and was strongly suspected of eavesdropping, so that they kept a fire at the back part of the house. Mr. Paine was not more an object of suspicion, from all that I was able to discover, than was Mr. McConnell, nor was he suspected of stronger attachment to Ross in opposing the policy of the Government.

You inquired, also, as to the abolition tracts. I was present when A. Ross informed you that they were sent to him and others in the Cherokee country through the mails. You requested him to go and get you some of them. He got on his horse and rode to Lowry's, his father-in-law's, the 2d principal chief, but returned saying that they could not then be found. This was in September last, or about that time. Afterwards I was informed that Mr. John Ross had visited the city of New York, from whence these papers were sent. A. Ross appeared to be totally ignorant of the means by which his name and residence was made known in New York, but said as for his part he

would receive no more of them. A. Ross is esteemed an honorable man, and a man of truth. During the early part of the October council, I remember that Lewis Ross was absent, and that he afterwards arrived, when it was stated, without contradiction, that he had been at Knoxville. About the same time a rumor was put afloat among the Indians, that if Judge White should be made President, he would satisfy the wishes of the Cherokee people in relation to their country. On Saturday evening, of the 2d week of the council, as I was about leaving the council, I met Mr. John Riley, who told me that they had appointed nineteen delegates, sixteen of the Ross party and three of the Ridge party, and they were to meet the commissioners to try and make a treaty, but that they had no notion of making a treaty here, for they would not take five million dollars, but they would go on to Washington city and make some propositions, and pass off the session of Congress, and at next fall council they would send another delegation, which would end Jackson's time; then they would make a treaty, and not before. Mr. Riley lives in the same part of the nation that I do, and is known to be in the confidence of the Ross party.

Yours, very respectfully,
REZIN RAWLINGS.

WASHINGTON CITY, April 9, 1836.

I have examined Mr. Rawlings's statement, and, as regards the abolition tracts, I received one number, called Human Rights, printed in New York, and my neighbor Jefferson Park received another. It is true Major Currey requested me, in the presence of Mr. Rawlings, to get him one of the papers, and I went to Mr. Lowry's, where I was living, and expected to find it, but did not get one. I do not know who sent these papers to us.

ANDREW ROSS.

A true copy :
DYER CASTOR.

No. 7.

WASHINGTON CITY, March 31, 1836.

SIR: In your letter of the 1st December, 1835, to the editor of the Federal Union, you say "the committee thus appointed to treat, remained; and raised an objection to Mr. Schermerhorn's authority, and in this they were sustained by Mr. Payne; for the truth of this I refer you to Colonel Hensell."

In replying to your request, I shall endeavor to be as concise as possible. I attended the Red Clay council last October, actuated by the like views and with the same motives which induced me to visit Washington the past winter, for the sole purpose of contributing my aid in bringing to a final conclusion, by treaty, the unhappy and complicated difficulties existing between the United States and the Cherokees. I had been one of the council of the Cherokees for some years, in which time I had many opportunities of witnessing with pain and disgust, the innumerable wrongs and injuries done and inflicted on those unhappy people, sometimes under color of law, often without even the pretence of legal sanction. I had witnessed the rapid decline of every moral and virtuous principle among the great mass

of the common Cherokee people, and their certain approach to the lowest state of mental and bodily degradation, and had long been convinced that their situation must continue to become more intolerable, so long as they remained in a country commingling with the whites, and the facilities afforded them in every neighborhood of gratifying their inordinate thirst for spirituous liquors. I was convinced that nothing could preserve them as a nation, but a speedy change of location to the country provided for them west, and that the liberal provisions made for the purpose of consummating so desirable a termination of all their difficulties with the Government, should be embraced by them at the earliest period.

Shortly after my arrival at Red Clay, I learned that the principals and others, of the committee and council of the nation, had two objections to opening a negotiation to treat with the commissioner: 1st. That the commission was shown by Mr. Schermerhorn, but only a letter of appointment from the Secretary of War; and, 2dly, That, should it be admitted that the letter of appointment was a sufficient authority, then, that letter was a joint authority to Governor Carroll and J. F. Schermerhorn, and that *one alone* could not act. These objections were stated to me by some of the highly respectable members of the committee and council, and my opinion requested. I gave it freely, and with candor, not deeming either objection as entitled to any consideration; and particularly so when a letter was produced from Governor Carroll, showing that he was prevented from attending the council from indisposition. I was informed by a worthy gentleman of the committee, that my opinion had proved satisfactory, and would be acquiesced in. This was *before* the appointment of the committee or delegation now in this place. Understanding, as I did, from several of the most intelligent Cherokees, though not from Mr. John Ross, that these objections to the competency of the power of the commissioner were waived, and that they were desirous to close a treaty, I became sanguine in my expectations of a favorable termination of the negotiations at Red Clay, and remained under that belief until the morning of the day appointed for the meeting between the commissioner and the delegation at the council house. I was greatly surprised on the morning of that day, by being informed by Mr. Payne that there would be no treaty at Red Clay. I inquired of him his reasons for making such a statement. His reply was, that Mr. Schermerhorn had no authority to treat; that he had no commission, and only a letter, or copy of a letter of appointment; and that was to him and Governor Carroll jointly; and that the delegation would not recognize Mr. Schermerhorn as a commissioner duly or properly authorized. I expressed considerable astonishment at this information, and stated to him that I had, by request, given an opinion the week before, and had been informed that these merely frivolous objections had been waived, and that I had not expected to find them again renewed; that I was fearful that should the Cherokees suffer that opportunity to slip, they never would again have an opportunity afforded them of making so advantage a treaty, if any treaty at all; and that I should not be surprised if, in the event of their refusal to treat, that the Government should make arrangements to have them removed, even contrary to their consent. Mr. Payne assured me, in the strongest terms, that they would not treat, and added, that if the Government should attempt to remove them in the manner I had stated, it would be one act more of tyranny and oppression towards these people, and one which the people of the United States would not

submit to or permit. I requested Mr. Payne not to hold out such false views, or use such language as he had to me to the principal Cherokees, as thereby he might be instrumental in preventing that, which every man possessing philanthropic feelings towards these oppressed people believed to be the only mode of preserving them as a nation, and, at the same time, redeem the Government of the United States from the charge of a forfeiture of its pledged faith towards the Cherokees. His reply was, that he should exercise his own discretion in this matter as a free American citizen, regardless of consequences; and that he should advise them not to hold a treaty with the commissioner, unless he could produce a commission under the proper seal. I suggested to him that he might place himself in an unpleasant situation, and be considered as one who had incurred a penalty by an infraction of some of the provisions of the intercourse law. We separated, and met no more.

I should not have so particularly noticed the substance of the remarks of Mr. Payne at the time, but from the circumstance of the high regard I had formed for him on a short acquaintance, a few weeks previous, as a gentleman of high literary attainments, and from a knowledge that he was at the time, and had been some weeks, a guest in the house of the principal chief, and, as he had previously informed me, had free access to all the correspondence between Mr. Ross and the commissioner, with the privilege, as he stated, of taking copies. Under these circumstances, I could but believe that his opinions might have great weight with the delegation.

To the best of my recollection, I informed you of my suspicions as to the improper interference of Mr. Payne, about the time we were leaving Red Clay, and I did it in order that any intermeddling by him might be guarded against, should he attend the council to be convened after that time at New Echota, pursuant to the notice given by Mr. Schermerhorn.

What to me at that time was suspicion, founded it is true on strong presumptive evidence, has been verified to be stubborn fact by statements in his "Appeal to his countrymen," and the "Address of the Cherokee nation to the people of the United States," written by him, and printed in the Knoxville Register of the 2d December last.

With respect,

Your obedient servant,

WM. Y. HANSELL.

BENJAMIN F. CURREY, Esq.

No. 8.

MURRAY COUNTY, GEORGIA,
February 11, 1836.

I do hereby certify, that I attended the council convened at Red Clay, in October last; that while there I heard Mr. J. H. Payne say, he disapproved the policy of the General Government and the State of Georgia; that he considered the lands to belong to the Indians; and that the States had no right to jurisdiction in the country. This conversation was addressed to me. I remarked that I was then in Tennessee, and had no arguments to offer there in relation to this matter. He replied that he was ready to discuss the question there himself with any body. I saw him and

Samuel McConnell in conversation with Indians repeatedly, and the general opinion was, that they acted in concert to prevent Mr. Schermerhorn from concluding a treaty. While Mr. McConnell continued at the council ground, the Indian rumor was, that Lewis Ross had returned from Knoxville, and that Judge White, if elected, would aid them in getting their country back. This McConnell is the same who is alleged to have performed a trip to John Ross, and was instrumental in having Mr. Brown, the Georgia surveyor, arrested and carried to the courts of Tennessee. I heard upwards of two years ago that Mr. McConnell had been employed as a secret and confidential agent to ascertain the views and wishes of the head men of the nation; and that he had made the nature of his mission known to several persons with whom he had interviews, and who are members of the Cherokee tribe. I have never seen any abolition tracts in circulation among the Indians, but have heard that some were in circulation before Mr. Payne's arrival; and that they came from New York by mail. When Mr. Payne came into this country, he went to Ross's, from what I could learn, reported himself from New York, and opposed to the measures of the present administration; but rumor among the Indians at council was, that he came from their old father, the King of England, and was to see the Cherokee people righted; that he was keeping notes of what the commissioner was doing; that the commissioner was not authorized to treat with the Indians, and anything he might do would not stand. Mr. Payne was suspected of having cultivated an acquaintance with Mr. Ross last spring while in New York, by which means he acquired a knowledge of the names and residence of those who have received these tracts; and both before and during as well as after the council, was, from the best information, in secret conclave with Ross, when he wrote an appeal to the American people, and also a communication, which is now in the possession of the Governor of Georgia, in which he accuses the Government of trying to bribe John Ross by offering him \$50,000; and in which he says, if it were not that the Georgia Guard were afraid, John Ross would be arrested. The communication had no signature to it, and was, from its general character, slanderous, and well calculated to excite the Indians, if read to them or repeated in conversations with them; that he also acknowledged himself the author of this piece. I left the council ground after the great body of the Indians had dispersed, but before the chief or commissioner did. On my return from Milledgeville, I saw Sergeant Young, who informed me he was at the running of the State line and that Ross and Payne were found within the proper limits of Murray county, Georgia, where the arrest was made.

WILLIAM N. BISHOP, [L. S.]

Clerk Superior Court Murray county, Ga.

No. 9.

POLECAT SPRINGS, CHEROKEE COUNTY, GA.,

February 12, 1836;

SIR: This is to evidence that I was at the council at Red Clay, in October last. While there and standing in the yard of Williams; a tavern keeper, in company with Wm. N. Bishop and Mr. Schermerhorn, a person came up, who Mr. Schermerhorn introduced to Colonel Bishop and myself as Mr

Payne, of New York; as early as the salutations usual upon such occasions were gone through with, some person called Mr. Schermerhorn off, when Colonel Bishop, seemingly through courtesy to the stranger, inquired of Mr. Payne how long it had been since he arrived in our section of country? to which Mr. P. made some indefinite reply. Colonel B. continued his inquiries, by asking how he was pleased with [no-doubt to him] the novel scenes of our wooded section of country? to which Mr. P. readily replied, Gentlemen, your views and mine differ widely upon these subjects; I think these people much oppressed and badly treated by the Government. Col. B.—Perhaps you have not investigated the subject fully. Mr. P.—I have fully. Col. B.—Perhaps you have only taken a one sided view of the matter, although it is a subject which I am not at this time disposed to discuss. Mr. P.—I am prepared to discuss it now or at any other time, and will be able to show the Government greatly in the wrong; and the day of retribution will come for these wrongs. Some persons coming up, dispersed the company.

The occasion and sayings of Mr. P., together with the tone and to me the seemingly uncalled for remarks of Mr. P., arrested my attention, and induced an inquiry upon my part into the character and object of Mr. P.'s visit to our section of country; the result of my inquiry was, that he had come to the nation some weeks previous, ostensibly for literary purposes, but had been most of the time up to or near the meeting of the council at the house of John Ross, the Cherokee principal chief, and with great seeming confidence had access to the fellowship and intimacy of the Ross party, as well as those white men whose opposition was and always had been openly opposed to the views of the Government in their proposed project in removing the Cherokees west; and I will add, that it seemed to be, from what I could learn, his determined purpose to defeat, as far as he could, the proposed treaty. These opinions were entertained of him by all those who felt an interest sufficient to make the necessary inquiries into the matter, that I heard speak upon the subject.

My attention was subsequently attracted to a person named McConnell, under the following circumstances: I was conversing with some Cherokees and Cherokee countrymen upon the probable prospects of the proposed treaty, when objections were said to exist, as to the powers of the commissioner. I asked the grounds upon which those apprehensions were founded. I was answered that they had learnt that an agent of the Government had given it as his opinion, that a treaty made by Mr. Schermerhorn, without the aid of Governor Carroll; would not be binding; whereupon I inquired who that agent was. I was told that it was Mr. McConnell. Having seen the gentleman mostly associating with the Ross party, on seeming terms of intimacy, I promptly disputed his having any agency with the Government. It was reasserted that he was and had been for some time the confidential agent of the Government; that he had obtained his agency through the influence of Judge White, as was expected the better to enable him to settle some old land claims he had acquired under some former treaty. On making further inquiry, (not of officers of Government,) the fact of his agency was confirmed, and he was also represented to me as being connected with the arrest of a Georgia surveyor, in 1832.

The Indians after their return from council exulted much in having, as they said, got their lands back, by the vote they had given at council. The

latter information I derived from many Cherokees with whom I had intercourse as certifying agent of the State of Georgia.

Respectfully,

C. H. NELSON.

Major B. F. CURREY.

A true copy:

DYER CASTOR.

No. 10.

MURRAY COUNTY, GEO.,
February 11, 1836.

I do hereby certify that I attended the council held at Red Clay, in October last, and saw Samuel McConnell and John Howard Payne frequently in conversation with the leading men of the nation; Ross and McConnell's rooms appeared to be their places of rendezvous. McConnell, however, did not eat at Williams's, where yourself and the United States commissioner boarded. I had lived among the Indians for about ten years, and understand some little of the Cherokee language. Mr. Payne and Mr. McConnell were, from Indian conversations, equally opposed to a treaty. In fact, Mr. McConnell became so much suspected of using unfair statements to prevent a treaty, that you on one occasion politely declined answering a question put by him as to the probability of Governor Carroll's arrival. I think it was during the second week of the council, McConnell spoke of having to attend court at Athens, on the following week, and left the ground. The Indians became insolent on account of their supposed strength, and threw stones at the camp of the Georgia guard, on one occasion, after night. This guard was stationed, at your request, within the limits of Georgia, to prevent the vending of ardent spirits there; while the United States troops, on the Tennessee side, prevented disorderly conduct there, (about twenty-five in number.)

After the adjournment of this council, and you had left the ground three or four miles going southeastwardly, I told you that I was willing to make oath, that there was mischief brewing through the exertions of this man Payne against the whites; that from the hints and insinuations which I had been able to gather, Payne was conspiring with the Indians, and trying to excite them against our Government officers, in such a manner as to prevent any negotiation for years to come; that I was of opinion he was an abolitionist; and that vague allusions had been made about help, which appeared to indicate a prospect of war between ourselves and other nations, by which the whites would be compelled to give up to them the lands in question; and that Payne had told them, as they understood, that he was a great man from England, and had come to see them righted.

Whereupon you slackened your pace, until Sergeant Young came up, when you requested him, if he could get hold of Mr. Payne and Mr. Ross, it would be well to examine their papers, and see what they were about. Sergeant Young was not only in command of the guard at that time, but was an acting justice of the peace for the county of Murray, and he said Ross lived in Murray county.

I heard the Indians in their own as well as the English language say Mr. McConnell and Payne were going against Schermerhorn and Currey, both before and after you declined answering his question about Gov. Carroll's visit. From every circumstance, I believe there was full understanding and hearty co-operation between McConnell and Ross, as there was between Payne and Ross, in opposing the treaty.

JOSHUA HOLDEN.

Signed in presence of

BENJ. F. CURREY,

Sup't Cherokee Removals.

A true copy :

DYER CASTOR.

No. 11.

FEBRUARY 15, 1836.

Agreeable to your request, I give you the information, as well as I recollect.

I know that I saw a man at Cass superior court, held on the third Monday in September, 1835, whom I saw afterwards at Red Clay council, and there learned that his name was John Howard Payne. Some said he was from New York, and others said he was from England. I think he staid in Cassville near one week at court, during which time I saw him in no employment. At Red Clay he was in the company of John Ross, on whom I had occasion to call on some business, and found Mr. Payne in the private room of John Ross; and at the same time said Payne was reading something in the shape of a memorial, and observed that he, John Ross, would do well to send off some Cherokee boys to learn to set type, in their own tongue, which they could learn, he thought, in three months; to which John Ross replied they had several in the nation.

As for Mr. McConnell, I never saw the man till I saw him at Red Clay council in October last, and recollect that he was there accused, by almost all, of interfering to prevent the treaty. Of these facts I know nothing only common report at the council.

And further, that I know that the Cherokees of intelligence excite much interest on the subject of the presidential election; that a large portion of them that interfere with their national politics are looking to the election of Judge White with much interest. Further, that respectable interpreters for the Government informed me that some of the old Indians about the time of their return from October council were boasting that the difficulties were all settled and the country regained. And further, that they (the Indians) would take possession of their houses, (meaning the white men.)

Also that there were about from six to eight hundred Cherokees at the stand when they passed upon the resolutions of October council last.

GEORGE W. UNDERWOOD.

Mr. BENJ. F. CURREY.

A true copy :

DYER CASTOR.

No. 12.

MURRAY COUNTY, GEORGIA,
February 10, 1836.

This is to testify, I was at the late council held at Red Clay, in October last, and that a Mr. Samuel McConnell attended the said council, and it was a common expression amongst the Cherokees that Mr. McConnell was their friend, and that he was opposed to making a treaty with Mr. Schermerhorn at that place. This is the same Mr. McConnell, who instigated the arrest of Mr. Brown, one of the surveyors, while surveying the Cherokee lands in the State of Georgia, and forced him before the courts of Tennessee. It was a common remark at this council, with the Cherokees opposed to a treaty, that they would not enter into negotiations then; that if Judge White was made President, that he would get their country back for them. There was also a certain John Howard Payne, who attended the same council, and who was seen frequently in secret conversations with McConnell. Mr. Payne was constantly engaged during the council in advising the Cherokees not to make a treaty with Mr. Schermerhorn, saying he was not authorized to treat with them. This same Mr. Payne was lurking in and, about the council ground for some time before the council commenced, and for a considerable time after it broke up, was seen associating with the leading Cherokees in that vicinity, consulting them in their national matters. Mr. Payne and Mr. McConnell, from their associations with the leading Cherokees, and the great interest which they seemed to take for them, became objects of general suspicion, with all who felt any interest in the final adjustment of our Cherokee difficulties. Some time during the fall of last year, I read a very scurrilous and inflammatory letter in Mr. Longstreet's Journal, printed at Augusta, Georgia, ascribed to a gentleman of New York, then in the Cherokee country, which produced the belief that Mr. Payne was the author, as he stated he was acquainted with Mr. Longstreet, as well as from Payne's known talent for catering and misrepresenting, with Mr. Longstreet's known anxiety to publish slanders against the Union party and the General Government, and induced the belief that he and others of his character had employed Payne to answer their purposes of defamation.

ABSALOM BISHOP.

A true copy:

DYER CASTOR.

 No. 13.

GAINESVILLE, March 7, 1836.

DEAR SIR: In answer to your several inquiries, I have the honor to state to you that, at the Red Clay council, in October last, I was introduced to Mr. John Howard Payne, and the subject of a treaty with the Indians being mentioned, he remarked that there would be no treaty, that the consideration offered by the Government were greatly inadequate to the value of the country as a fair business transaction.

At the time, I feared Mr. Payne was exercising an influence amongst the Cherokees adverse to the views of the Government. And, on mentioning this to Major Hansell, a few days afterwards, he stated to me that he was

satisfied of the fact, and assigned as his reasons for that opinion, that when Mr. Ross's objections to the validity of Mr. Schermerhorn's commission were read in council, Mr. Payne was taking notes of the objections, and stated that Mr. Schermerhorn was not clothed with any authority to conclude a treaty, or words to that import, when Major Hansell stated he rebuked him, and stated to him he had better meddle less with matters he appeared to know nothing about; that this matter had undergone judicial investigation, and that such authority as Mr. Schermerhorn held had been decided to be sufficient and proper. Mr. Payne appeared to be much among the chiefs, and the general opinion was that he was opposed to any treaty being concluded at that time. I heard suspicions freely circulated against him, as using an influence adverse to the operations of the commissioners; and many thought he ought to be arrested for a violation of the intercourse laws, in endeavoring to prevent a treaty. When I arrived at the council ground, it was stated that Lewis Ross had gone to Knoxville, and that John Ross was heard to inquire, with much apparent solicitude, if any person could tell him where his brother Lewis had gone. Several persons present stated that John Ross well knew where Lewis Ross had gone, and that the inquiry was made for effect merely. After Lewis Ross returned, there was a rumor afloat that he had been to Knoxville to consult Judge White, and that no treaty would be made until after the Presidential election. This rumor was mostly from the Indians friendly to a treaty.

In regard to Mr. Samuel McConnell, I was advised, shortly after I arrived, to be cautious of him, and, in consequence, had but little conversation with him; he stated, however, to me, that he had claims against the Government, for reservations, and which he wished provided for in any treaty that might be made; he frequently mentioned that he had much influence with the Cherokees, which he would use in the event of his claims being provided for. This he mentioned at Washington city last winter, as well as at the October council. I have not a copy of your letter alluded to, and which was published in the Federal Union, in December last; but remember to have read it in the papers at the time, and considered there was nothing therein stated which was not warranted by the facts within my knowledge, or the general rumors afloat at the council; and the opinions expressed by very many persons who were there.

Respectfully, yours,

WM. H. UNDERWOOD.

Major B. F. CURREY.

P. S.—I have omitted to state one fact in regard to Mr. Paine: there was strong suspicion expressed by some that he was an abolitionist.

W. H. U.

No. 14.

CHEROKEE NATION, TENNESSEE BORDER,
Sunday, October 11, 1825.

Sir: I am no politician. Of this you are aware. I generally avoid, if possible, even thinking upon what are called political questions. Their discussion is apt forthwith to become personal, and, instead of eliciting

truth, to produce brawls. But there are points of policy upon which we are sometimes forced to think; and when we are called upon to detest the Mussulman for his tyranny over the Greek, and to pity the exile from what once was Poland, we are at a loss to believe that there are scenes passing in our free country at this very moment, to which both the Turk and the Russian might triumphantly appeal, for a sanction to the despotism at which all have shuddered. Shall I tell you what they are?

In travelling through Georgia I, of course, heard frequent mention of the Cherokees; but I took little heed of what I heard. I considered the Cherokees, as they had been represented, as but the miserable remnant of a broken race, given up to all sorts of degradation; and I thought the sooner they could be transported beyond the bounds of civilization, the better for the world. Accident, however, brought me to some very different views of the question. I inquired more thoroughly. I determined to judge them with my own eyes. I purchased a horse, traversed the forests alone, and went among them.

Still I was perplexed; I was desirous of seeing the headmen of the nation; I was particularly desirous of seeing John Ross. Some Georgian told me I ought not to see him; that he was a selfish, and a sordid, a silent man, in whom I should take no interest, from whom I should obtain no information. At one moment I had turned aside from my purpose, and was proceeding homeward. But I felt as if my errand would be a fruitless one if I went away. So little instructed, I changed my course and travelled the wilderness for three days to the abode of Mr. Ross.

I found Mr. Ross a different man, in every respect, from what I had heard him represented to be. His person is of the middle size, rather under than over; his age is about five and forty; he is mild, intelligent, and entirely unaffected. I told him my object. He received me with cordiality. He said he regretted that he had only a log cabin of but one room to invite me to, but he would make no apologies. If I could put up with rough fare he should be glad if I would stay with him. From a visiter, I afterwards learned how the principal chief of so many thousands happened to live in such discomfort. The story contains the story at this moment of the whole nation. Last winter he was delegated with others to Washington, in order to attempt a treaty upon available terms—such terms as his people would accept. He could not obtain such. It was evening when he had arrived, on his returning way, within twenty miles of the dwelling he had left, when a beautiful abode at the head of Coosa, upon a rising ground, overlooking a luxuriant plain below, and rivers running through it, and in the distance a noble mountain. A friend desired him to remain all night. No; he was approaching home after a long absence; he was impatient to see his family. He hurried on. In the dead of night he aroused the house; strange voices answered him. His family had just been turned from the spot where his children had been cradled, and it was occupied by a Georgian. The land had been drawn in the Georgia lottery; and though not claimable until the Indians should be removed by treaty, was seized in his absence to petition Congress for his country—seized under the delusion of that wayward and selfish policy which has led Georgia to defy the General Government, and all its solemn pledges to protect the Indians and vindicate its honor, in not swerving from its treaties. It was this hard conduct which had driven the principal chief to one of the humblest dwellings in his nation. But he

made no complaint, even after I had grown familiar with him. I learned this wrong from other lips.

Some of your readers may have glanced, but lightly as I had, at the real position of the Cherokee case. Though so often and so eloquently stated, I will recapitulate it in brief: Disputes between the General Government and Georgia were, a long time ago, compromised by an arrangement for certain advantages to Georgia, in return for advantages given by her to the General Government; and, as a part of the compensation from the Government, Georgia was to receive the Cherokee lands, as soon as the Indian title could be peaceably extinguished, and upon reasonable terms. But the Cherokees are proverbial, and have been so for ages, for a peculiar devotedness to their native soil.

The Cherokees, in their disposition and manners, are grave and steady; dignified and circumspect in their deportment; rather slow and reserved in conversation, yet frank, cheerful, and humane; "tenacious of the liberties and natural rights of man; secret, deliberate, and determined in their councils; honest, just, and liberal, and ready always to sacrifice every pleasure and gratification, even their blood and life itself, to defend their territory and maintain their rights."—*Barham's Travels*. 1791, London edition, p. 483.

"It may be remarked, that the Cherokees differ, in some respects, from other Indian nations that have wandered from place to place, and fixed their habitations in separate districts. From time immemorial they have had possession of the same territory, which at present they occupy. They affirm that their forefathers sprung from that ground, or descended from the clouds upon those hills. These lands of their ancestors they value above all things in the world; they venerate the places where their bones lie interred, and esteem it disgraceful, in the highest degree, to relinquish these sacred repositories. The man that would refuse to take the field in defence of these hereditary possessions, is regarded by them as a coward, and treated as an outcast from their nation."—*Historical account of the rise and progress of the colonies of South Carolina and Georgia*, vol. 2, 201. London, 1777.

This was known to the Georgians. This has been felt by the General Government in the extreme difficulty which it has experienced in the attempt to persuade the Cherokees to part with their lands. Millions after millions of acres were reluctantly wrung from them, until at length they came to a pause: "We have not lands enough," exclaimed they, "for ourselves; we part with no more land." A Creek chief endeavored to tamper with their councils, and offered a bribe, from the United States, of many thousand dollars to their principal men, if they would countenance the sale of the country to our Government; but their principal men repelled the bribe, and drove the Creek from their territory with scorn. Threats, and gold, and persecution, and sufferings unprecedented, have been equally incapable of overpowering their sacred love for the wild wood of their birth, and the resting place of their ancestors. Other Indians have been lured away, but the Cherokee remains inflexible. And when the Georgian asks, "shall savages infest our borders thus?" the Cherokee answers him, "do we not read; have we not schools, churches, manufactures; have we not laws, letters, a constitution; and do you call us savages?" The Georgian can only reply by pointing to a troop of border cavalry,

whose appearance reminds one of banditti more than of soldiers, and exclaiming "dare prate to us, and these men's muskets shall be our spokesmen."

And true enough it is that they are not savages. Never has a tribe of the aborigines made such advances in civilization. They have even produced from among themselves an alphabet and letters of a fashion entirely original, and they have books among them printed with their own letters in their own language, and with this alphabet they daily communicate from one end of the nation to the other; they clothe themselves in stuffs of their own manufacture; they have made roads, bridges, established a seat of government. But Georgia has hated them the more, because of their civilization; she has made it treason for them to keep up their courts and councils and laws; she has broken down their turnpikes and bridges, and denies them the right of appearing to testify in her courts against any insult or injury they may receive. They have consequently removed their seat of internal government beyond her borders to the corner of another State, and the decrees issued thence are obeyed with reverence even by the offender, who knows if he were to resist, he would be upheld by the stronger power, to which he never will appeal, because he regards it as the irreconcilable foe of his country.

This state of things has convinced all parties of the necessity for a settlement of the question, by the removal of the Cherokees from the neighborhood of those whose interest will not let them understand the Cherokee rights. The Cherokees, themselves, at length acknowledge that it is better for them to remove. "But let us not remove," say they, "till we can be sure of a kindlier dwelling place. The Government of America has given us no reason to confide in its power to protect us. It acknowledges that it cannot protect us against Georgia, and, therefore, we must remove, for if we do not, we must perish. If we do remove, then let us remove not only from the country where we are wronged, but from the Government where we cannot get our rights." The United States, on the other hand, wish the Cherokees to go to a country of *their* selection; they wish the Cherokees to sell their own country, (in which the United States are solemnly pledged to protect them, until they choose to select,) upon such terms as the United States think fit to offer. "Take our price for your land," says Gen. Jackson, "and I will not insist on governing you; buy another country with it." "We cannot buy another country, and be indemnified for our own with what you offer," says the Cherokee; "give us our price, and you may have our land; if we must go; but we do not wish to go; no money can pay us for our homes." "You ask too much," answers General Jackson; "you cannot have your price." "Then let us remain," replies the Cherokee; "keep your money, and give us your protection; take all the rest of the land we have, and leave us such portions as are connected, and incorporate us in counties with the States on which these poor fragments, which we ask to retain for ourselves, border, and let us belong to your nation, and send our representatives, like other counties, to Congress; and satisfy Georgia as you may for her disappointment, from the impossibility you find of purchasing all our land from us, on such terms as we can sell it for. Georgia has no fathers, mothers, children, buried in the land. She has never seen it. She has no nation to establish. She would rather have money than the land. You cannot give her the land. Give her the money." To this, General Jackson answers with a peremptory "No."

What is the next step taken? The agents of Government tamper sepa-

rately with the Indians. They get together a few unauthorized Cherokees; make up a scheme of a treaty upon their own terms, and endeavor to inveigle the men who possess the entire confidence of the nation: First, they withhold the annuity to the nation on frivolous pretexts, thus taking away their only resource for defence in the courts of law, and for remonstrance in the Houses of Congress. A party is attempted to be conjured up in the nation, by the acts of Government agents; and twice attempts have been made to parade that little and reluctantly gathering party, and on both occasions the people, the great body of the people, have looked them down; on the last, especially, not three months since, when they poured their thousands upon a plain, upon which the agents of Government, with all the magic of their promises and their patronage, could bring against them scarcely more than a miserable hundred.

The immediate position of the nation is this: The Government treaty has been exhibited to the Cherokees, and rejected. It has been attempted to shake their confidence in their principal chief, but in vain. The council established a newspaper, and the Government agents have seized their press, avowedly for the purpose of changing it to a Government vehicle, for swaying the people to such a treaty as General Jackson longs for. Here is at once an acknowledgement how base is the pretence, that the Cherokees ought to be dealt with as a savage tribe! Were they truly looked upon as savages, would any importance be attached to their press? Were they not known to be much advanced in civilization, would the agents of the Administration have entered upon the perilous extravagance of seizing an instrument, over which they had no legal power, for selfish and for corrupting purposes? But the Jackson myrmidons *have* the press; and possession in law is like power in politics—it takes the place of reason and of right. Then let us leave our Government the Cherokee national paper, however disreputably obtained, and proceed to the next point. Having juggled the written power into their hands, the agents are now seeking the oral power; they are wandering about with interpreters to talk up their cause; “you may speak, if you like,” say the Indians, “but must we listen.” “Let us speak,” is the reply; and the commissioner rises, and the people walk away, and leave him to listen himself. The next measure is force; arrests are made upon the most absurd pretexts; influential Indians are seized by the Georgia Guard, and detained, and then set free, no reason being assigned either for the capture or for the release. Some laugh and defy their fate; some are driven to despair, for the arrest is so often made a punishment, that an innocent Indian, a few days ago, actually hung himself in the guard house, to escape the torture apprehended from the Guard. But all the Indian hater’s hate is concentrated against the inflexible chief of the Cherokees, John Ross. Intimidation has been attempted against him to no purpose; so has seduction. He has resisted bribery in every instance, even in one amounting to fifty thousand dollars; rather than enrich himself by his country’s ruin, he will remain poor, but honest. The agents insult him; still he goes on. The Georgia Guard watches for a pretext to make him prisoner, but the pretext is not to be found, and in some cases, where they would not be deterred by the fear of wrong, they are understood to have been held back through the fear of the people. It is rumored, however, that some attempt of the sort is, even at this moment, in contemplation.

Even the President himself has now and then lost his temper because he

cannot shake Mr. Ross, and has called the impoverished and discreet and conscientious patriot of the wilderness "*wicked and selfish*," and has sworn, if he does not forego his policy, and do as Andrew Jackson bids him, that Andrew Jackson will never listen to the Cherokees, but will drive them up to ruin. With internal dissensions attempted to be fomented by the agents of Government, and with incessant external attacks from Georgia, and not only undefended by their legitimate protector the United States, but threatened by the Chief Magistrate of those States, the Cherokee nation now stand alone, moneyless, helpless, and almost hopeless; yet without a dream of yielding. With these clouds around them, in their little corner of Tennessee, to which they have been driven from Georgia for shelter, their national council holds its regular annual convention to-morrow. I cannot imagine a spectacle of more moral grandeur than the assembly of such a people, under such circumstances. This morning offered the foretaste of what the next week is to present. The woods echoed with the trampling of many feet: a long and orderly procession emerged from among the trees, the gorgeous autumnal tints of whose departing foliage seemed in sad harmony with the noble spirit now beaming in this departing race. Most of the train was on foot. There were a few aged men, and some few women, on horseback. The train halted at the humble gate of the principal chief: he stood ready to receive them. Everything was noiseless. The party, entering, loosened the blankets which were loosely rolled and flung over their backs, and hung them, with their tin cups and other paraphernalia attached, upon the fence. The chief approached them. They formed diagonally in two lines, and each, in silence, drew near to give his hand. Their dress was neat and picturesque: all wore turbans, except four or five with hats; many of them, tunics with sashes; many, long robes, and nearly all some drapery: so that they had the oriental air of the old scripture pictures of patriarchal processions. The salutation over, the old men remained near the chief, and the rest withdrew to various parts of the enclosure; some sitting Turk fashion against the trees, others upon logs, and others upon the fences, but with the eyes of all fixed upon their chief. They had walked sixty miles since yesterday, and had encamped last night in the woods. They sought their way to the council ground. It was explained to them. At one moment I observed a sensation among them, and all arose and circled around their chief. Presently an old man spoke above the rest; each one went for his pack, and all resumed their way. There was a something in the scene which would have subdued a sterner spirit than mine. All who gazed stood rooted to the spot with involuntary awe. "Oh!" cried an old negro woman, wringing her hands, and her eyes streaming with tears, "Oh, the poor Cherokees, the poor Cherokees; my heart breaks and will not let me look on them." Parties varying from thirty to fifty have been passing the main road, which is somewhat distant from the residence of Mr. Ross, all day. All seem to contemplate the approaching meeting as one of vital import. I myself, though a stranger, partake in the general excitement. The first movements, which will probably be the most important, I will communicate to you: perhaps I may find leisure to do more; for I wish our countrymen to understand this subject. It becomes us as Americans, devoted to our country's glory, not to slumber over the wrongs of a nation within our power. This people does not approach us denouncing vengeance; they do not, like the ferocious spirits we would represent them, avoid linger-

ing extermination as exiles in the desert, by springing up in a mass, and inscribing themselves with a terrible lesson of blood among the illustrious martyrs to insulted liberty; but, in the patient and the meek spirit of christians, they come again, and again, and again, and again, imploring humanity, imploring justice, imploring that we will be honest to ourselves. Americans, turn not away from such a spectacle; be not deaf to such a prayer.

(No signature.)

A true copy :
DYER CASTOR.

No. 15.

Copy of a letter from the superintendent to the editor of Miner's Recorder.

When at Dahlonega a few days ago, it was asserted, on the authority of ****, that Colonel Wm. N. Bishop had been concerned in hanging an Indian at head quarters, which induced me, as agent for the Cherokees, to inquire into the facts.

Lowny, or Robbin, and the Howling Wolf, had been arrested by the guard; one charged with the murder of a white man; the other for stabbing one of his own people for giving his consent to a treaty.

While under guard, an old white man, by the name of Trigg, was arrested and put in the same room with the Indians. Trigg had lived many years among the Indians before the extension of the State laws, and spoke the Indian tongue indifferently. At dark, Trigg told the Indians who were confined, the guard would kill them, and intended, in the morning, to shoot them through the cracks of the house. As the night advanced, Trigg having been discharged in the mean time, Lowny, or Robbin, persuaded the Howling Wolf they had better hang themselves. He declined doing so, but informs me his fellow prisoner carried his purpose into effect by using a small cord which was loosely bound around his arms, and this he was induced to do from what Trigg told him. The surviving prisoner informs me he was induced, from the same source, to resist the entrance of the guard into the room when they discovered Lowny was hanging himself; believing, from Trigg's statement, the guard intended to kill him.

A coroner's inquest was held over the dead body of Lowny, and the jury, composed of some of Col. Bishop's bitterest political opponents, gave a verdict that the said Robbin, or Lowny, then and there, in manner and form aforesaid, as a felon, of himself, feloniously, voluntarily, and of his malice aforethought, himself killed, strangled, and murdered, against the peace and dignity of the State.

J. D. Traynor,
Foreman.

James Donohoo,
Thos. J. Harper,
Eli Boldan,
J. Tedford,
Jno. McCracken,
Burton McGhee,

Wm. M. Ganby,
K. D. Haynes,
Henry Hickey,
John Brown,
L. W. Runyon,
Jurors.

The foregoing facts are given to satisfy inquiries which necessarily grow out of a transaction involving the life of even the most humble individual.

Very respectfully,

Your most obedient servant,

BEN. F. CURREY,
Special Agent.

A true copy :
DYER CASTOR.

A.

COWANSVILLE, MEIGS CO., TENNESSEE,
March 17, 1836.

SIR: In answer to your questions, I would observe that, some years ago, I was under a power of attorney from John Spears, a Cherokee, attending to a law suit instituted for the recovery of a reservation entered for by him under the treaty of 1817. When attending to this case, Judge White had an agency from the State, the objects of which appeared to be the defeat of Indian reservations, and to make these lands subject to entry on sale, by the State of Tennessee. While I was attending to this case, Samuel McConnell had a suit, or suits, for reservations.

Judge White, while conducting these suits on behalf of the State, often spoke of white persons interested in, or for these reservations, as white men in Indian skins. His denunciations were heavy, and understood to be intended not only for McConnell and all others interested for themselves in the right of the Indians, but for the Indians, by a regular power of attorney.

There was at that period a champerty act in force, which made the parties against the State very cautious so as not to commit themselves.

Very respectfully, yours,

JAMES COWEN.

To B. F. CURREY.

A true copy :
DYER CASTOR.

No. 16.

STATE OF TENNESSEE McMINN Co.,
February 29, 1836.

SIR: In answer to your several questions, I would observe that, some time in the month of June or July, 1833, Samuel McConnell came to my house and informed me, rather, as I understood it, confidentially, that he

had received an appointment from the Government to visit the leading men of the Cherokee country, and ascertain their views and wishes on the subject of a treaty, and asked my advice how he should proceed, which was given. He then informed me he was instructed to spend some days at each of their houses. In passing around, said he would first visit McNair; then Bell; then Ridge; then Ross; then David Vann, and afterwards he would pass through Wills Valley, &c. He, during this conversation, informed me he was corresponding with Judge White on this and other subjects connected with Cherokee affairs. In relation to the danger that Mr. McConnell's life may be in from the publication of this fact, I would observe, the nature of his employment appeared to be known in this neighborhood, and the opinion among those who know him and are acquainted with Indian character, is, that he has no reason to apprehend danger from them. On the subject of his alleged claims, I am not certain that I ever heard him speak. But, on his return last spring from Washington city, some of his friends informed me he expected, under a treaty, to get an allowance for Miller's reservation, for which he has unsuccessfully contended in the courts of Tennessee, and that he calculated on obtaining fifty dollars an acre from the Government for the same.

When at the last October council, and Mr. McConnell was about leaving there, he took me out from the ground a considerable distance, and when I had declined going any farther, he requested me to say to James Brown, (one of the party,) that he, McConnell, had to attend Athens court during the next week, but if the Indians were likely to do anything, he wanted Brown to send for him, and he would assist him, if he desired it. When I informed Brown of this, he made light of McConnell.

Of the foregoing I informed you at various times heretofore.

I am intermarried with the Cherokees, and have an extensive train of relations intermixed with that tribe.

Very respectfully,

Your most obedient servant,

CALEB STARR.

To BENJ. F. CURREY,

Superintendent Cherokee removals.

A true copy:

DYER CASTOR.

No. 17.

MURRAY COUNTY, GEORGIA,

February 22, 1836.

In answer to your inquiry, whether I have resided near Samuel McConnell, Esq., within the last few years; and whether I knew of his having a secret agency among the Cherokees; and, if so, whether that was the general understanding in the neighborhood of his residence, among whites as well as Indians; also, whether I believe, from what I have heard and seen of him, that he is in favor of Indian removals by treaty or otherwise: I lived within a few miles of Mr. McConnell until lately, and it appeared to be generally known among his neighbors, both red and white, that he was

intrusted with a secret and confidential agency. From his associations, so far as I have any knowledge, and I have seen no little of him, he has never been regarded as an advocate of Indian removals, by treaty or otherwise, unless his own fortunes could be greatly enhanced by the arrangement.

A. B. WEIR.

Witness :

WM. ANDERSON, of
Blount county, Tennessee.

A true copy :

DYER CASTOR.

No. 18.

CASSVILLE, February 16, 1836

In a conversation that took place not long since, between John T. Adair, a Cherokee Indian, living in the county of Cass, and myself, (he was speaking of Judge White, of Tennessee,) he remarked that he had been heretofore opposed to him, (Judge White,) but he had made some explanations with regard to his course upon the Indian question, and that he was now in favor of him, as he considered him a friend to the Cherokees at this time.

JAMES McSPEDLOCK,

CASSVILLE, GEORGIA, February 16, 1836.

SIR: In answer to your inquiry, I would remark, that I formerly lived in Tennessee, near the Indian settlements; while I resided there, it was generally talked of that Samuel McConnell had been appointed a secret agent for the Government to regulate Indian matters, and it was often named as a matter of surprise, that while undertaking to act in that character, he should be so forgetful of his duty as to publish the circumstance of his employment.

I. ANDERSON.

Test: BENJ. F. CURREY.

A true copy :

DYER CASTOR.

GEORGIA, }
Cass county. }

I certify that Isaac Anderson, whose name appears to the within statement, has been a resident of Cass county for the last two years, as an inn-keeper, and is considered a gentleman of high respectability, and a man of truth.

Given under my hand, this 16th day of February, 1836.

CHESTER HAWKS,
Clerk Sup. Court, Cass county.

No. 19.

ATHENS, March 25, 1836.

Being called on by Major Benjamin F. Currey to state officially the number of suits that Samuel McConnell has been concerned in, in this county, about reservations, either directly or indirectly, do make the following statement :

Hilderbrand vs. Samuel McConnell.—In this case McConnell was contending against the reservees.

John McGhee vs. Samuel McConnell.—In this case McConnell was claiming under the reservees, (Miller's heirs.)

Betsy Walker vs. Samuel McConnell.—In this case Betsy Walker claiming as a reservee, and Samuel McConnell claiming under the reservee of Miller's heirs.

The foregoing are all the suits that Samuel McConnell was concerned in about reservations in the county of McMinn, and State of Tennessee, to my knowledge, or that appear of record in the circuit court of McMinn county.

SAMUEL WORKMAN,
Deputy Clerk of the Circuit Court
For the County of McMinn.

STATE OF TENNESSEE, }
McMinn county.

Being called on by Major Benjamin F. Currey, to state who was the prosecutor in the cause of the State, against Anderson Springston and James Foreman, charged in the bill of indictment with having murdered John Walker, jr., in answer, I state that Benjamin F. Currey is marked on the bill of the indictment, prosecutor.

SAMUEL WORKMAN,
Deputy Clerk of the Circuit Court
For McMinn county, Tennessee.

ATHENS, March 24, 1836.

Also being called on to state who issued the warrant against Brown, the surveyor, appointed by the State of Georgia to survey in the (Indian country) Cherokee nation, in the attempt to enforce the intercourse law against him for surveying in the Indian country, in answer, I say, I do know, of my own knowledge, that Samuel McConnell, Esq., of McMinn county, issued the warrant.

SAMUEL WORKMAN.

A true copy :
DYER CASTOR.

No. 20.

CHEROKEE AGENCY,
September 10, 1833.

SIR: I allowed you to take an office copy of a letter from Jno. Robb, esquire, acting Secretary of War, to myself, under date of June 22, 1833. I have,

since that period, seen almost an exact copy of said letter in the *Cherokee Phoenix*. On comparing this letter as published with the uncorrected copy in your office, I find them to be identically the same. Will you be so good as to inform me whether or not you have furnished a copy of said copy to any one, and, if so, to whom, or in what manner, it could have been obtained from your office?

Respectfully,
BENJ. F. CURREY

ANSWER.

"I have never furnished any person with a copy of the above instructions, but permitted Dr. Rolls to take a copy of the terms of enrolment, and pointed my finger to the place in my book to begin. I did not examine the copy he took, but suppose, from what I have seen in the *Phoenix*; that he copied the whole letter; whether correctly or not, I know not. He stated to me that several of his friends had asked him what were the terms of enrolment, and that he wanted to show it to a few of them.

H. MONTGOMERY."

The Methodist preacher Rolls, who was supposed to have had Mr. Roll's letter to my address of the 22d June published, called at the agency to-day: he admits the truth of Colonel Montgomery's within answer; but says he never suffered the copy which he took to pass out of his hands, except on one occasion, and that was at McNair's, in the nation, where he supposed the copy of his copy must have been taken. The editor of the *Phoenix* does not give the name of the person who furnished him this copy of my secret instructions, as he is pleased to term them.

It may not be amiss, however, to state that about this time one Samuel McConnell, of McMinn county, Tennessee, was at McNair's, and, from accounts, professing to be secretly sent by the Government to ascertain the views and intentions of the leading men of the nation, (McNair's is one of the influential families of the nation,) and that he got the copy from them. The editor of the *Phoenix* says it was furnished by one employed by the Government. I am constrained to believe, therefore, it was handed to the editor by said McConnell, with whom I have had no conversation as yet. Let McConnell's views and intentions be what they may, he has not been considered a man in whom confidence could be reposed with safety.

Although he has loitered about among the Indians for many years, even they have no confidence in him. He has, since I entered the service, repeatedly applied to me for employment, directly and indirectly, and has, on account of his known character, as often been put off. Where such worthless fellows as him are found travelling through that part of the country not yet subjected to the State laws, representing themselves to be in the confidence of the Government, I would suppose the paddle to be the proper remedy.

I have the honor to be,
Most respectfully,
Your very obedient servant,
BENJAMIN F. CURREY.

Colonel H. MONTGOMERY,
Indian Agent.

No. 21.

McMINN COUNTY, }
 State of Tennessee. }

Personally came before me, Benjamin F. Currey, superintendent Cherokee removals, James McNair, of the Cherokee tribe, and on oath deposeth and sayeth: That, some time during the survey of the Cherokee part of Georgia by the authority of that State, Samuel McConnell, esquire, of McMinn county, visited the residence of John Ross, within the limits of the State of Georgia, at the head of Coosa: that, shortly after said visit, John Ross issued a warrant, directed to affiant, for the arrest of any surveyor or surveyors in the nearest district to the Tennessee line, and deliver them over to the authorities of Tennessee, for the purpose of having him or them tried under the intercourse laws: that affiant declined acting; but as said warrant was directed to others, among whom his brother Nicholas was named, he undertook to execute the same, and accordingly summoned a guard and arrested Mr. Brown, the surveyor of the 10th district, who was carried across the Hiwassee river, where a warrant had been issued by Samuel McConnell, and put into the hands of ——— Shamblin, a constable for the county of McMinn, returnable to a magistrate for said county: and further this deponent sayeth not.

JAMES McNAIR.

Subscribed and sworn to before me, this 23d February, 1836.

BENJ. F. CURREY,

Superintendent Cherokee Removals.

A true copy:

DYER CASTOR.

 No. 22.

STATE OF TENNESSEE, }
 McMinn county. }

Personally appeared before me, Benjamin F. Currey, superintendent Cherokee removals, James Pettit, and being sworn deposeth and sayeth: That, some time in the year of 1832, shortly after the arrest of Mr. Brown, the Georgia surveyor, Samuel McConnell, in a conversation with affiant, intimated, in terms so strong as to leave no doubt on affiant's mind, that he had advised John Ross to have some of the surveyors arrested; and, also, that he had urged it upon Nicholas McNair to make the arrest and become prosecutor before the courts of Tennessee, by which means he, McNair, would reap the advantage of one half the fine assessed under the intercourse laws. Affiant has also heard McConnell censure in strong terms the policy pursued by the officers of Government engaged in Cherokee removals. Affiant is an inn-keeper, and has been for several years in the Cherokee nation. And further this deponent sayeth not.

JAMES PETTIT.

Sworn and subscribed to before me, this 24th February, 1836.

BENJ. F. CURREY,

Superintendent Cherokee Removals.

A true copy:

DYER CASTOR.

No. 23.

WASHINGTON, D. C.

March 14, 1836.

DEAR SIR: I have read, as requested, your letter of December 1, 1835, as published in the Federal Union, and which the honorable H. L. White has introduced to the notice of the United States Senate. That part which relates to what passed between Mr. John Ridge and McConnell was communicated to me by Mr. Ridge. I do not now recollect the precise words used by Mr. Ridge when he gave me the information; but the impression is very distinct on my mind that McConnell had endeavored to shake his confidence in us, and therefore proposed to him that they should go and meet Governor Carroll before we could see him. From all I could learn of the course pursued by McConnell in reference to a treaty with the Cherokees, he has been playing a double game, in order to secure, at all events, his claims to some Indian reservations, which I understood he had purchased. That he was, in reality, adverse to a treaty at Red Clay, because he found he could not get his purposes answered, no one can doubt, who was acquainted with the course pursued by him at that time.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN

Major B. F. CURREY,
Agent, &c., of Cherokees east.

A true copy:
DYER CASTOR.

No. 24.

WASHINGTON CITY,

April 11, 1836.

SIR: In answer to your inquiry, I would observe to you that during the October council at Red Clay, in 1835, Samuel McConnell and myself were sitting on a log near Williams's: he urged me to *join* Mr. John Ross, and unless I would do this, I would deprive myself of the money which would be due to me when John Ross made a treaty; and more than that, if I *followed* Schermerhorn and Currey, I had nothing to expect from them, and would be *ruined*: but if I would *join* Ross I would secure my future prosperity and happiness. I objected: I would *follow* no man, but act for myself. At this *moment* some person *came* up, and he said no more on the subject.

On the next day Thomas Bigley asked me the news of the day. I *told* him, in the *presence* of Mr. McConnell, the time had come when the Cherokees could be relieved from their distressed condition by a treaty; for Mr. Schermerhorn had *offered* the Cherokees a good treaty.

And Mr. McConnell then made this *reply*: John Ross is *too smart* a man for Messrs. Schermerhorn and Currey to make a treaty with them; and by this time to morrow you will lose one of your best friends, (meaning John Ridge,) and therefore you had better *join* John Ross and your

father, and you will do the best thing you ever done in your life. To this I told him I never would join any man which I had no confidence in. He then said no more on the subject, as he was well convinced I had no thought to forsake my course.

From your most obedient servant,
J. A. FOREMAN.

A true copy :
DYER CASTOR.

No. 25.

I do hereby certify, that I was at Knoxville, Tennessee, shortly after the release of John Howard Payne, whom I had seen at the October council, apparently as an adviser of John Ross. I was at Spring Place, when he was brought there by the Georgia guard; was there during his confinement and at the time of his release; and know he was kindly treated by the guard as well as the citizens. While at Knoxville, I was conducted to a room in which Mr. Payne, and several of Judge White's friends were. Mr. Payne held in his hand a paper which he said contained a statement written by himself. He observed to the gentlemen present, here is a gentleman who is not a citizen of Georgia, and he will bear testimony of all that I have stated. I had read his communication on the subject of his arrest, as well as his appeal to the American people in behalf of the Cherokees, and replied there were some things stated there which I could not certify to, knowing them to be untrue, and left the room. I saw Mr. Payne, two or three hours afterwards, in a vehicle leaving the town, after he had declined to partake of the public dinner tendered him by the citizens, and as I was informed at Mr. Boyd's tavern, having visited Judge White at his residence.

STEPHEN PAXSON.

Test :
JOHN S. BEALL.
A true copy :
DYER CASTOR.

CLERK'S OFFICE, MURRAY SUPERIOR COURT,
Georgia.

I certify that Stephen Paxson, the person who gave the within certificate, is an acting justice of the inferior court of our county, and that he has the confidence of the citizens in this county generally, almost unanimously. I am personally acquainted with him, and am ready to state that he is entitled to full credit, and that he is a respectable citizen.

Given under my hand at office, this 10th day of March, 1836.

[SEAL.]

WILLIAM N. BISHOP,
Clerk Superior Court, Murray County, Ga.

No. 26.

HUNTINGTON, MACON COUNTY, N. C.,
 March 3, 1836.

SIR: In answer to your inquiry, I have to reply, that I arrived at Red Clay during the annual council of the Cherokees, held at that place in October last, at the commencement of the second week of its session, and remained there during its continuance. If my recollection serves me correctly, Mr. Lewis Ross, one of the council, was then absent, and on inquiry, from report, I was informed that he had not returned from Knoxville, where he had gone to visit Judge White, of Tennessee, to procure council and advice, or to have conference with him, on the subject of the interests and welfare of the Cherokee people, as a confidential friend, &c. &c. Rumor was for some days after his return busy with the supposed subject of his visit, and its results, and alleged that Judge White was unfriendly to the successful results of the negotiations then pending between the United States commissioners and the council. As regards Mr. John H. Payne, I can only reply from rumor and casual observation: it was said he was there to procure materials to compile a history of the Cherokee people. Rumor represented him as an active partisan in opposition to the negotiations then pending between the United States commissioners and the authorities of the Cherokee nation, and that his feelings were other than friendly to the views of the commissioners of the United States.

Fires were regularly kept burning each night to a late hour, and I duly attended for the purpose of protecting the deliberations of the commissioners, from interruption by eaves droppers, &c. &c., which were said to be in regular attendance.

Very respectfully,
 A. R. S. HUNTER.

To Major B. F. CURREY.

A true copy:

DYER CASTOR.

No. 27.

WASHINGTON, March 22, 1836.

DEAR SIR: In answer to your letter bearing date March 21st, 1836, which has just come to hand, I can say that in the cause *the State vs. Foreman and Springston*, on a charge of murder, there was a plea to the jurisdiction of the court filed by the defendants, (the offence having been committed within the limits of the Cherokee nation of Indians,) to which plea there was a demurrer filed by the State; that the circuit court overruled the demurrer, and sustained the plea; from which judgment of the circuit court, the State, by her attorney general, prayed and obtained an appeal to the supreme court of the State of Tennessee. The supreme court reversed the judgment of the circuit court, and sustained the demurrer. From the supreme court of Tennessee, I am informed, and believe, the cause was taken by one of the defendants, or his counsel, to the Supreme Court of the United States, all of which facts are generally known.

As to the fact that you insisted on the cause being taken to the supreme court after the judgment of the court was had, I have no distinct recollection, as I had previously determined to take the cause to the supreme court, (provided the demurrer should not be sustained by the circuit court,) for the purpose of settling the question. I paid little attention to what was said to me on that subject. I recollect that you spoke in favor of the cause going to the supreme court, before the decision of the circuit court was had pending the investigation of the cause, but whether you did or did not say anything afterwards, I have no recollection.

Very respectfully,
SAMUEL FRAZIER.

A true copy :
DYER CASTOR.

No. 28.

KNOXVILLE, August 29, 1834.

DEAR SIR: Upon my recommendation, Mr. David Caldwell was appointed, last spring, a valuer of improvements in the Cherokee nation. I will thank you for some information as to the manner in which he is compensated. Does he receive an annual salary, or is he paid for the time he is actually employed? There are some other agents employed in the same business in the same country. I wish to know how they are compensated. If their compensation is different from that of Mr. Caldwell, I will be thankful if you will inform me the reason of the difference.

I am aware this will occasion you some trouble, but as I am anxious to be in possession of correct information, I know of no other person from whom it can be so easily acquired as from you.

With sincere regard,

I am your obedient servant,
HU. L. WHITE.

BENJAMIN F. CURREY, Esq.

A true copy :
DYER CASTOR.

No. 29.

CHEROKEE AGENCY,
September 12, 1834.

SIR: Yours of the 29th ultimo has just come to hand, and I hasten to give you the information called for. On entering upon this duty, the Secretary of War advised me James M. C. Montgomery and Littleberry Hawkins had been appointed as appraisers. Mr. Hawkins declined accepting, and Major Davis was appointed to fill the place: I was authorized in cases of emergency to make temporary appointments for this service, but no person was to receive pay for the services not rendered, the allowance being a per diem one. The regulations by the Commissary General of Subsistence fixed the pay of the appraising agents at three dollars per day, to cover all expenses, and that of the assistant enrolling agents at four dollars while in actual service. All engaged with me were paid according to the tenor

of the above specified authority. About the 1st December last, however, additional duties were imposed by me on the appraising agents: they were directed to enrol Cherokees, and appraise property also. On representing to the department this fact, and that Messrs. Davis and Montgomery had rendered useful service in the double character of enrolling and appraising agents, it was agreed they should receive, while performing this double duty, the pay allowed to assistant enrolling agents, instead of the allowance made to appraisers. D. Caldwell, Esq., having rendered no service in the character of enrolling agent, was paid for the time employed, at the rate of three dollars per day as appraiser only.

I am placed here to determine when the public interest requires the services of any or all the persons designated, how long they shall continue, and when those services may be dispensed with, and to make requisition on the disbursing agent to pay for the same, according to the time and nature of the service rendered. None of the appraisers are now in service, consequently none are receiving pay. Messrs. Davis and Montgomery have been notified, however, to report themselves to me as early as practicable, in order to receive instructions as to the renewal of their operations. Should D. Caldwell, Esq., be needed, he will also be called, but, like all others engaged, he will only be paid for the time he is actually employed.

It will at all times give me pleasure to communicate to you any information in my power in relation to the service here, as well as the condition of this unfortunately deluded people, if desired.

While I have the honor to be,

Most respectfully,

Your very obedient servant,
BENJAMIN F. CURREY.

Hon. HUGH L. WHITE.

A true copy:

DYER CASTOR.

No. 30.

WASHINGTON, *March 13, 1826.*

The undersigned, Senators and Representatives from the State of Tennessee, present for the appointment of postmaster at Nashville, Mr. Benjamin F. Currey. They are induced to this course from a consideration of his merits, having acted as deputy in that office for several years past, but essentially for the reason that he has been recommended by nearly the entire population of the town of Nashville and its vicinity, whose wishes, whatever our own might be, should be attended to and regarded. But over and above their knowledge and the recommendations respecting him, the undersigned, from their own acquaintance, had by some of them, and information by others, present Mr. Currey, as aptly qualified, and as one who will be entirely and altogether acceptable to the citizens of Nashville and its vicinity.

HU. L. WHITE,
JNO. H. EATON,
J. C. MITCHELL,
JAMES K. POLK,
J. G. ISACKS,

JNO. H. MARABLE,
ADAM R. ALEXANDER,
ROBERT ALLEN,
SAML. HOUSTON,
JOHN BLAIR.

A true copy:

DYER CASTOR.

WASHINGTON CITY, *April 18, 1836.*

The undersigned delegation, representing the Cherokee nation east of the river Mississippi, present their respects to the honorable Secretary of War, and ask to be indulged in calling his attention to their communication of the 24th ultimo, on the subject of Cherokee annuities, and for certain information in relation thereto; also, in requesting his early decision upon the matters therein stated. The Cherokee delegation hope it will suit the convenience of the honorable Secretary to favor them with a reply at an early day.

With assurances of high regard,
They have the honor to be, sir,
Your obedient, humble servants,

JOHN ROSS,
JOHN MARTIN,
R. TAYLOR,
JAMES BROWN,
ELIJAH HICKS,
and in behalf of others.

To the Hon. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, *April 22, 1836.*

SIR: The undersigned, delegates from the Cherokee nation east of the Mississippi, on behalf of their nation, have to trouble the honorable Secretary with a communication on the subject of the Cherokee printing press. After the invention of the Cherokee alphabet by George Gist, a native, it was concluded to establish a printing office and issue a paper, in part in the Cherokee language, for the diffusion of knowledge among them. This was done at New Echota. The paper was established and conducted under the authority of the Cherokee council, and was the property of the nation, though many citizens of the United States contributed to its establishment.

Mr. Elias Boudinot, who solicited donations and subscriptions, was paid by the nation; and when the press went into operation he was the first editor, and for his services in that capacity was paid by the nation. The Cherokee council, held in the spring of 1835, resolved to remove the nation's printing press to Red Clay, and to issue a 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 was appointed editor.

It became the duty of the principal chief to carry this resolution into effect. The press and materials were at New Echota, and he sent a wagon for them. The messenger returned with information that, before he arrived at that place, the whole had been seized by the Georgia guard, under orders from Messrs. Benjamin F. Currey and John F. Schermerhorn. Although the lands of the Cherokees had been, in many instances, taken by citizens of the United States, in violation of treaty stipulations, it was not readily believed the agents of the United States would venture to seize the personal property of the nation, and destroy what little means of informa-

tion the Cherokees possessed. Therefore, on the receipt of the above intelligence, the principal chief addressed a letter of inquiry to Messrs. Currey and Schermerhorn, which is here submitted for the inspection of the Hon. Secretary, marked No. 1. This letter is dated the 22d of August, 1835, and on the 9th of September following, B. F. Currey returned an answer, also here submitted, No. 2, replete with mistatements, said to be founded on representations of Stand Waitie, who 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, without complaint from any quarter. After his term of service, Mr. Richard Fields was appointed, as herein before stated.

On the 24th of October, 1835, an agreement was entered into, signed by Messrs. Boudinot, the brother of Watie, Ridge, and others, here submitted, No. 3, by which it will be seen the Cherokee press is acknowledged to be the property of the nation, and that it ought to be restored to the proper authorities. After this agreement, on the 27th October, 1835, the principal chief addressed a note to Major Currey, demanding the press; which is submitted, No. 4. On the same day an answer was returned, here submitted, No. 5, evading the inquiries made, but promising to give the will and pleasure of Major Currey at some future day. This answer was so unsatisfactory that, on the next day, the principal chief addressed him another note, also here submitted, No. 6; and to which Major Currey has as yet declined giving any reply. Thus the public press of the Cherokee nation has been lawlessly taken, is yet retained, and has been recently used by the agents of the United States, in the publication of slanderous communications against the constituted authorities of the nation, &c.

The above information is communicated to the War Department, with the request that the delegation be informed by the honorable Secretary, if the conduct of Major Currey meets the approbation of the Government of the United States, and if the agents of that Government are to be tolerated in the seizure and detention of the property of the Cherokees? If not, we respectfully ask that the honorable Secretary will order the press and materials to be forthwith restored to the proper authorities of the Cherokee nation. In conclusion, we solicit the favor of an early answer.

We have the honor to be, sir,

Very respectfully, your obedient, humble servants,

John Ross

John Martin

James Brown

Elijah Hicks

John Huss

John Benge

John F. Baldrige

Thomas Foreman

Oo-lee-nah-wah

HON. LEWIS CASS,

Secretary of War.

Sleeping Rabbit

The Bark

Archy Campbell

Peter of Aquahe

Jesse Bushyhead

R. Taylor

Thomas Fox Taylor

Joseph Vann

Charles H. Vann

HARRODSBURG, *April 25, 1836*

SIR: I hope you will pardon me for troubling you with my own affairs. If you recollect, I wrote you last fall, respecting an appointment I

wished to obtain in the Cherokee Indian agency. Since that time things have nearly been at a stand there, awaiting the completion of a treaty with the Cherokees. I have recently been informed by a friend (William M. Davis) in the agency, that a treaty probably will soon be ratified, and that officers in some capacity will be required to carry it into effect. I wish to press my application for an appointment under the treaty whenever made. I have heretofore sent from Kentucky as many testimonials in my favor as perhaps are necessary. At present I wish my request for an appointment made known as favorably as may be right. The appointment may perhaps be that of an appraiser, of which there will, as heretofore, probably be two. Those upon whom I may have some claims, are not now at Washington city, nor even where I can soon command their services; and I must, therefore, depend upon those who may feel disposed to aid me, without the pressure of any obligation, Your friendly attention to this will confer a lasting favor.

With great esteem,
Your friend and obedient servant,
JOSEPH HARKIN.

To Hon. A. KENDALL.

HOUSE OF REPRESENTATIVES,
April 28, 1836.

SIR: I enclose you a letter from Jacob Lasitter, Esq., (a highly respectable gentleman, residing within the limits of the Cherokee country,) giving an amount of frauds, which, he states, have been committed, to the injury of the Government, in the emigration of Indians, valuation of improvements, &c.

For the information of Mr. Lasitter, I have to request an answer to the inquiries contained in his letter.

I have to ask whether Captain John T. Rather was appointed, during the last year, to an office connected with the removal of Cherokees; what was the nature of the office, and when his services will be required?

With great respect,
Your obedient servant,
R. CHAPMAN

Hon. LEWIS CASS,
Secretary of War.

MAJOR RIDGE'S FERRY,
May 3, 1836.

DEAR SIR: I have received but one letter from you since your departure, and that was received some time since, and should have written you, but expected, for some weeks back, that you were on your way home. I have concluded, from the last letters received from you, that you may remain at Washington some time yet. I have but little news of importance to communicate to you. Mrs. Betsey Waitie, consort of Stand Waitie, Esq., died four or five days since, from the delivery of a child, which, also, died, it is said. She had medical aid, but died under great afflictions. One of the

emigrants, named Seekatowwa, of Hightown, was shot, two or three weeks ago, by a white man at a little whiskey shop, one mile from Artsellam or Dun Steers, said to be an accident; he is, however, dead, and no more.

Your family are all well, and every thing about your crop appears to be going on finely. Major Ridge's family is all well, and your mother is going on in her usual and fine way in making a crop, though frequently a little unwell, but no ways dangerous. No person, except a Mr. Cox, has taken any of the cleared land; he has taken one-half of the long field on the west side of the river. She has lost none on the side we live. Our season for planting has been very bad, owing to so much rain; but all appears to be getting on very well, except the poor Cherokees, of which there is not a few, who have been dispossessed of their fields and dwellings, and turned out to seek refuge in Alabama and Tennessee, without any kind of support, moneyless, and nothing to buy provisions. I know of a number of families destitute of provision, or money to buy it, and wandering and eating from them that has a little subsistence, and many of whom are emigrants. The circumstance calls aloud on the authorities of Government for relief to these people. It seems impossible for them to last through the season. Corn is scarce and worth \$1 per bushel by the quantity, cash; flour could not be had, and bacon at tolerable moderate price. You can scarce have any idea of the suffering your Cherokee friends are now encountering. Every week we have lots of men hunting stolen property, and smoke houses robbed of bacon, and every kind of stealing going on.

Your friend Knitts, or Donehutta, received one hundred and twenty lashes a few days ago, supposed to be concerned in robbing a smoke house; but I think he will be proved innocent. I see my Cherokee friends, emigrants, within this vicinity every week, inquiring what is doing at Washington, and trying to find out what will be done as regards their perilous situation. Many families in our neighborhood would be glad to emigrate, if the Government would enable them to do so.

Please to give my respects to the Major and all your delegation.

Respectfully,

Your obedient servant,

GEO. M. LAVENDER.

Mr. JOHN RIDGE.

[NOTE.—Referred to the Indian Office by Major Ridge.]

WASHINGTON, May 9, 1836.

DEAR SIR: The enclosed memorial has been referred to the Committee on Indian Affairs. To enable them to come to such a decision as will be satisfactory to themselves, it is necessary they should be made acquainted with the grounds upon which the payment of the different sums claimed by the petitioners have been refused. Any information in your power to give will confer a favor on

Your most obedient servant,

H. L. WHITE.

The Hon. LEWIS CASS,

Secretary of War.

HOUSE OF REPRESENTATIVES,

May 19, 1836.

SIR: The undersigned respectfully ask your favorable attention to the application sustained by testimonials upon file in the department of Dr. C. Lillybridge for an agency under the Cherokee treaty.

RH. M. JOHNSON,
GEO. LOYALL.

Hon. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, May 20, 1836.

SIR: I desire to learn of you what plan will be adopted by the department in relation to the emigration of the Cherokee Indians? Will the emigration of said Indians be by means of contracts with individuals for that purpose? or will it be carried on by an officer of the Government? If made the subject of special contract, I have been long since in charge of a proposition from a company in the South for that purpose; and will submit it so soon as I am advised of the course determined on by the department. There is one other reason for asking this information, at this time, which is that I may possibly have it in my power to confer with those gentlemen, and enable them to come on in due season, to submit their own propositions and make their own arrangements, which I greatly prefer.

I have the honor to be,

Very respectfully,

Your obedient servant,

G. W. B. TOWNS.

Hon. LEWIS CASS,
Secretary of War.

WASHINGTON CITY,
May 20, 1836.

SIR: We send you the expenses of the Cherokee treaty concluded at New Echota, and the supplementary articles in this city, which, according to the said treaty, the United States are bound to pay.

We are, sir,

Your friends and brothers,

MAJOR RIDGE,
WILLIAM ROGERS,
JAMES FOSTER.

In behalf of the Delegation.

Hon. SECRETARY OF WAR.

AURORA, May 29, 1836.

SIR: Having learned with pleasure that the Cherokee treaty has been ratified, I would respectfully solicit the appointment of valuation agent. My

acquaintance through the Cherokee country is very extensive, (having practised law here since the first organization of the Cherokee judicial circuit,) and I think that I can safely say, that my appointment would give general satisfaction. If any recommendations from the citizens of my circuit are necessary, they will be readily furnished. For my qualifications &c. I would respectfully refer to the Hon. Jabez Jackson, the Hon. Thomas Glascock, and Hon. — Coffee, and Major Benjamin F. Currey.

I have the honor to be

Your obedient and humble servant,

GEO. N. PASCHAL,
Auroria, Lumpkin county, Ga.

To the Hon. LEWIS CASS.

WASHINGTON CITY, AT MRS. ARGUELLESS,
May 31, 1835

SIR: Enclosed are estimates of expenses incurred by me from New Echota, Cherokee nation, Georgia, on a mission to this place, with Mr. John A. Bell, authorized by a large meeting of the Cherokees, held in December, 1834, and residents of that part of the country. We were deputed by them for the special object of favoring the cause of a treaty with the United States, by the national parties, who were then here from the nation, jointly, one of John Ridge's and the other of John Ross's delegation. On my arrival in this city, I proceeded and performed the duties assigned me, by urging upon these delegations a speedy settlement by a treaty with the United States, for the final termination of the Cherokee difficulties, but without any definite result.

The Government, finally, after the adjournment of Congress, negotiated a provisional treaty with John Ridge and his delegation. Of the facts of this mission and the expenses incurred, I refer you to a letter of General Richard G. Dunlap, of Tennessee, addressed to the President of the United States, and referred by him to the Secretary of War, dated, I think, between the 1st and 12th of March, 1835.

Prior to the negotiation of the above treaty, Congress appropriated the sum of \$14,000, to pay the expenses of the Cherokees negotiating for a sale of their lands in Georgia, Alabama, &c., out of which fund an allowance was made to Mr. Ridge and his party to cover their expenses. I have now respectfully to submit for your consideration, and ask for an allowance to be made me out of that fund, or from any other, the sum which was given to each of the party stated above, or at least a sum equal to the expenses stated in the bill.

William H. Underwood, Esq., of Georgia, who was legal counsel for the nation, associated himself and co-operated with me in this mission, but who having no authority from the Cherokees for that purpose, was paid his expenses by the department, out of the appropriation mentioned, and I hope that my claim for the same will not be considered unreasonable, but be admitted

I am, with due respect,

Your obedient servant,

ELIJAH HICKS.

Hon. ELBERT HERRING.

Fare from New Echota to Washington city, and return, 1,560 miles, at 8 cents per mile	-	-	-	-	\$124 80
Expenses for the same	-	-	-	-	30 00
Bill of boarding at Brown's, in the months of January, February, and March, 1835	-	-	-	-	85 00
Bill of clothing, at Eckloff's	-	-	-	-	7 50
One hat at Todd's	-	-	-	-	8 00
Bill of clothing at Tucker & Thompson's	-	-	-	-	85 50
					\$340 80

WEST PORT, JACKSON COUNTY, Mo.,
June 2, 1836.

SIR: I respectfully beg leave to solicit your attention to the following extract of a letter received from Captain M. Duncan, commanding Fort Leavenworth, on the subject of an escort for Mr. McCoy, dated May 26, 1836. I am sorry, however, that the escort is not to be larger, as I am of the opinion that the command required is altogether insufficient for the purposes intended, as a war party of near 200 Indians have lately attacked eight men returning from Bent and St. Vrain's fort, on the Arkansas, and killed two of them at a point which can be at no great distance from where Mr. McCoy's line will terminate on that river.

Mr. McCoy has been absent on his survey about twenty days, having left previously to the arrival of your orders at Fort Leavenworth; the escort of which Captain Duncan speaks will be sent to overtake him on the Osage line.

In behalf of Mr. McCoy, and to prevent delay in the prosecution of his surveys, I beg leave to say that it will be impracticable for him to run the Kansas line, without the protection of a much larger escort than that already ordered. Allow me to further say, that your early and kind attention to this subject will not only greatly oblige Mr. McCoy, but save him from pecuniary loss.

With great respect,
Your obedient servant,
L. LYKINGS.

Honorable LEWIS CASS,
Secretary of War, Washington, D. C.

WAR DEPARTMENT,
Pension Office, June 3, 1836.

SIR: I would respectfully call your attention to the 14th article of the late Cherokee treaty, which is in the following words:

"Article 14. 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 war 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." As the treaty stipulates that the disabled warriors shall receive such pensions as shall be allowed, provisions should be immediately made, in order to carry that part of the treaty into effect. At present no law exists which would authorize this department to grant a pension to any person belonging to the friendly Indians who may have been disabled while in our service. The only persons of that description, whose names have been placed on the pension list, have petitioned Congress, and obtained relief under special acts. Under this article application has already been made for a pension from March, 1814; but the claim has been rejected, there being yet no law under which such claims can be allowed. I have deemed it my duty to lay the subject before you, in order that the Invalid Pension Committee of the House of Representatives may, if they think proper, report a bill. This article, it will be remarked, contemplates that the pension shall commence from the time when the persons were disabled. In the bill, therefore, which may be draughted, special reference should be had to the commencement of the pensions; for if a law should pass merely placing the friendly Cherokee warriors on a footing with the army and militia, it would be insufficient. Fully to meet the views of the contracting parties, back pension from the period when the disability originated, must be granted; and, in this particular, the law will be essentially different from all the other invalid pension laws, which, according to the construction given them by this department, do not allow arrearages in any case.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. L. EDWARDS.

C. A. HARRIS, Esq.,

Acting Secretary of War.

WASHINGTON CITY, June 13, 1836.

SIR: Will you do me the kindness to favor me with an early answer to my letter to you in relation to my expenses incurred last year on a mission to this city, and with a copy of that letter, having mislaid or lost my own, together with Gen. Dunlap's letter to the President, on that subject.

I am, respectfully, &c.,

ELIJAH HICKS,

HON. ELBERT HERRING.

WASHINGTON, June 13, 1836.

SIR: The estimates for the Cherokee treaty, I find, on consulting with Mr. Schermerhorn and Col. Hansell, do not embrace all the appropriations necessary. They are now examining it. As this may be the case with the other treaties, I thought it proper to call your attention to them also, because the committee meets to-morrow morning, and I do not wish to have any amendments to offer afterwards.

With great respect,

Your obedient servant,

C. C. CAMBRELENG.

HON. LEWIS CASS.

CALHOUN, *June 13, 1836.*

DEAR SIR: Since the ratification of the late Cherokee treaty has reached us, the people in the nation have become very much alarmed, under a firm belief that the Cherokees will fight. A number of families have already fled across the river. The alarm is possibly heightened, on account of the hostilities of the Creeks; eighty of the latter now being within twenty-six miles of this place, at Red Clay. The Creeks there are said to be well armed, and have a number of fine cattle with them. They say that they have fled from their country on account of the disturbances among their people and the whites, and that they are in search of provisions, and finally, that they want counsel from John Ross. The Cherokees, a few days since, murdered an old man, his wife, and a negro girl, and burnt the house. The old man lived long enough to tell who did it. It is said they were murdered on account of the old man's money. This took place near John Brown's. I enclose you a copy of a letter I this day addressed John Ross, which I have done with no other view than keeping him and his party down until something satisfactory can be done. The whites lower down in the nation are fighting; this itself will work a great loss, for all their crops will, of course, be lost. It seems that all the southern world are to be in a war. I would recommend that you would authorize some suitable person to raise a company here that should be ready, at a minute's warning, to go into service, and that should not cost the Government anything, unless for their actual service. The company can be raised any time if a person was authorized to raise it, and then the company could be commanded with some fixed rules. The regulars stationed here are so few that little or no aid can be expected from them. I think there are not more than nineteen.

If such a course could be thought advisable, I would like to have an appointment to recruit in the regular service. I can recruit a great many Tennesseeans that, I think, would be better soldiers than those Irish, French, and German foreigners. They are all bad marksmen, and I am inclined to think that our army is by far too small for the present use we have for fighting men.

As one of your devoted friends,

I remain your humble servant,

A. B. TURK.

Gen. A. JACKSON.

CALHOUN, McMINN COUNTY,

June 13, 1836.

DEAR SIR: It seems, from report, that your people are very much displeased with the late treaty for the Cherokee lands, both against those Cherokees who made the treaty as well as the whole American family, and it is thought hostilities will take place, sooner or later. I am also credibly informed that a number of white families have fled from the country, and also that there are now at Red Clay 80 Creeks, waiting your arrival to say to them what course they are to pursue. I am at a loss to know how those Creeks should be hanging to your skirts so strong, unless you have a preconcerted plan of war in your heads: and now, sir, in order to preserve peace if possible, I inform you that on the very first aggression on the white settlements, that your blood shall pay the debt as the first

object. This letter is not public, and will not be made so here; but as circumstances seem to require it from some source, I have felt it my duty to give you this information, that you may immediately use your influence to keep down all hostile feelings among your people. We wish nothing but peace.

Yours,

A. R. TURK.

Mr. JOHN ROSS,
Head Chief of the Cherokee nation.

(No date.)

We, the delegation from Georgia, recommend for valuation agents, under the Cherokee treaty, Mr. Stephen Mays, of Murray county; Mr. Josiah Shaw, of Lumpkin county; Mr. James Liddle, of Jackson county; Mr. John Hobbs, of Dekalb county, Georgia.

JESSE F. CLEVELAND,
JOHN JACKSON,
C. E. HAYNES,
G. W. OWENS,
S. GRANTLAND,
A. CUTHBERT,
JOHN P. KING.

To the honorable SECRETARY OF WAR.

SENATE CHAMBER,
June 13, 1836.

DEAR SIR: I believe the Cherokee treaty, recently made, will require the appointment, by your department, of several agents to carry it into effect. Permit me to place before you the name of Lund Washington, junior, esquire, as a suitable person to be employed: he is a gentleman of good education, intelligent, and correct in his principles. I earnestly recommend him to your favorable consideration.

With the highest respect,

I am your obedient servant,

WILLIAM R. KING.

Honorable LEWIS CASS,
Secretary of War.

NEW ECHOTA, June 15, 1836.

SIR: By the last mail I addressed a letter to Mr. Schermerhorn, to your care, which you have probably perused. What I there stated in regard to the state of feeling among the Cherokees has only been confirmed to my satisfaction. Indeed, I will venture to say there has never been a time for the last five years when appearances were so favorable as at present. I know of no hostility to the treaty. I hear now, on the contrary, the Cherokees in this region will receive it with cheerfulness. They say the

matter is now settled, and they are glad of it. I speak of the mass of the **Cherokees**. There is a portion who, no doubt, feel far otherwise; but they are those whose ambition has been disappointed. Without their interference, there will be no excitement. I trust they will not endeavor to excite the people.

The white inhabitants of this country are in a state of great alarm, founded upon some unfounded apprehensions. I believe it is owing, a great deal, to what is transpiring in the Creek nation. Our people are not even aware of the state of feeling among the whites, much less are they thinking of making war. I trust, sir, that no exaggerated rumors, which, no doubt, will go out of this country, will induce the Government to believe that the **Cherokees** are in a hostile attitude. They are not, nor do I believe, even with Ross's influence, will a portion of them ever assume such an attitude. Our people are greatly suffering for food. It is very important that the necessary appropriations should be made soon for their relief. If I had authority to do so, I would commence to supply them in this neighborhood.

In my letters to Mr. Schermerhorn, I have referred to the speculations that are going on upon the Indians by whites and half breeds. Strong measures are necessary to prevent it. The President ought to have the right of deciding what are the *just debts* of the Indians, for the protection of that class. If not, they will go to the west deprived of every cent of their property, and the money will go into the hands of the whites and such Indians as have opposed the very treaty by which they are now trying to amass wealth. I say, again, strong measures are necessary.

I trust the President will think it best to send Mr. Schermerhorn again. I think him a suitable person, because he is a terror to speculators, and understands the situation of these people and their affairs.

With sentiments of high esteem,
I remain yours,

ELIAS BOUDINOT.

Honorable ELBERT HERRING,
Commissioner of Indian Affairs.

SENATE CHAMBER,
June 15, 1836.

SIR: Allow us to say to you that Lund Washington, esquire, wishes an appointment from your department, as an emigrating agent, under the late Cherokee treaty. We have known him several years, and think him talented and deserving. We hope he may succeed.

With great respect,

WILLIAM HENDRICKS,
JOHN TIPTON.

Honorable LEWIS CASS.

HABERSHAM COUNTY, GEORGIA,
June 15, 1836.

SIR: The undersigned citizens of Habersham county, in Georgia, would respectfully call your immediate attention to what they believe to be the

present suffering condition of many of the Cherokee Indians in their vicinity. In consequence of the early frosts, the crop of corn in this country, and in the upper portion of the Cherokee country, was last year much reduced; and the result has been a great scarcity of that article, which constitutes the principal food of the people. The undersigned have been informed, and believe, that a large portion of the Indians, and indeed many of the whites in the neighboring country, to the west of us, are now reduced nearly to a state of starvation, and their belief is confirmed by the fact that numbers, they may venture to say hundreds, of the Indians, men, women and children, are now wandering about this country, purchasing food where they have or can procure the means to do so, or begging for it when; as is for the most part the case, they have not the means to buy it. This evil and their necessities must continue to increase, for the crop of corn at present on the ground will not be sufficiently matured for wholesome provision before the month of October, and the supplies in this county are already so much reduced, as to have enhanced the price greatly beyond the usual rate, and to threaten a scarcity even here. Besides which, the necessity which forces the Indian to wander from home in search of food, must result in the loss of his growing crop, and consequently in the increased duration of the evil. The undersigned, unknown to you either by character or name, will not venture to do more than to ask that you will cause an immediate inquiry to be instituted, and if the evil be found to be such as they have represented, that such measures as you may deem best, may be adopted for its remedy; believing, as they do, if humanity does not demand, that good policy would require, that early relief should be afforded. The undersigned respectfully submit the matter to your discretion.

A. ERWIN,
 J. S. DOBBINS,
 JNO. R. STANFORD,
 J. T. CARTER,
 J. R. MATTHEWS,
 GEO. D. PHILLIPS,
 W. S. HEATH, Jr.,
 J. BRANON,
 RICH. W. HABERSHAM.

Hon. LEWIS CASS,
 Secretary of War,
 Washington city.

NEW ECHOTA GEORGIA,
 June 16, 1836.

SIR: I addressed a letter to you yesterday, giving you a favorable account of the state of feeling among the Cherokees. I have since then received the enclosed letter, which would seem to contradict what I have stated. I wish to be understood as speaking of the Cherokees in this region, and from which I have direct information. There are neighborhoods where I have every reason to presume, there is hostility towards us as a treaty party, and there are individuals who would willingly take our lives if they could. I have no idea that the danger is as great as is apprehended by the writers of the two letters enclosed. I came through the neighbor-

hood where hostility is said to exist, and the frolic or dance spoken of was held before I came along. I saw Thos. Taylor there, and he told me that he found the people better satisfied than he expected. I yet think there may be some mistake about Welch being waylaid. Foster, one of our delegation, was here the other day, and he told me every thing was going right for the treaty. But as I have before stated, inflammatory statements from the other side may change the state of feeling. I shall not be excited, and shall take the matter coolly and deliberately, and shall endeavor to keep you apprized of what is happening. I shall repeat again what I have said, that matters have never appeared so favorable within the compass of my observations within the last five years, as at present, and if Ross would only keep away, the nation would almost be unanimous for the treaty. To give you an instance how these poor people are de'uded and mislead, it is said that one of Ross's delegation, on his return, reported that the Cherokee countries here and in Arkansas have been sold, and that the Cherokees will have to go to a far country, infested by man eaters. The people protested going there, but are willing to go to Arkansas.

I should have addressed these letters to Mr. Schermerhorn, if I thought he was still there. Please give my respects to him, and let him see these letters.

Very respectfully,
ELIAS BOUDINOT.

Hon. ELBERT HERRING,
Commissioner of Indian Affairs.

COAL MOUNTAIN,
June 8, 1836.

SIR: There was an Indian frolic or dance on Saturday night last, and there were some white men went to the same. They have reported that the Indians said that they had no malice towards the white people, but that they intended killing Ridge and yourself. I have written you that you might be on your guard, which no doubt you are. The citizens of this county had a meeting yesterday; they are resolved to punish all offences if any. I would recommend, for your safety, for you and family to leave the country until the excitement is over a little. Please to accept for yourself and family my best wishes.

Truly yours,
GEORGE KELLOG.

Mr. ELIAS BOUDINOT.

CHATTAHOOCHEE,
June 8, 1836.

MY DEAR BOUDINOT: I have just received a letter from Welch, informing me that his house has been waylaid by the Indians, who are seeking an opportunity to kill him. Our friend Tom Taylor is scattering the fire-brands. All my friends are well pleased that our treaty has been ratified, and are ready to pledge their lives in defence of the treaty party. We have thousands of friends amongst the Georgians, ready to do the same.

If you are at all apprehensive of danger, let me advise you to collect all your friends and form an encampment at Ridge's; *arm*, but act on the defensive, make any contracts necessary to your support. The treaty will meet them. I have just written to Schermerhorn, informing him of Taylor's conduct. Write to me often. I am much concerned for your safety.

Sincerely your friend,

WILLIAM RODGERS.

HOUSE OF REPRESENTATIVES,

June 17, 1836.

SIR: I am directed by the Committee on Indian Affairs to inform you that, to economise time and labor in the department, a sub-committee, consisting of Messrs. Everett and Hawes, has been appointed to examine and select for the use of the committee such papers and communications on file in the department, from Lieut. Batman and others, as may be deemed essential to a full investigation of the subject of the Cherokee emigration, and for that purpose to request for them free access to the books of the department.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN BELL,

Chairman Com. on Indian Affairs.

Hon. LEWIS CASS,
Secretary of War.

SENATE CHAMBER, WASHINGTON,

June 20, 1836.

SIR: I beg leave to recommend to your favorable attention Mr. Lund Washington, junior, for the appointment of emigrating agent, under the late Cherokee treaty, as I am informed that several appointments of that kind are shortly to be made, to carry into effect the provisions of the late treaty. Mr. Washington is well qualified by his intelligence, business habits, and industry, to discharge the duties devolving on an officer of that description. He would no doubt execute its duties with punctuality and discretion, if confided to him by the Government. I will add that his appointment, if it should be the pleasure of those who have the power to bestow it to confer it on him, would be gratifying to myself individually.

I am, with great respect,

Your obedient servant,

B. BROWN.

Hon. LEWIS CASS,
Secretary of War.

(Private.)

WASHINGTON CITY, GADSBY'S,

June 21, 1836.

DEAR SIR: When at your office a few days since, you will doubtless recollect I showed you the printed confidential documents of the Senate in

relation to the recent Cherokee treaty, in which unjust aspersions were cast upon my character by statements from individuals procured by Messrs. Schermerhorn and Currey. In Joel Yancey's statement, he says I was working in opposition to an order from you to remove Lewis Ross, a Cherokee, from the limits of the Cherokee agency, making out that I was acting under the influence of Mr. Ross, against the orders of my Government, while an officer in its service. This statement was totally unfounded in truth. As I never knew of such order, I wish to vindicate my character thus aspersed to the President and others, who have seen these documents.

I wish you, my dear sir, to give me a statement whether any order ever issued from your department to remove Lewis Ross from his residence, at the Cherokee agency east. Your compliance will confer a great favor upon your sincere friend

WM. M. DAVIS,
Late Enrolling and Appraising Agent.

P. S.—Your answer, if sent to the post office, will be received by me.

FORT GIBSON, *June 21, 1836.*

SIR: I have the honor to enclose my returns for Seminole disbursements, for the quarter ending 30th of June, 1836, with the vouchers, &c. Also a journal of the party while on the route, a muster roll, and an estimate of funds required for third quarter of 1836. My absence with the party prevented me from forwarding this last earlier. This party after its arrival was provisioned to the 1st of July.

It will be observed that I did not issue the full rations, for the reason that our route, especially our deserted camps, were strewed with bacon, wasted by the Indians, and our wagons were encumbered with large quantities of their surplus corn. They obtained salt when they needed from a sack of surplus salt on hand.

One of the beeves purchased by Lieut. Meade, and turned over to me for the subsistence of the party, soon after jumped over the pen and escaped. I will probably be able to sell him to the original owner, where he is likely to return. I have entered him on the returns as "on hand."

One of the wagons was wholly and another partly laden with Indian goods guaranteed by treaty. I have entered the expense of transporting these goods on a separate abstract.

Nine Seminoles, brought by Lieut. Meade, arrived since the party came, being those conducted by Mr. Sheffield. Not having received a roll of them, they are not comprehended in the rolls forwarded.

I enclose also accounts current for Cherokee disbursements, for 4th quarter of 1835, and 1st quarter of 1836. The first was omitted in my enclosure of 1st December, 1835.

Very respectfully,

Your obedient servant,

J. VAN HORNE,

Lieut. Dis. Agent Seminoles.

Brig. Gen. GEO. GIBSON,

Com. General Subsistence.

HOUSE OF REPRESENTATIVES,

June 27, 1836.

SIR: Will you be so good as to inform me who has the appointment of the secretary to the Georgia commissioners, under the Cherokee treaty—whether the commissioners or yourself?

Respectfully,

Your obedient servant,

JESSE F. CLEVELAND

Hon. LEWIS CASS,
Secretary of War.

HOUSE OF REPRESENTATIVES,

June 27, 1836.

SIR: Will you be so good as to say what number of valuation agents will be appointed under the Cherokee treaty, to value Indian improvement in that portion of the nation included within the limits of Georgia?

The delegation have recommended four gentlemen, and I should like to know whether this number will be appointed or not.

Respectfully,

Your obedient servant,

JESSE F. CLEVELAND

Hon. LEWIS CASS,
Secretary of War.

DAHLONEGA, GEORGIA,

June 28, 1836.

At a meeting of the citizens of Lumpkin county, Georgia, at which a number of the citizens of Gilmer and Union counties attended, it was unanimously

Resolved, That the chairman of this meeting address the honorable Secretary of War on the subject of placing an armed force in this vicinity, for the purpose of more safely removing the Cherokee Indians, and respectfully to suggest to him the propriety and necessity of affording immediate relief to the suffering Indians in this neighborhood.

JOSIAH SHAW, *Chairman*

SIR: In pursuance of the above resolution, I take the liberty of saying that I have just returned from a visit to the Indians of Lumpkin, Gilmer, and Union counties, Georgia, which I undertook at the request of the citizens. I find the Cherokees apparently friendly and inoffensive, but uniformly expressing a determination not to remove; generally declaring that they will die on this ground, and that here they will leave their bones; yet that they will have no difficulty with the whites. They have a particular aversion to Arkansas. I have been much amongst them, and in fact they visit this town daily; and, from the observations I have made, I am clearly of opinion that when the time for their removal arrives, the placing a moderate armed force in this vicinity, and in several places through the nation

would probably save some bloodshed, and much expense and trouble. I have no doubt one or two well-disposed agents, who would visit them generally and explain matters, would have a good effect. I find they are much misled by evil-disposed, designing white men. I would say much to you on the subject of frauds and ill-treatment of the Indians; but as I am a stranger to you, and our members, to whom I would refer, will have left, I forbear for the present.

As regards their situation and present distress, I would say that they are, as you no doubt are aware, an improvident, lazy, careless people; from their unsettled and uncertain state, planted, last year, but little corn, and that late; an unusual early frost destroyed it nearly all; their white neighbors fared but little better, consequently are unable, if willing, to extend to them the relief that humanity might dictate, more particularly in Gilmer and Union. In this county the liberality of the citizens has kept them from actual suffering, but, in the other two counties, the whites are little better off than the Indians; however, a pretty good harvest is now coming in, which will give some relief. Corn is procured here at about one dollar per bushel, and beef is now plenty at three to four cents. The situation of many in Gilmer and Union is *truly deplorable*; supplies for both of which would have to be drawn from this vicinity. They would no doubt readily come for it, if to be had here, without the expense of sending it to them. The whites, since the Creek disturbance, refuse to sell the Cherokees a single particle of ammunition, consequently they are cut off from the precarious support of hunting. Having made out the above statement in haste, and in a crowd, for the inspection of the citizens, will be my excuse for its imperfections, and the solicitude of the citizens will be my apology for intruding upon your notice.

One word more; hunger and suffering impels the Indians, in some cases, to kill the hogs and cattle of the whites, and consequently occasions serious difficulties, which would be avoided, if the poor wretches were furnished with something to eat. I should be happy to give any information in my power to the department that might be useful.

I am, sir, very respectfully,

Your obedient servant,

JOSIAH SHAW.

To the Hon. LEWIS CASS,
Secretary of War.

Perhaps the Indians of other sections need relief also, but the facts stated in those three counties I obtain from personal observation; in the others only from hearsay.

J. S.

ROME, FLOYD COUNTY, C. N., GEORGIA,
June 30, 1836.

OUR FRIEND: It is now two weeks since we arrived home, and all the people of the Cherokee nation have heard of the ratification of the Cherokee treaty; and it has, by a majority of the people, been most thankfully accepted, and all are willing peaceably to yield to the treaty and abide by it. There was a strong warlike excitement in the minds of the whites, and rumor, with her thousand tongues, filled the land with Cherokee hostility or

intentions of war. We have examined into the truth, and find the reverse of all these stories. A great many of the Cherokees have been disarmed of their rifles by the Georgians. These have been given up without any resistance, though greatly to the injury of the Indians, as they are in a wretched condition for food. The appropriations demanded by the treaty have been so long delayed, that we have, on our own responsibility, issued provisions as far as our individual means allowed, until your officers shall arrive.

In regard to the desires of the Cherokees to remove to their country west, there are now no parties, and all are anxiously waiting for your officers to afford them the means of departure. In every respect, John Ross's prediction of bloodshed, as being the consequence of the ratification of the treaty, have been falsified, and now our conduct and your policy of Indian affairs stand justified by the Cherokees themselves. We have been hailed by the poor Cherokees as their deliverers from Ross's domination. So far, all is well. But we now come to address you on the subject of our griefs and afflictions from the acts of the white people. They have got our lands, and now they are preparing to fleece us of the money accruing from the treaty.

We found our plantations taken either in whole or in part, by the Georgians; suits instituted against us for back rents for our own farms. These suits are commenced in the inferior courts, with the evident design, that when we are ready to remove, to arrest our people, and on these vile claims to induce us to compromise for our own release, to travel with our families. Thus our funds will be filched from our people, and we shall be compelled to leave our country as beggars and in want.

Even the Georgia laws, which deny us our oaths, are thrown aside, and notwithstanding the cries of our people, and protestation of our innocence and peace, the lowest classes of the white people are flogging the Cherokees with cowhides, hickories, and clubs. We are not safe in our houses—our people are assailed by day and night by the rabble. Even justices of the peace and constables are concerned in this business. This barbarous treatment is not confined to men, but the women are stripped, also, and whipped without law or mercy. You gave us at parting an excellent talk. We know that you are our friends. We now call upon you to interfere. Write to the Governor of Georgia; perhaps his proclamation may have some effect. But, above all, send regular troops to protect us from these lawless assaults, and to protect our people as they depart for the west. If it is not done, we shall carry off nothing but the scars of the lash on our backs, and our oppressors will get all the money. We talk plainly, as chiefs having property and life in danger, and we appeal to you for protection. The urgency of our condition will apologize for us in directly addressing you on this momentous subject.

We are your friends,

his
MAJOR x RIDGE,
mark.
JOHN RIDGE.

His excellency ANDREW JACKSON,
President of the United States.

WASHINGTON CITY, *July 1, 1836.*

SIR: I understood an honorable member of Congress, last night, to say, on the floor of that body, that he had in his possession authority from you to declare that no order had ever been issued to remove Lewis Ross from the agency reserve, as stated by Colonel Yancy, in his letter to Mr. Schermerhorn, and which was submitted to the Senate of the United States.

About the time the public property, at the agency, was ordered to be delivered into my possession, by Colonel H. Montgomery, the late Cherokee agent, in answer to a letter I had written stating the fact that Lewis Ross's wealth and influence, and his residence on the agency reserve, near the office of the agent, enabled him to neutralize, in a great degree, all the measures of your agents, and that he was directly and indirectly using every means in his power to defeat the views and policy of the Government, I received a letter, dated War Department, December 20, 1835, of which the following is an extract :

"The requisite instructions have been given for the movement of the troops.

"You have already been directed to take charge of the agency buildings.

"Lewis Ross will be removed from the agency reserve.

"Very respectfully,

"Yours, &c.,

"ELBERT HERRING."

The foregoing is what was referred to by Col. Yancy as an order. It was so regarded by me, and had I have had control of the troops, he would have been removed. Major Davis himself considered it tantamount to an order when I showed it to him, which was done immediately on its receipt, and before the board of survey, composed of Lieutenants Batman, Phillips, and Major Davis, made their report in favor of Lewis Ross's remaining on said reserve.

As Colonel Yancy's integrity is called in question on this point, and he is not here to vindicate his character, I hope you will excuse me for calling your attention to this matter, which I feel assured has only to be done, in order to obtain for him an explanation and relief from the unjust imputation of falsehood.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

Hon. LEWIS CASS,
Secretary of War,
Washington city.

P. S.—I was informed the member who spoke is of the name of Calhoun.

COLLEGE HILL, *July 1, 1836.*

SIR: Being indisposed to day, Dr Chapin has the goodness to deliver you this.

I am informed that the appropriation for the Cherokee surveys has passed the House, and I hope it will have passed the Senate when you see this. I am exceedingly anxious to take the stage to-morrow morning, and if you could give me my instructions, as soon as convenient, after you receive information of the appropriation being made, I should esteem it a special favor.

The field notes and plats can follow me by mail. I must also respectfully request to be furnished with the last treaty held with the and the last treaty with the

The per diem allowance for my own compensation, including my necessary expenses, I feel safe in submitting to your own judgment and general

Most respectfully, sir,

Your obedient servant,

ISAAC McCOY.

Hon. LEWIS CASS,
Secretary of War.

WASHINGTON CITY, July 4, 1836.

DEAR SIR: I respectfully place before you for your examination the accompanying papers. Those marked A, contain my authority to act for a portion of the Cherokees in North Carolina, also my letter giving their assent to the late treaty, information respecting myself as agent, &c., contained in the letters from Colonel Robert Love and James Graham, and Hon. Bedford Brown. My understanding of the provision of the treaty, also the delegation that signed it, also the understanding of their lawyer, William Y. Hansel, before I gave the assent of those I represented, is contained in these marked C; after receiving an investigation, please write to me informing me if approved of. Should any further explanation or information be required, it will be furnished at any time.

Very respectfully,

Your obedient servant,

WM. H. THOMAS

Hon. E. HERRING.

Address to me, Scott's Creek, P. O., Haywood, North Carolina.

Know all men by these presents, that we, the undersigned Indians, do hereby constitute and appoint W. H. Thomas our agent, for and in our behalf to transact all our lawful business, as we are ignorant of the law under which we live; and in order to receive the benefit of the laws by which we are governed, we authorize the said Thomas to institute suits in our names; and sign our names to any instrument of writing that may be necessary for the above mentioned purposes, and we do further make and covenant, that this power of attorney shall be irrevocable for the space of one year.

SEPTEMBER 12, 1831.

Younaguska,
Susquehannah,

his x mark
his x mark

Wildnote,	his x mark.
Tilonqushah,	his x mark.
Colahah, or Flying Squirrel,	his x mark.
T. Scotah,	his x mark.
Johnsonne,	his x mark.
Jake,	his x mark.
Hunnasulah,	his x mark.
Aroneach,	his x mark.
Sinla,	his x mark.
Culusowah,	his x mark.
Skaikah,	his x mark.
Nickojack,	his x mark.
Caluttah,	his x mark.
Johnna,	his x mark.
Ohyuska, or Tomme,	his x mark.
Tennroh,	his x mark.
Chunouhinkah,	his x mark.

SEPTEMBER 13, 1831.

Bigwill,	his x mark.
Wahheyuh Cattugga,	his x mark.
Little George,	his x mark.
Culasutta,	
Tusislah,	his x mark.
Skeeneyuh,	his x mark.
Umacutta,	his x mark.
Lowen,	his x mark.
Tisilaskah,	his x mark.
Tikenneah,	his x mark.
Wille,	his x mark.
Iakih,	his x mark.
Ah Cuhrorh,	his x mark.
Chinohquih,	his x mark.
Chukelah,	his x mark.
Wilson,	his x mark.
Chunawinkah,	his x mark.

Attest:

George Schuler. his x mark.

Thomas Dallard,

[Dallard to both, Shuller to but one.]

The Heir of Land, daughter of Bigtom.

The within power of attorney was acknowledged before me, George W. Hayes, one of the acting justices of the peace, in and for the county of Haywood, State of North Carolina, for the purposes therein contained. Also, the Indians acknowledge that they have been perfectly satisfied with the within mentioned agent, (Wm. H. Thomas,) and have as yet no disposition to revoke the within power of attorney.

This January the 30th, A. D. 1836, I further certify, that I have a sufficient knowledge of the Cherokee language to enable me to know that the within power of attorney, was, when acknowledged, correctly [understood.] Date above written.

GEORGE W. HAYES.

STATE OF NORTH CAROLINA, }
Haywood county. }

I, William Welch, clerk of the court of pleas and quarter sessions, for the county aforesaid, do certify, that George W. Hayes, before whom the within power of attorney appears to have been acknowledged, was at the time of said acknowledgment, and now is, an acting justice of the peace, in and for the county of Haywood aforesaid, and that due faith and credit ought to be given to his official acts as such.

Given under my hand and seal, at office, this 16th day of February, A. D. 1836.

W. WELCH, *Clerk.*

STATE OF NORTH CAROLINA, }
Haywood county. }

I, John Dilliard, chairman of the county court of pleas and quarter sessions for said county, hereby certify, that William Welch, whose name appears to be annexed to the above certificate, is clerk of said court.

Given under my hand and seal, February 17th, 1836.

JOHN L. DILLIARD, *Chairman.*

The within power of attorney was acknowledged by the Cherokee Indians, (two hundred and thirty-seven in number,) whose names are thereunto subscribed, before me, George W. Hayes, one of the acting justices of the peace for the county of Haywood, State of North Carolina, for the purposes therein contained. I further certify, that I have a sufficient knowledge of the Cherokee language to enable me to know that the within power of attorney was correctly [translated] to the Indians whose names are thereunto subscribed, January the 30th, A. D. 1836.

GEORGE W. HAYES, *J. P.*

STATE OF NORTH CAROLINA, }
Haywood county. }

I, William Welch, clerk of the court of pleas and quarter sessions for the county of Haywood aforesaid, do certify that George W. Hayes, before whom the within power of attorney was acknowledged, and whose name also appears to the above certificate, is, and was at the date thereof, an acting justice of the peace, in and for said county of Haywood aforesaid, and that due faith and credit ought to be given to his official acts as such.

Given under my hand and seal, at office, the 16th day of February, A. D. 1836.

WM. WELCH, *Clerk.*

NORTH CAROLINA, }
Haywood county. }

I John L. Dilliard, chairman of county court of pleas and quarter sessions, for said county, hereby certify that William Welch, whose name appears to be annexed to the above certificate, is clerk of said court.

Given under my hand, this 17th of February, 1836.

J. L. DILLIARD, *Chairman.*

Know all men by these presents that we, the undersigned, Cherokee Indians, residing in the counties of Haywood and Macon, State of North Car.

olina, constitute and appoint William H. Thomas, of the county of Haywood and State aforesaid, our lawful agent to attend at Washington city, and for us examine the late treaty made by the Cherokee Indians, with William Carroll and John F. Schermerhorn, United States agents at New Echota, on the 29th day of December last, and if provision be made, or the agent of the United States will yet make provision in said treaty, for us and our families, (such as our said agent shall be satisfied with) we thereupon authorize our said agent to sign our names to said treaty; when signed, to be as binding on us, our heirs, or assignees, as if we had been personally present at the signing and sealing thereof.

We further authorize our said agent (Wm. H. Thomas) to apply for and receive all sums of money due us from the United States, or which may be due us hereafter, payable to us for annuities or stipulations, in said treaty.

In testimony whereof, we have hereunto subscribed our names, January the 30th, A. D. one thousand eight hundred and thirty six. Signed and delivered in the presence of two hundred and thirty-seven.

J. W. KING,

G. W. HAYES.

Finniah	x mark	Dobson	x mark
Selolah	x mark	Walkinih	x mark
Utoyatish	x mark	Annawakih	x mark
Chulatiskih	x mark	Iyostuh	x mark
Banantiskih	x mark	Yaholuh	x mark
Satolstah	x mark	Nancy	x mark
Ahyulahih	x mark	Luyih	x mark
Chiyahlahtuh	x mark	Alakih	x mark
Wohtiyohhih	x mark	Yibbecuh	x mark
Mahnianiskih	x mark	Wahyenituh	x mark
Olkimh	x mark	Sally	x mark
Anna	x mark	Clechuh	x mark
Colechuh	x mark	Wallih	x mark
Stukih Ratoguh	x mark	Tecuyiskih	x mark
Weyih	x mark	Jakinnih	x mark
Chusquenanhwotih	x mark	Jyrhin	x mark
Catogih	x mark	Wahyetuh	x mark
Ihyalih	x mark	Nella	x mark
Howihnetuh	x mark	Cata	x mark
Quen	x mark	Ihyalih	x mark
Tiniih	x mark	Caljni	x mark
Hanchi	x mark	Chisgrumtuh	x mark
Wallih	x mark	Watesih	x mark
Canno Kis Kih	x mark	Tecushilluh	x mark
Alsih	x mark	Nanchi	x mark
Wahyouruhtahih	x mark	Tahnuh Necudlih	x mark
Enih	x mark	Taniih	x mark
Wallih	x mark	Cutish	x mark
Nella	x mark	Chinnih	x mark
Chinnih	x mark	Yahkih	x mark
AhVih	x mark	Walter	x mark
Manu	x mark	Ootiskih	x mark
Betsey	x mark	Salley	x mark

Tekinnih	x mark	Winnie	x mark
Coult	x mark	Tiluskaskih	x mark
John Larga	x mark	Olkinnih	x mark
Charlesown	x mark	Utuhoshistuh	x mark
Youna Chuhyuh	x mark	Colenuh	x mark
Jaik Son	x mark	Nanchi	x mark
Jimmih	x mark	Walliyuh	x mark
Sahnetutah	x mark	Talltuh	x mark
Ulayohih	x mark	Etikigih	x mark
Nah cheuh	x mark	Tullih	x mark
Alakih	x mark	Suyakih	x mark
Saluwahyuh	x mark	Younaguska	x mark
Tutestuh	x mark	Long Blanket	x mark
Wilsonih	x mark	Wild Note	x mark
Jakih	x mark	Big Jack	x mark
Jo Welch	x mark	Tecah Nih	x mark
Briches	x mark	Colahah	x mark
Chutaoh	x mark	John Davidson	x mark
By his Father		Cotulla	x mark
Also Olly	x mark	Oohsonih	x mark
Nohyiskih	x mark	Aroniachuh	x mark
Talonuuhaskih	x mark	Suatouch	x mark
Wilson	x mark	Ground Squirrel	x mark
Little Charley	k mark	Nedda	x mark
Sinnih	x mark	Stikoih	x mark
By his Father		Johnsonih	x mark
Cuiskuch	x mark	Wallis	x mark
Wotannuh	x mark	Tetonniskih	x mark
Nelosuh	x mark	'Tiyahah	x mark
Sahtiyuh	x mark	Little John	x mark
Cheyanestuh	x mark	Jakih	x mark
Quetuh	x mark	Tryonnohella	x mark
Canon Stiskih	x mark	Cohyuskih	x mark
Cata	x mark	Choyahuh	x mark
Sulteyah	x mark	Culasuttih	x mark
Anih	x mark	Ahahih	x mark
Nanchi	x mark	Elakih	x mark
Atayolltoh	x mark	Georgia	x mark
Chiala	x mark	Tounnih	x mark
Chunouhinka	x mark	Nanu	x mark
Iyintuga	x mark	Jonawagih	x mark
Chochicuh	x mark	Clo	x mark
Charley	x mark	Tawayah	x mark
Chuhoyark	x mark	Caloniskih	x mark
Chunolakah	x mark	Caestuh	x mark
Wlanuhhah	x mark	Nitonuh	x mark
Chugollorh	x mark	Ingceeculla	x mark
Ahquottaga	x mark	Anih	x mark
Fox	x mark	Wallis	x mark
Chigasuttih	x mark	Nancy	x mark
Cotaski	x mark	Chryinanah	x mark
Utahhuttuk	x mark	Winnie	x mark

Culasutta	x mark	Sa'ih	x mark
Drink Water	x mark	Kehulo	x mark
Canstulla	x mark	Manu	x mark
Uteyah	x mark	One	x mark
Mue	x mark	Alsih	x mark
Chinoquih	x mark	Ulstruh	x mark
Sally	x mark	Coluskih	x mark
Choyukuh	x mark	Ulaltih	x mark
Choyukuh	x mark	Ycu mawahyih	x mark
Elakih	x mark	Wallisuh	x mark
Walkinih	x mark	Cayohhiih	x mark
Ulsaih	x mark	Cannantiskah	x mark
Nakih	x mark	Chachu	x mark
Chuvonih	x mark	Ultisiluh	x mark
Yih Rinih	x mark	Eloih	x mark
Cheyounihtih	x mark	Annesseh	x mark
Sunnih	x mark	Galloch	x mark
Susanuih	x mark	Cisbiliskih	x mark
Takih	x mark	Ollih	x mark
Alsuh	x mark	Chcuch	x mark
Tuwoluh	x mark	Chryenanih	x mark
Sockinih	x mark	Sakeh	x mark
Watisih	x mark	Cahtayuh	x mark
Sahtiyuh	x mark	Chewualuh	x mark
Sulih	x mark	Consterskiuh	x mark
Anih	x mark	Chelowuh	x mark
Munchi	x mark	Chetwskih	x mark
Salih	x mark	Naknutuh	x mark
Wilson	x mark	Oliy	x mark
Wahliah	x mark	Nice	x mark
Ulucha	x mark		

BALTIMORE, *June 15, 1836.*

Being called on by William H. Thomas for a statement of the course pursued by him as agent of a portion of the Cherokees residing in North Carolina, frankly give the following :

He came to Washington city about the 13th of March, 1836; was first of opinion that some amendment to the New Echota treaty was necessary to secure to the Indians he represented an equal share of the proceeds of the sale, to which they were entitled, (the annuities and lands of the Cherokee nation, as I have always understood, were held as a common property,) but on being informed that an amendment would delay or defeat the ratification of said treaty, and that nothing more was necessary than an agreement with the delegation that made it, entered into an agreement with them, bearing date 26th of May, 1836, which I have examined, and believe calculated to prevent any improper constructions, and do justice to all parties, having confidence in the same as being calculated to secure the rights of those he represented, joined the treaty delegation, and assisted us in obtaining its ratification.

WM. Y. HANSELL.

WASHINGTON CITY, May 26, 1836.

Whereas, William H. Thomas, authorized by a portion of the Cherokee citizens of and residing in the State of North Carolina to attend at this place for them, examine, and (if equal and unconditional rights were secured to them) sign a treaty made and concluded at New Echota, on the 29th of December, 1835, between the United States of America and Cherokee nation of Indians, he, arriving here after it was submitted to the Senate for ratification, could have no opportunity of examining its provisions, and obtaining supplemental articles thereto, had any been necessary, to secure to the Indians above mentioned an equal share, proportioned to their numbers, of the proceeds of the sale without a new negotiation; and that, it was believed, would delay the ratification, and prevent the supplies being furnished in time to relieve the wants of the poor class of Cherokees; also, being of opinion that the undersigned delegation had the right, and were disposed to do equal and impartial justice to all their people; that the powers conferred on the President and Congress of the United States to manage their affairs were intended for that purpose and no other; further, that the articles mentioned below, intended to prevent improper constructions, would be faithfully complied with, gave his assent to and assisted in obtaining the ratification of said treaty.

The delegation, whose names are hereunto annexed, for the Cherokee who have emigrated, and expect to emigrate, to their new homes west of the Mississippi, of the first part, and William H. Thomas for the Cherokee belonging to, or which shall belong to, the following towns and settlements: Qualla, Alarka, Aquorra, Stokoih, Cheoih, and their respective settlements, expected to remain east, of the second part.

Article 1. It is admitted that the said Cherokees are entitled to one equal share, proportioned to their numbers, of all the lands belonging to the Cherokee nation of Indians, and, notwithstanding they have been deprived of their share of the annuities since the year 1820, are, nevertheless, entitled to all sums in the possession of the President of the United States for the use of and annuities due from the United States to the Cherokee nation of Indians, (except such as belong exclusively to the Cherokee now living west of the Mississippi,) their proportionate share of which benefits was intended to be secured to them by the 12th article of the New Echota treaty, which reads as follows: "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 of becoming citizens of the State where they reside, and such as are qualified to take care of themselves and property, shall be entitled to receive their due proportion of all the personal benefits accruing under this treaty for their claims, improvements, and *per capita*, as soon as an appropriation is made for this treaty." The qualification, therein required, referred to the pre-emption privilege, which could not be allowed of, being inconsistent with the precious rights of the States.

Also believing it the interest of those desiring to remain, as provided for in the above article, to purchase their lands, procure fee simple titles there-to, and be the acknowledged owners of their soil, (to them so dear,) protected by the laws of the States.

Article 2. That the number belonging to said towns and settlements be accurately ascertained, two acting justices of the peace, in and for the counties in which they reside, shall annually take their census, make out and certify a list showing the number of each town, which list shall be cer-

tified by the clerk and chairman of the county court; agreeable thereto, the President or agent of the United States is requested to pay them their proportionate share of all sums arising from the transfer or sale of the common property, as mentioned in the first article.

Article 3. It is further agreed to, that if any construction be given to any of the articles of the said New Echota treaty, whereby the Cherokees belonging to, or which shall belong to, said towns and settlements, shall be deprived of an equal share, proportioned to their numbers, of all sums arising from a sale or transfer of the common property, mentioned in the first article of this agreement, payable to the Cherokee nation of Indians or people, we will request the President and Senate of the United States, and they are hereby requested, to allow them such supplemental articles thereto as shall remove such improper constructions, and enable them to receive their equal proportioned share as above mentioned.

Article 5. The said Cherokees, belonging to said towns and settlements, are to have the use of the hunting ground, adjoining to where they live, reserved to the Cherokee nation by the 7th article of the treaty made at Philadelphia, on the 2d of July, 1791.

Article 6. The Cherokees above mentioned, being desirous to have the translations of the Bible and Testament completed in their own language, for that purpose they agree to pay to such person or persons as may be employed for the same, the sum of five hundred dollars; also, after the translation is completed, for books five hundred dollars, more to be paid on receiving them.

Article 6. Should a division of the lands west of the Mississippi, belonging to the Cherokee nation as a common property, take place, the above Cherokees shall be entitled to their share, to be laid off for them.

Witness our hand and seal,

W. H. THOMAS,
Major Ridge, his x mark.
James Foster, his x mark.
William Rogers,
Johnson Rogers,
Elias Boudinot,
George Welch, his x mark.
Long Shell, his x mark.
John Fields, his x mark.
James Fields, his x mark.
S. Watie,
Jos. A. Foreman,
John Smith, his x mark.
James Rogers,
John Gunter,
Andrew Ross.
James Stara, his x mark.

Arkansas chiefs,

{

Interpreted by me,

S. WATIE.

Attest :

JOS. A. FOREMAN.

LAWs AND TREATIES RELATING TO THE CHEROKEES IN NORTH CAROLINA.

Act passed by the General Assembly of the State of North Carolina in the year 1783.

5. "And be it further enacted, That the Cherokee Indians shall have and enjoy all that tract of land bounded as follows, to wit: Beginning on the Tennessee where the southern boundary of this State intersects the same nearest the Chickamauga towns, thence up the middle of the Tennessee and Holstein, to the middle of French Broad river, (which lines are not to include any island or islands in the said river,) to the mouth of Big Pigeon river, thence up the same to the head thereof, thence along the dividing ridge between the waters of Pigeon river and Tuckasiga river, to the southern boundary of this State; and that the lands contained within the aforesaid bounds, shall be, and are hereby, reserved unto the said Cherokee Indians, and their nation, forever; anything herein to the contrary notwithstanding."

Treaty made in July, 1791.

ART. 7. "The United States solemnly guaranty to the Cherokee nation all their land not hereby ceded."

Treaty, Cherokee Agency, July 8, 1817.

"Those who remain (including the Upper towns) may be assured of our patronage, our aid, and good neighborhood."

ART. 8. "And to each and every head of any 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 640 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 reversion in fee simple to their children."

Convention with the Cherokees, Washington, February 27, 1819.

"And it is further understood and agreed by the said parties, that the lands hereby ceded by the Cherokee nation, are in full satisfaction of all claims which the United States have on them on account of the cession to a part of their nation who have, or may hereafter emigrate to the Arkansas."

ART. 4. "The United States stipulate that the reservations, and the tract reserved for a school land, in the first article of this treaty, shall be surveyed and sold, in the same manner, and on the same terms, with the public lands of the United States, and the proceeds vested under the direction of the President of the United States. The interest or dividend on said stock shall be applied, under his direction, in the manner which he shall judge best calculated to diffuse the benefits of education among the Cherokee nation on this side of the Mississippi."

ART. 6. "The contracting parties agree that the annuity to the Cherokee nation shall be paid, two-thirds to the Cherokees east of the Mississippi, and one-third to the Cherokees west of that river."

WASHINGTON CITY, *April 6, 1836.*

SIR: Mr. William H. Thomas, of Macon county, North Carolina, who will hand you this, is, as he informs me, acting as agent for a part of the Cherokee tribe of Indians, and visits this city on business connected with their affairs. I have advised Mr. Thomas to place before you certain papers and information, which, he informs me, he has in his possession, touching the treaty lately made with the tribe.

I have not, heretofore, had the pleasure of a personal acquaintance with Mr. T., but from the representations of others in whom I have entire confidence, he is a gentleman of fair and respectable standing.

I have the honor to be,

With much respect, &c.,

B. BROWN.

HON. LEWIS CASS.

FEBRUARY 17, 1836.

MY DEAR SIR: Mr. Wm. Thomas, who is the bearer of this, and who is specially appointed by a large portion of the Cherokee Indians to sanction and approve of the treaty entered into by a great portion of the nation, and as this portion are desirous that their views should be fully known, and from the certificate which Mr. Thomas has, the Indians have been made well acquainted with the subject matter. I am myself personally acquainted with a great number of the persons who have certified, and do know them to be gentlemen of respectability. My dear friend, I have no doubt but that you will use all legal and honest measures to effect a general, honorable, and lasting treaty with those unhappy people, who, it is seen by experience, cannot reside among the whites without coming under our laws, which might bring on great collision between the parties, and be the means of ending in much bloodshed.

I have to request of you to give every aid, which prudence may dictate, to this business; and I further request of you to give to Mr. Thomas a friendly introduction to my much esteemed friend, the President of the United States. I have been much afflicted for over two weeks, which has fallen into my injured limb from a bad cold, which settled principally in my leg, from the middle to my toes, and which confines me much to the bed, as I have more ease when lying than when I am sitting up. I hope these few lines will meet you in reasonable health. My own health, I think, would be reasonable if it was not for the pain in my legs, ankle, &c. Farewell, and may God bless you, &c.

R. LOVE.

The Hon. JAMES GRAHAM, Esq.

WASHINGTON, *April 4, 1836.*

SIR: My friend, Wm. H. Thomas, is now in this city, from North Carolina, where he resides. He is returning from the north, and has stopped here, for a short time, to ascertain what is doing, or to be done, with regard to the Indian treaty. Mr. Thomas is the agent, I believe, legally and fairly constituted, for a part of the Cherokee tribe of Indians. I am informed from gentlemen of high respectability, that Mr. Thomas has, for some years past, acted as the agent of a part of the Cherokees, and has been very serviceable to them. He is entirely satisfied that a treaty should be made and concluded with the Indians, which shall guarantee to that portion of the tribe, whose agent he is, their just and equal share of the proceeds of the sale. I called, in company with Mr. Thomas, this day, to see you in the War Office, but regret to learn you were absent from indisposition. I have known Mr. Thomas eight or ten years, and have entire confidence in his honest, upright character.

Your humble servant and friend,

JAMES GRAHAM.

HON. LEWIS CASS.

WASHINGTON CITY, *March 25, 1836.*

DEAR SIR: For a portion of the Cherokees, residing in the State of North Carolina, I have acted as agent since the year 1831, (the time that State extended her implied jurisdiction,) as will appear by the accompanying power of attorney. The time of my departure being known to them, they held a council, and requested me to call at this place and inform you that, notwithstanding they were not at the council which met and concluded a treaty with you at New Echota, on the 29th of December last, they were, nevertheless, willing a treaty should be made, an expression of which you will perceive in the accompanying papers. Since the last Cherokee delegation came on, I travelled through a considerable part of the Cherokee nation. So far as I was informed, there was but little excitement among the Cherokees. Their general opinion was that their land was sold. But few Cherokees know anything respecting the ratification of treaties. Some whites and half-breeds, who live among them, cultivating the best land without paying rent or taxes, procuring Indian labor for one pint of spirits per day, are opposed to a treaty, and use their influence with those unfortunate people to prevent one being made. The situation of a majority of the Cherokees, in the upper part of the nation, is wretched in the extreme. The early frost destroyed their crops; destitute of a support for themselves and families, also of the means of obtaining it, they present to the traveller complete objects of pity. Should the treaty be ratified, which is the only prospect of relief, the assistance is requested to be afforded as soon as the nature of the case will permit.

Yours, &c.,

WM. H. THOMAS.

Mr. J. F. SCHERMERHORN.

WASHINGTON *July 4, 1836.*

SIR: Enclosed is my account for \$29 00, which I spent while acting under the special orders of Mr. Schermerhorn, United States commissioner.

in the Cherokee nation east. I did not present this account until I saw Lieut. Batman's quarterly returns to the department, which showed that Mr. Schermerhorn had allowed similar accounts. I forwarded my account to him at this place last winter; a part he was willing to allow, and a part he seemed not disposed to allow. I enclose herewith his answer upon that subject. I have no doubt that, had Mr. Schermerhorn been apprized of all the facts attending the duty I performed for him, he would have allowed my account, which is very moderate. I was engaged several days in finding the individuals to translate and do the printing for Mr. Schermerhorn, during which time I was exposed in the weather and caught a violent cold, which brought on a hemorrhage at my lungs, which confined me at New Echota two weeks and upwards, without medical aid. As I was detained there by sickness, I got in the service of the commissioner. I thought it just and proper to charge \$15 00, the amount I paid for my board, at New Echota, a part of which time I was engaged in business, and a part of the time sick. The last item, \$8 00, I incurred in traveling from New Echota to the agency in a carriage, being unable to ride, and I hastened on to inform Mr. Schermerhorn or Mr. Currey that the printed documents were ready for distribution among the Indians.

Mr. Schermerhorn allowed Mr. George W. Currey his expenses to Nashville and back, merely to deliver a letter to Governor Carroll. He allowed Major Currey his expenses in going to Washington city and back, and he allowed him \$6 00 per day at the Red Clay council, last fall, as his secretary, and yet both these gentlemen were drawing their salaries, the one as clerk, the other as superintendent; why, then, pay them, and deny the same to me? All I ask is justice, and for all to be treated alike. If all my account can't be allowed, I wish as much of it as may be properly thought due to me to be allowed at the department.

Yours, respectfully,

WM. M. DAVIS,

Late Enrolling and Appraising Agent.

WASHINGTON CITY, D. C.

February 10, 1836.

SIR: I received, a few days since, your communication of the 16th ult. In reply, I would say, I do not see what the necessity for your staying particularly at New Echota, from November 10th to 28th, on account of the translating. My letter to you only requested you to see Mr. Boudinot, whether he would do the translating, and Mr. Wattie the printing, and all this I suppose was done in your journey to Rome. I, of course, viewed you in the pay of the Government, and that when you had ascertained these facts, and they engaged to do it, that service was ended; and you would be engaged in your other services as appraising agent. I do not believe that the Government would think it a proper charge to allow for your board at New Echota from the 10th to the 28th of December, and the charge for expenses to Calhoun.

I will, however, say, if you choose to forward on the account thus received, and if the Government allow it, very well; I shall be no obstacle in the way. But I cannot place myself in a situation to make myself responsible for it, if the same should be disallowed here, which I should

by giving a requisition for it on Lieut. Batman. There is no difficulty in my mind about the first charge, of \$8 00.

You had better send an account to Mr. Batman here, receipted; and he can forward to you the money on it when allowed by the department, and I shall do what I can, with propriety, to get it passed.

With great respect,

Your obedient servant,

J. F. SCHERMERHORST

W. M. DAVIS, Esq.

WASHINGTON CITY, July 4, 1836.

SIR: Before I left the Cherokee country, and after the Cherokee treaty was concluded, knowing the very destitute condition of the Cherokee and their suffering need of provisions, I requested some persons whom I knew were able to do it, to supply the poor and destitute with provisions and keep them from starvation. I requested particularly Colonel A. R. Hunter, of Huntington, N. C., Mr. Rogers, the father, W. Rogers, one of our Cherokee delegation from the Chattahoochee, in Georgia, and Mr. Wm. H. Thomas, of Haywood, N. C., to render the Indians in their vicinity every necessary aid and assistance; and I assured them they would be paid by the Government a fair price for the same, out of the money provided for this purpose, by the 18th article of the treaty. I trust, therefore, that the Government will give the necessary directions and instructions to their agent intrusted with this business, to allow and pay the accounts of these gentlemen for the provisions they have furnished according to my request, and at such a price as the other contracts are made for corn.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORST

To the Hon. ELBERT HERRING,
Commissioner.

HOUSE OF REPRESENTATIVES,

July 4, 1836.

SIR: I beg leave to suggest the propriety of an early appointment of the agents contemplated by the provisions of the Cherokee treaty, to value the Indian improvements, as it might perhaps hasten their removal. I also ask leave to suggest the propriety of appointing at least four, to act in that part of the country situated in Alabama, so that the business may be completed in time. By this course no additional expense will be incurred, and the service can be performed during the best season of the year.

I most respectfully recommend the following gentlemen for the appointment of valuing agents, to wit: Joshua K. Roberts, of Blount county, Thomas Lile, of Morgan county, George Massey, of St. Clair county, Lewis Cunningham and E. Hansboro, of Jackson county. I know all these individuals, and believe them well qualified.

They will no doubt faithfully discharge the duties.

With respect, your obedient servant,

R. CHAPMAN

Hon. LEWIS CASS,
Secretary of War.

WASHINGTON, July 8, 1836.

SIR: I have just received the accounts of Maj. Davis for reconsideration ; and in reference thereto, I must say, I was governed in my decision by what I deemed right in itself, and on the principle I had acted in my own case. While commissioner, west, I was confined by sickness on the Ohio river for better than three months, before I could return home, and I was put to some hundred dollars expense, for which I never made any charge, and I was obliged also to purchase a private conveyance and procure attendants to get home, for which I never thought of making charge. If, however, the department think proper to allow Major Davis's account for expenses while sick, and his return to the agency, I have no objection. I would refer you to the letter of Andrew Ross, sent to the United States Senate, to let you see how he discharged the confidential business I committed to him.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN.

To the Hon. CAREY A. HARRIS,

Commissioner, &c.

JULY 11, 1836.

DEAR SIR: Col. William Jackson, of Athens, Georgia, will, I think, make a good secretary to your Cherokee commissioners.

JOHN FORSYTH.

Hon. LEWIS CASS,

War Department.

WAR DEPARTMENT,

July 12, 1836.

SIR: You will prepare, as soon as convenient, the necessary instructions for the commissioners authorized to examine claims, under the Cherokee Treaty, agreeably to the information contained in my letter to them of the 7th instant. They will be allowed, agreeably to the act of appropriation, eight dollars per day for every day actually engaged in this duty, computed from the time of their leaving home till their return.

Very respectfully,

Your obedient servant,

LEWIS CASS.

To C. A. HARRIS, Esq.

Commissioner of Indian Affairs.

HEAD QUARTERS, ARMY OF EAST TENNESSEE,

Athens, July 18, 1836.

SIR: I have the honor, in compliance with your instructions of the 20th June last, to inform you that I have this day drawn bills of exchange upon

you, in favor of Lieut. C. S. Howe, United States army, for ten thousand dollars, on account of subsistence of Cherokee Indians.

I am, sir, most respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding Army E. T. & C. N.

To the Hon. LEWIS CASS,

Secretary of War, Washington, D. C.

FORT GIBSON, July 18, 1836.

SIR: I have the honor to enclose my account current as disbursing agent, Cherokees, for second quarter of 1836.

John L. McCoy has repeatedly called on me for subsistence, &c., as a Cherokee emigrant. He says that he came last fall. As I have no roll of him, and he has no certificate from Major Otrey, he desires me so to represent, in order that his claims may be attended to.

While engaged in the removal of Seminoles, as I had no envelop with me, I was under the necessity of forwarding some letters to you uncovered.

I am, sir, very respectfully,

Your obedient servant,

J. VAN HORNE,

Lieut. 3d Infantry, Dis. Agent, I. R.

Brig. Gen. GEO. GIBSON,

Com. Gen. of Subsistence.

HEAD QUARTERS, ARMY E. T.

Athens, July 19, 1836.

SIR: I have the honor to acknowledge the receipt of your communication of the 9th instant. In anticipation of your instructions, I had only ordered eleven companies, including two infantry, to be prepared to march into the Cherokee country. This force I deem necessary to make a proper impression. With a less force we shall have difficulty to induce the Indians to emigrate, for I have little doubts they will resist removal as long as they can with safety. Eleven companies will make a force of about seven hundred, inclusive of the sick, &c.

Two detachments have marched, one to Rossville, and the other two companies to repair the road to Valley river, which is impassable for wagons with anything like a load. The remaining companies, nine in number, I will discharge as soon as the paymaster arrives, who, I presume by your letter, will be here by the next mail.

The companies designated for the Cherokee country were all ready to march Saturday last, but detained in consequence of the badness of the roads, which would not admit of the transportation of supplies in time to meet the troops on their arrival at the several stations designated as depots.

I have ordered ten thousand rations of beef or bacon, corn or flour, to be forwarded immediately to Rossville, ten thousand to New Echota, and ten thousand to the mouth of the Valley river, which I have no doubt, from the

information I have received, the Indians will most gladly accept. For these supplies and others relinquished, I have drawn on you for ten thousand dollars. A part may be required for clothing. It is not improbable that I may find it necessary to draw for more. This will depend, however, upon the friendly feeling and disposition of the Indians, to comply with the late treaty, which I am inclined to think they will do as soon as I can stop the mouths of the whites established among them, and who are deeply interested in retaining them in their present situation.

A letter has been received at this place, directed to General Dement, from General Houston, in Texas. The object and purport of the letter is to induce him, with as many followers as he can procure, to join him in Texas. He says the Mexicans are marching towards Texas, with from eight to ten thousand troops. The whole Mexican population, from his letter, it would appear, is roused in the rescue of Santa Anna.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

JOHN E. WOOL.

To the Hon. LEWIS CASS,
Secretary of War.

HARRODSBURG, KY.,

July 20, 1836.

SIR: I presume the enclosed supersedes all courtesy. But as I am anxious to obtain an appointment in this case, I will assert my claims as a republican, my parental service in the revolution and late war, with my own; of this you can judge by my patronage. I am near the age of forty, and this is the first office I ever was a candidate for. If other recommendations were necessary, I would furnish them from the Creek and Cherokee nation, where prejudice of excitement is favorable to Kentuckians.

Those lines should be regarded only as they merit with their favor.

I am, yours, wishfully,

STEPHEN SAMPSON.

Hon. acting SECRETARY OF WAR.

HARRODSBURG, July 6, 1836.

SIR: We take the liberty of recommending to you Stephen Sampson, of Lincoln county, Kentucky, as a gentleman well qualified to act as an Indian agent, or as a contractor for the removal of the Indians. He has a good acquaintance with the country occupied by the Creeks and Cherokees, and desires an engagement of that kind.

His habits, industry, and capacity, qualify him for the employment, and we think he would discharge such duties with fidelity to the Government,

and credit to himself. We, therefore, bespeak the favorable consideration of his application.

Yours, respectfully,
 S. H. ANDERSON,
 SAML. DAVEIRS,
 JOHN GREEN,
 JOHN KINCAID,
 R. P. LETCHER,
 J. HARLAN,
 T. P. MOORE.

Hon. LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY EAST TENNESSEE
Athens, July 22, 1836

SIR: As soon as a paymaster arrives, which we have been expecting every day, for the last week, all the volunteers, except ten companies, will be discharged. It will never answer to send them home without pay. The excitement would be more than we could withstand.

I received a communication, dated the 18th instant, in behalf of the Cherokees residing in North Carolina, that they would send a deputation to meet me at this place, on Wednesday next, the 27th instant. I declined receiving them in this place, and informed them that I would meet them on that day, in their own country, at or near the mouth of Valley river, where I have ordered six companies of volunteers, amounting to about 420 men.

From information recently received, growing out no doubt of the force assembled at this place, that a very great change has been produced in the minds of many of the friends of John Ross, notwithstanding he has recently encouraged them that he was still in hopes of a re-hearing, and would eventually set aside the late treaty.

I have cautioned the Cherokees in regard to the advice of John Ross, at the same time informed them that they had no hope but that of removal, according to the terms of the treaty. Any other hope, or any other course, would lead not only to their own dissatisfaction, but all those who were concerned with them. I have called their attention to the situation of their neighbors, the Creeks, who were now compelled to remove to the west, perhaps at the sacrifice of the price of their lands and annuities. This has had, I have no doubt, the desired effect, and will bring in many to consent to remove, who would not under any other circumstances. The worst Indians, however, who I have to contend with, are the white inhabitants residing among them, who are opposed from interest to their removal. These I will soon check, and I will not hesitate to send them out of the country, until the question is settled, if they persist in their present course.

To conclude: I have no fear but I will be able to obtain a large proportion to consent to be removed this fall, if I am not interfered with. Nothing makes so strong an impression upon them as military force.

I have the honor to be, with considerations of the highest respect, your obedient servant,

JOHN E. WOOL.

To the Hon. LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY EAST TENNESSEE,
Athens, July 25, 1836.

SIR: I have the honor to inform you that a bill of exchange for \$10,000, was drawn upon you, and forwarded to the branch of the Union Bank of Tennessee, at Knoxville, for collection, and that \$103 34 was deducted for the amount of the exchange, besides the notes sent were made payable in Louisiana, which are not at par in this section of country. I have directed Lieut. Howe to return the notes and demand the bill of exchange from the Cashier.

I am, sir, with great respect,
Your obedient servant,
JOHN E. WOOL,
Brigadier General U. S. Army.

To the Hon. LEWIS CASS,
Secretary of War, Washington, D. C.

HEAD QUARTERS, ARMY E. T. AND C. NATION,
Athens, July 25, 1836.

SIR: I hasten to acknowledge the receipt of your communication of the 15th instant, just received. I have already informed you (the 15th instant) of my reply to General Scott, that although I had a force sufficient to accomplish all the objects of the Government, in this section of the country, still a force of 400 marines, or that number of regular foot, was very desirable, which would enable me to dispense with at least that number of mounted men, which, independent of every other consideration, were very expensive. I have not yet received any reply to my letter, dated the 12th instant, and conveyed by Lieutenant Colonel Brown, who came express from General Scott.

I have no hesitation to say that 400 marines, or that number of regular troops, with the company at Fort Cass, will be sufficient to control the Creeks, and to accomplish any object the Government may have in view, in relation to them in their country. As soon, therefore, as such a force can be sent to me, I will discharge all the volunteers from East Tennessee, which are very expensive, rendered almost doubly so by not having a sufficient number of efficient staff officers to superintend the disbursements of the army. I cannot, however, say to you at this time all I ought on this subject. It would do no good, and it is now too late to be corrected. I wrote to General Scott on the subject, and urged him, if he could do no more, to send me two or three quartermasters and commissioners. If General Jesup received my letter, and he had the officers to spare, he certainly would send them. I shall send this evening an express to General Jesup for the 400 marines, or that number of efficient regular troops.

I am just on the way to meet a deputation of Cherokees, at the mouth of Valley river, in Macon county, North Carolina, where I have a force of five companies, amounting to about 350 men. I have sent to this place to be distributed among the Indians, 10,000 rations. I have also sent a force of four companies, about 300 strong, to Ross's landing, with 10,000 rations, to be distributed among the Indians in that section of the country. I have also sent one company to New-Echota, with 10,000 to be distributed among the Indians in that neighborhood. Of this amount, however, I have given to J. A. Bell, one of the commissioners, on the part of the Cherokee, to the late treaty, to be distributed among the Indians in his neighborhood, one load of bacon, and one load of flour. I have appointed agents at all these places, besides one or two in other sections of the country, to superintend the distributions of the rations. I have likewise sent Captain Morrow, one of the most intelligent, enterprising, and discreet officers of the volunteers, to make a tour through a great part of the Cherokee nation, with the view of disseminating the views of the Government, and to inform them that they must submit to the terms of the treaty, and any resistance to its fulfilment would be their destruction, and all who are concerned with them. I have cautioned the Cherokees generally, not to receive the advice of John Ross, who has had great influence, but is now losing it rapidly, and particularly since my arrival and the assembling of the volunteers in this place.

From present appearances, I think I shall have no difficulty in bringing the Cherokees to terms, and I believe a large proportion may be induced to emigrate next fall. If, therefore, it is desirable, and I presume it is, that a part should be removed next fall, the arrangements contemplated by your instructions of the 20th ultimo, (to wit: "The moment the necessary appropriations are made, arrangements will be made for carrying into effect all the treaty stipulations,") ought to be made; and they cannot be made too soon, if, as I infer by your instructions, I am to direct their removal, and for which I shall prepare them, and which, I think, will be accomplished in the course of three weeks.

I have ordered all the volunteers to be discharged, except the eleven companies now in the Cherokee country, as soon as the paymaster arrives, who I expect this evening. A part of the eleven companies I shall discharge as soon as I possibly can. I think it will be at least prudent to retain them for two or three weeks, or at least until I have seen the chiefs and headmen of the nation, when I will reduce the companies to eight, and perhaps six, and these discharge as soon as I receive the regular troops from General Jesup.

I have just learned that the Governor of Georgia has a force of about 250 stationed near the Cherokee and Creek line. I have sent to inquire when they were stationed, by whose authority raised, and to inquire particularly into their conduct, as great complaints have been made against them by the Cherokees. J. A. Bell informed me that about 150 Creeks are residing in his part of the country: he says they have been, and still are, very friendly, and are anxious to be included among the Cherokee emigrants. I should like your advice on the subject. Mr. Bell says they have resided in his neighborhood about twelve months.

Being under an engagement to meet the Cherokees on Wednesday next, I must close with the assurance I will write you again in the course of the week from the mouth of Valley river.

By the by, it is reported that General Gaines has called on the Govern-

of Tennessee for one regiment of mounted men. The ten companies I am about to discharge may answer for that service. I believe they are anxious to go. It is, however, a corps entirely too expensive for so distant a service.

I have the honor to be,
Very respectfully,
Your obedient servant,
JOHN E. WOOL.

To the honorable LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY E. T. & C. N.,
Valley River, N. C., July 30, 1836.

SIR: I hasten to say to you that I arrived at this place on Wednesday evening last, 27th instant, with five companies of volunteers, two of which are infantry.

I have had two meetings of the Cherokees; the last one to-day, when the object was to answer whether or not they would submit to the terms of the late treaty. They evaded the question, and altogether show indications extremely unfavorable. I required their answer, and gave them the alternative, peace or war. Upon this they apologized, and said they had been understood, and requested that they might have until Wednesday next to give a more favorable answer, when they would have a much larger meeting. This is just what I want. If they hesitate, or show the least manifestation of hostility, I will take them all prisoners of war. I think, however, the Cherokees are not disposed to war: they are under the influence of men who are opposed to the treaty, both Indians and white men. The white men would deceive me, and induce me to believe that they are friends, and doing all they can to induce the Indians to submit to the terms of the treaty. I shall wait no longer than Wednesday next to adopt decisive measures. I am compelled, in some degree, to adopt this course, on account of the weather, which has been exceedingly bad ever since we left Athens. It has rained every day, and consequently the roads have become almost impassable, and almost impossible to get our own supplies.

I should be glad to have further instructions on the subject of removing the Indians, whether they will go willingly or by force. Agents are to be appointed, and funds will be required, to remove them. I should like, at least, authority to appoint some of the agents to conduct the removal. I am compelled to hold out inducements to some who are importunate, and might be indifferent if they were not in hopes of future gain or advancement.

To conclude, the Indians have just retired, much alarmed. I think they will on Wednesday next submit, and consent to be removed, agreeably to the terms of the treaty. I think I shall, however, be obliged either to

confine the reverend Mr. Jones, or send him out of the country. He is an Englishman, and very hostile; at least, I think so.

In great haste,

Yours, &c.,

JOHN E. WOOL.

To the honorable LEWIS CASS,
Secretary of War.

ATHENS, TENN., *August 2, 1836.*

SIR: I have not, as yet, had the pleasure of receiving the detailed instructions, nor the blanks, which I thought I had reason to expect would be sent me from your office, before this time, to Calhoun, East Tennessee.

The Indians appear to be much in the spirit of removing; and, to avoid all blame which might be attempted to be thrown upon the Government, should they not generally emigrate this season, it appears to me the valuation of property should be speedily made. Until I receive my instructions and the blanks which I spoke for, however, this duty cannot be commenced.

Very respectfully,

Your most obedient servant,

BENJ. F. CURREY.

General GEO. GIBSON,
Commissary General of Subsistence.

ATHENS, TENN., *August 2, 1836.*

SIR: I have not as yet had the satisfaction of receiving the detailed instructions, either from your office or from the emigration office, which it was expected would reach the agency before this time.

The Indians appear, generally, to be in the spirit of removing this fall or early in the winter. In order that the fault shall not properly be charged to the Government if they do not go, it is deemed proper that a sufficient number of valuing agents shall be employed to complete the valuations by the first of December next. In this opinion Governor Lumpkin agrees with me.

I am now making such selections of agents as I flatter myself will prove satisfactory to the department.

I hope, if my instructions have not already been forwarded, they will be sent without further delay, as I cannot well proceed to business without them.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

C. A. HARRIS, Esq.,
Com. Indian Affairs.

BLOUNTVILLE, August 3, 1836.

SIR: I will thank you to inform me, as early as convenient, the number of appointments that will likely be necessary to execute the Cherokee treaty, the duties of such officers, and probable perquisites.

I have the honor to be,

Very respectfully,

Your obedient servant,

WM. B. CARTER.

HON. LEWIS CASS.

Please direct to Elizabethton, East Tennessee.

TREASURY DEPARTMENT,

August 8, 1836.

SIR: Your letter of the 6th instant, respecting a bill drawn by General Wool on the War Department, for which the branch of the Union Bank at Knoxville charged a discount, has been received. I will this day write to the deposit bank at Nashville on the subject. In the mean time, I should advise that the bill be paid; having been sent here, it cannot be exchanged, and the faith of the department might be injured by delay.

I will take steps to have a deposit bank at Athens, if practicable; and I will, in the mean time, express a desire to the Union Bank at Nashville, that it would direct its bank at Knoxville to take all drafts of public officers on the War Department at par, and pay funds current at par, and the amount shall be allowed here at once on the production of the bills.

I am, respectfully,

Your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

C. A. HARRIS, Esq.,

Acting Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. NATION,

Valley River, N. C., August 8, 1836.

SIR: I have the honor to acknowledge your several communications of the 19th, 23d, and 25th ultimo, with a copy of a letter from John Ridge to the President of the United States.

I had already anticipated the communication of John Ridge to the President. I had heard of the conduct of Captain Bishop, who had about forty Creeks and Cherokees confined, and some in chains. I sent orders to Captain Vernon, who is stationed at New Echota, and afterwards to Brig. General Dunlap, to inquire into the many complaints made against the Georgians, and particularly as to the Cherokees, who were said to be confined and otherwise ill treated by Captain Bishop. This service has been performed, and all the Cherokees taken from Bishop and carried to the camp of Captain Vernon, where they will be retained, agreeably to their own request, until I can personally investigate their case and condition. I have also sent instructions to all the commanding officers in that section

of the country, not to permit or allow any violence to be committed by either the whites or the Cherokees, and instantly to redress any wrongs that might be committed on either side of the question. I have reports that my instructions have been most strictly complied with. I sent an express on the 4th instant to Brigadier General Dunlap, to repair forthwith to that part of the country, and to watch over the interests of both the white and red men. Major Ridge has undoubtedly reported correctly as to the state and feelings of a great portion of the Cherokees in that section of the country. But such is not the case in the mountains of North Carolina. Not one man in twenty is willing to come in and submit to the terms of the treaty, in consequence of which I have ordered the young men to bring in their arms, which they are slowly complying with. This, however, did not take place until I took some of their headmen prisoners and confined them. This has operated like a charm, and they are now willing to submit to the terms of the treaty. On Wednesday, I shall set out to visit the country of Roman Nose, a chief residing about thirty miles from this place, at what is called Cheoree, in the mountains of North Carolina and almost inaccessible. He was among those whom I confined. After my return from Cheoree I shall repair to the Cherokee country in Georgia.

I have been delayed a few days in my operations, in consequence of constant and heavy rains ever since we left Athens.

I hope a definite answer to my recommendations to make arrangements for carrying into effect the treaty will soon be made. The sooner it is done, the sooner we will be able to overcome the difficulties in removing the Cherokees to the west.

I am, sir, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding

C. A. HARRIS, Esq.,
Acting Secretary of War.

WESTPORT, JACKSON COUNTY, MISSOURI,
August 9, 1836.

SIR: In order to prevent any delay in making the Cherokee surveys, I informed Col. Kearney, commanding at Fort Leavenworth, that the surveyors would need an escort to join him in the month of September, at the southeast corner of the Osage lands, about one hundred miles north of Fort Gibson. Col. Kearney had the goodness to reply promptly; but stated that some difficulty might arise in the execution of the order to furnish an escort from that post, on account of the smallness of his command,

Apart from what I read in my instructions, I am aware that on many accounts it is exceedingly desirable that the completion of the duties assigned me be reported as soon as possible. Should any delay of consequence occur for want of an escort, the surveys could not be completed before the severity of the winter, in which case they would of necessity be deferred till next spring. I have, therefore, taken the liberty of troubling you with this, in which I ask leave respectfully to suggest, that the orders from the War Department for an escort might properly be made, so as to take the escort of dragoons from either Fort Gibson or Fort Leavenworth, and, in

event that any portion be taken from Fort Gibson, I would request that information of that fact be communicated to Fort Gibson direct from the department, as *early as practicable*; and that I also be informed of what the department shall have done in relation to this matter. Mail conveyances in this country are exceedingly tedious; if, therefore, I could be informed, at the same time, what orders had been sent to any military post, I could avail myself of them much earlier than to wait for a mail communication from the post to me. The surveyor will be required to go west of the southwest corner of the State of Missouri about three hundred miles; thence, south about sixty miles; and thence, he will return east to a point about thirty miles northwest of Fort Gibson. He will go on to ground which is frequented by Pawnees and Camanches, who commit depredations on the Santa Fee road, and will be in as great danger as he would be in any place on this side of the Rocky mountains. I have, therefore, intimated to the commanding officer at Fort Leavenworth, a hope, that not less than three companies would be sent as an escort. If, however, what would be deemed an adequate escort cannot be furnished, please to inform me how strong it can be made; and if it should not be so small as to render the risk of safety to the party obviously too great, the work shall, if possible, be performed.

I hope that orders will have been issued and every difficulty obviated before this reaches you, but as our time is so short, I write, lest some delay should happen which these suggestions might prevent.

The field notes and plats of which I am in want, both from your office and from the surveyor of the Seneca and Quapaw lands, I hope to receive before many days.

Most respectfully, sir,
Your obedient servant,

ISAAC McCOY.

C. A. HARRIS, Esq.,
Commissioner Indian Affairs.

HEAD QUARTERS, ARMY E. T. AND C. N.
Valley Town, N. C., August 13, 1836.

SIR: I have the honor to acknowledge by yesterday's express from Athens, Tennessee, the receipt of your several communications of the 25th, 26th, and 30th ultimo, with a copy of instructions to the Hon. Wilson Lumpkin and Gen. William Carroll, and also a copy of a letter to the same, from the Secretary of War; also a copy of a letter from the Paymaster General, on the subject of paying the supernumerary volunteers, assembled under the call of the Governor of Tennessee, at Athens.

As suggested in yours of the 26th, I have already written to the President of the United States. I have no doubt but that he will order the volunteers to be paid.

So much of yours of the 25th as relates to issuing clothing and rations to the Cherokees, has been, in a great degree, anticipated.

By yours of the 30th, it appears you have taken exceptions to a remark in my letter of the 19th ultimo. That letter will be explained in due season. I have now only time to remark, that I have no fear but my conduct

and the course I am pursuing will stand the test of all time, as well with the Indian as the white man.

I am yours, respectfully,

JOHN E. WOOL,
Brig. Gen. Com. Cherokee Army.

C. A. HARRIS, Esq.,
Acting Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.

SIR: I arrived thus far on my way to Ross's landing, to visit the troops and Indians in that neighborhood, when I received your several communications of the 2d, 4th, and 6th instant, with a copy of a letter to the Secretary of the Treasury, and one to the president of the Union Bank of Nashville.

In reply to yours of the 2d instant, I have only to remark that I had not the remotest idea of blending the expenditures on account of rations and clothing to the Cherokees, with the expenditures on account of the army. I shall be more careful how I write, because I am not understood at the War Department.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,
Acting Secretary of War.

CHEROKEE AGENCY EAST,

August 14, 1836.

SIR: I have the honor to acknowledge the receipt of your instructions of the 25th ultimo, accompanied by copies of instructions and a letter to the commissioners; but do not find the copy of General Wool's instructions which are mentioned in a postscript to said letter of instructions to my address.

I shall be at a loss on the subject of the powers, aid, relief, &c., with which General Wool is charged, until this copy is received; and must ask the favor of you to have me furnished, as early as convenient, with the copy referred to.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

Hon. C. A. HARRIS,
Commissioner Indian Affairs.

CHEROKEE AGENCY EAST,

August 14, 1836:

SIR: I have the honor to acknowledge the receipt of your instructions of the 28th ultimo, which will be complied with as strictly as possible.

I spoke to Mr. Warren to send me the various blanks, which were designated at the time, and supposed to be necessary in performing the duties assigned me; but they have not come to hand. Will you, therefore, be so good as to have blank muster rolls, appraisers' returns in sheets, also those under calf-skin covers, memorandum books, &c., &c., put up and forwarded to me as early as convenient, in quantities sufficient to answer any emergency? and oblige,

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

Major J. H. Hook,

Act. Com. Gen. Sub., Washington city.

HEAD QUARTERS, ARMY E. T. & C. N.,
Valley Town, N. C., August 16, 1836.

SIR: Being on the eve of a tour through the Cherokee nation, I herewith forward to you copies of such letters and orders, from 1 to 5, inclusive, as may give the Department of War a correct idea of the course I have pursued towards the Cherokees, and the white inhabitants residing among them. I do this, lest some false impression may have been made in relation to the course I would adopt, by some hasty remarks in my correspondence with the department. I can assure the Secretary of War, notwithstanding anything I may have said in my correspondence with him since my arrival in this country, I have done nothing which is not strictly in accordance with the treaty and my instructions, and which will not meet with the approbation of the people of the United States, as well as that of the Department of War.

On my arrival here, I informed the Cherokees that I had been sent by the President of the United States to carry into effect the late treaty concluded with them; that I came not to make war upon them, but to preserve peace, and to protect them in the enjoyment of all their rights. For this, I only exacted from them a declaration of submission to the terms of the late treaty, and a promise that they would remain peaceably and quietly at their homes until the time arrived for their removal to the west.

After several meetings with the chiefs or headmen in this part of the nation upon the subject of submitting to the terms of the treaty, and of distributing rations and clothing among the poor Indians, at the last of these they abruptly separated, without coming to any conclusion, although they had promised me to do so. Such conduct I could view in no other light than exhibiting strong feelings of opposition to the treaty, if not a disposition to resist its execution; and such as required prompt and decisive measures. I instantly sent a detachment in pursuit, and had the principal men brought to my head quarters and retained under guard for the night. In the morning they admitted their error, and promised a compliance with the treaty. Although I could place but little confidence in declarations made under such circumstances, I nevertheless permitted them to return to their homes, with orders that they should require their young men to bring in their arms. About one hundred have been surrendered, and the remainder in this section of the country, including those of the Che-o-ee Indians, will probably be brought in during this week. This measure will, in all probability, pre-

vent hostilities, and enforce a peaceable compliance with the treaty. Yet it is not to be disguised that nineteen-twentieths, if not ninety nine out of every hundred, of the Indians residing in North Carolina, are opposed to its execution, and will not comply with it unless compelled to do so by the presence of a military force. They say they will go to the west, but not by their own consent; and none, except a few miserable wretches, will receive anything from the United States, lest it might be construed into an act of submission to the treaty, or of having consented to its ratification. Without a military force of some four or five hundred men, present at the time when the greater part of the nation must set out for the west, I would not guarantee that we shall not have the same scenes enacted in this country which have taken place in Georgia, Alabama, and Florida. With four hundred regular troops I can insure peace and quiet, and the removal of the Indians to Arkansas without difficulty.

I have mentioned regular troops, because it appears to be the desire of the Secretary of War that the volunteers should be disbanded whenever regular troops could be obtained to supply their places. For this purpose, agreeably to instructions, I called on General Jesup for the requisite number, who returned me for answer that he had none to spare at this time, and would not have any until about the 10th of September next.

I have now about nine hundred men, including a company of regular troops at Fort Cass. A part of this force I shall discharge as soon as the Indians of this country shall have delivered up their arms, and I have completed the tour of the nation, which I shall commence to-morrow. This tour I had contemplated to have made before this time, and which would have been made but for the opposition I met with here, and which contains the most troublesome part of the nation.

In the course of the next week I shall call together the committee mentioned in the 12th article of the treaty, to advise on the subject of furnishing rations and clothing to the poor of the nation. That part of the committee residing in this section of the country, except Timpson, are unwilling to act. Roman Nose and Su-ter-wa-ger were both, previous to the reception of your communication of the 25th ultimo, consulted on the subject of issuing rations to the poor Indians, but they would neither take themselves or advise others to do so. As soon as the committee have been consulted on the subject, regulations will be made in regard to the issue, a copy of which will be furnished the War Department. It may be proper to remark, however, that I have little doubt, from information received from the Cherokees in Georgia, that demands will be made to consume the whole of the seventy thousand dollars in the course of the fall. I shall not fail to distribute this sum in clothing and rations among the poor throughout the nation, as equitably and as economically as may be practicable. As it may be attended with less inconvenience to the War Department, as well as myself, I would, as you have suggested, recommend to have the seventy thousand dollars passed to my credit in some bank, either in Philadelphia or New-York. I would recommend this course more particularly from the circumstance that the deposit bank in Knoxville charges one and a quarter per cent., as you have already been apprized, on bills of exchange, when they will take checks on eastern banks at par.

I have, as yet, heard nothing from the commissioners appointed under the treaty, nor have I seen Major Currey, although I understand he has arrived at the agency.

It may be proper to remark, that from the temper at present manifested by the Cherokees, independent of any other consideration, a force will be required to be kept up in this country during the operations of the commissioners and the appraisers of improvements.

In conclusion, I beg leave to remark to the Secretary, that from the total want of experience in the paymaster ordered to this country, I apprehend much difficulty will arise in the payment of the volunteers, a service at all times perplexing, and which should have been intrusted to an experienced paymaster.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brigadier General Commanding.

To C. A. HARRIS, Esq.,

Acting Secretary of War.

No. 1.

Extracts from a letter of Brigadier General Wool to Col. Joseph Byrd, of the second regiment of East Tennessee volunteers.

HEAD QUARTERS, ARMY EAST TENNESSEE,
Athens, July 22, 1836.

SIR: On your arrival in the Indian country, you will endeavor to learn the feelings and disposition of the Cherokees towards the people of the United States, and particularly in reference to the late treaty, concluded and ratified at Washington.

If you should find that any of the Creek Indians have sought shelter among the Cherokees to avoid punishment for their conduct in the recent hostilities in Georgia and Alabama, you will either apprehend them, or order them to be delivered up to the Commanding General in the Creek country. You will take care to impress upon the Cherokees the folly and impolicy of any attempts on their part to resist or set aside the treaty lately concluded with the United States, and represent to them the present unhappy situation of the Creeks, who, after waging war for a while with the whites, have now surrendered, and are about to be driven from their homes to the west, as the consequence of their hostilities. Enforce upon them the necessity of quietly and peaceably submitting to the views of the Government in relation to their removal, and that any representations to the contrary are entirely delusive, and must not be listened to. The treaty has been made and ratified, and must now be executed.

You will be careful to avoid all collisions with these Indians, and permit no insults to be offered to them, or any depredations committed upon their property, by any part of your command; and, as far as you have it in your power, to make the most favorable impression upon them in relation to the objects of your visit, and the views of the Government in quartering a military force among them. Should any insults be offered to them, or any depredations committed upon their property, by any of the soldiers, you will immediately make ample satisfaction, and the offenders will be dismissed from the service of the United States without pay or allowance.

You are particularly charged to exclude, as far as practicable, all ardent spirits from the camp of the volunteers, and, as far as the laws will permit, from among the Indians. If anything of importance should occur, and proper for me to know, either in regard to the troops or the Cherokee, you will transmit it immediately by express to me, &c.

Very respectfully,

Your obedient servant, &c.

To Col. JOSEPH BYRD,
Com. 2d Reg't of East Tennessee volunteers.

No. 2.

HEAD QUARTERS, ARMY E. T. & C. N.,
Athens, July 23, 1836.

SIR: Herewith I enclose you a copy of general order No. 1, by which you will perceive that I have, by order of the President of the United States, assumed command of the army of East Tennessee and the Cherokee nation. All troops, whether composed of regulars, militia, or volunteers, operating in the Cherokee country, are subject to my command and authority.

It has been reported to me that a detachment of Georgia militia is stationed at Spring Place, in Georgia; and immediately on your arrival at New Echota, you will inquire whether the report be true. If true, you will ascertain by whose authority they were stationed there, &c.; direct the officer to report to me forthwith. You will also inquire into all their operations, and ascertain whether they have in possession any Cherokees as prisoners, and unless there is good cause to believe that they are hostile in their intentions, and about to take up arms against the United States, you will release them. If any doubt exists as to their intentions, you will take charge of them and keep them under guard, until you receive further orders from general head quarters. You are charged to prohibit, unless you are convinced that the Cherokees are determined to take up arms against the United States, or against the people of Georgia, any violence being committed on their persons or property; and in case any should be committed, by any troops, whether militia or volunteers, you will take charge of them; and confine them under a proper guard, and report, forthwith, the result to general head quarters.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brigadier General.

To Captain VERNON,
Of the East Tennessee volunteers.

No. 3.

HEAD QUARTERS, ARMY E. T. & C. N.,
Athens, July 23, 1836.

SIR: The President of the United States has directed me to take command of the army of East Tennessee and the Cherokee nation. In conse-

quence of which, troops stationed or directed to operate in the Cherokee country, are placed under my command, and subject to my authority, whether regulars, militia, or volunteers.

On the receipt of this, you will forthwith report to me, at general head quarters, the force you may have under your command, by whose authority raised, and where stationed.

It has been reported to me that a number of Cherokees have been taken prisoners, and are now confined under guard. Unless the Cherokees show a determination to take up arms against the United States, or the people of Georgia, they will not be molested, or any violence committed on their persons or property.

You will therefore examine into the conduct of all those who are confined or retained as prisoners; and, unless strong suspicions are entertained against them, you will release them. If, however, in their conduct, they have shown anything of a hostile character, you will, without delay, send them under guard to me at general head quarters.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To the COMMANDING OFFICER

of the Georgia militia or volunteers

stationed in the Cherokee nation.

No. 4.

HEAD QUARTERS, ARMY E. T. & C. N.,

Valley River, August 4, 1836.

SIR: You will proceed, without delay, to New Echota, and such other parts of the Cherokee nation, within the limits of Georgia, as may be necessary, to give protection both to the Cherokees and white inhabitants residing in that section of the country. You will allow no encroachments upon either side. Both will be protected in their rights and property. You will prevent, as far as practicable, any collisions between your troops and the Indians. You will also prevent any interference on the part of the Georgia troops with the Cherokees. You will ascertain by whose authority they have been raised and stationed in that country, and if not legally authorized to maintain themselves and exercise military control, you will order them to disband, or leave the country. If legally authorized by the authorities of Georgia, they will immediately report to me, and receive my orders. At all events, you will prevent any improper exercise of military control over the Indians, or the white inhabitants. The whole subject is left to your sound discretion, taking care to do nothing which will bring you in conflict with the State authorities of Georgia. The sovereignty of the States and laws will be respected. You will recollect, in your intercourse with the authorities as well as the citizens, they are still in a state of excitement caused by the recent cruelties of a savage warfare. Therefore, great prudence and discretion should be exercised in all your intercourse with them; and particularly in all measures which might have a bearing on the rights and interests of the State and people of Georgia.

I will visit, in a few days, that part of the country, with a view of ascertaining the sincerity of the professions of that portion of the Cherokee nation.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding

To Brigadier General DUNLAP.

No. 5.

HEAD QUARTERS, ARMY C. N.,

Valley Town, N. C., August 12, 1836.

SIR: Captain Vernon, stationed at New Echota, informs me that John Ridge has complained to him that some white man is about to take forcible possession of his ferry, on Coosa river. You will, without delay, inquire into the case, and if you should find the complaint to be just, you will, until further orders, protect Ridge in his rights and property. This order will apply to all cases of similar character in the Cherokee country.

You are further directed, that in case you should find any troops within the limits of the Cherokee nation, whether in Georgia, Alabama, Tennessee or North Carolina, not belonging to the East Tennessee brigade, to notify them that they are exclusively subject to my authority, and unless they report to me without delay, and become subject to my orders, will either leave the nation, or be disbanded. In your proceedings, you will be governed by your instructions of the 4th instant.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding

To Brig. Gen. DUNLAP,

of the brigade of East Tenn. volunteers.

CHEROKEE AGENCY EAST,

August 16, 1836.

SIR: I have the honor to inform you of the receipt of yours of the 3d inst., and it gives me pleasure to say, Mr. Millard will, in all probability, find employment here as a removing agent, by the 1st of October next.

I am just on the eve of visiting the Georgia part of the nation, and will be able to communicate more fully with your department on my return when estimates will be submitted, and the names of most, if not all, the appraising agents reported.

Very respectfully,

Your most obedient servant,

BENJ. F. CURRIE

P. S.—I have not yet, but will soon, write to Mr. Millard.

UNION BANK OF TENNESSEE,
Nashville, August, 16, 1836.

SIR: I have to acknowledge the receipt of your communication of the 6th inst., this morning; and in reply, have to inform you that as soon as I received information of the charge made upon General Wool's draft, which was but a few days after it occurred, the cashier at Knoxville was immediately instructed to refund the amount, which, no doubt, has been done; and to avoid such charges in future. Your letter gave me the first information that the payment was made in *southern post notes*; from circumstances, however, which have come to my knowledge, I am led to believe that those notes have been taken back and others substituted, to the entire satisfaction of General Wool. If this has not already been done, you may rest assured that it shall be done without delay. In order to avoid all such errors in future, the cashiers of the branches will be immediately and fully instructed upon the subject of the relations and duties of the institution to the Government. Allow me to express my obligations to you for bringing this subject so promptly to my notice, and to hope, that under the circumstances, and with this explanation, you may feel at liberty to pay General Wool's drafts, and to subscribe myself, &c.

JNO. M. BASS, *President.*

C. A. HARRIS, Esq.,
Acting Secretary of War.

UNION BANK OF TENNESSEE,
Nashville, August 18, 1836.

SIR: I have the honor to acknowledge the receipt of yours of the 8th inst., and regret exceedingly that the cashier at Knoxville should have mistaken his duty so far as in the transaction alluded to, with General Wool. Every thing has been done to have the error properly corrected, and to prevent, it is hoped, the future recurrence of any cause of complaint on the part of the Government. As containing the best explanation now in my power to give, I have taken the liberty of enclosing to you a copy of my letter of 16th inst., to C. A. Harris, Esq., in reply to one from him, upon the same subject, which I hope will be satisfactory to both departments.

I have the honor to be,

Very respectfully,

Your obedient servant,

JNO. M. BASS, *President.*

HON. LEVI WOODBURY,
Secretary of the Treasury.

HEAD QUARTERS, ARMY E. T. AND C. N.
Fort Cass, August 20, 1836.

SIR: I have arrived thus far from Valley river, on my way to that part of the Cherokee nation residing within the limits of Georgia. At this place I met with John Ross, who has just returned from his visit to Washington. He, like many others of the nation, is anxious to have a meeting of the Cherokee people, for the purpose of submitting to them, for their decision and advice, the whole proceedings of the Cherokee delegation, in

relation to the late treaty. He says it has ever been the practice, and what the nation requires, that when any business of importance, intrusted to delegates, has been brought to a conclusion, the delegates are bound to lay the whole proceedings before the people, assembled in council, for their decision and approval. He asked me if I had authority or instructions to prevent or prohibit the Cherokees from thus assembling. I replied I had not; yet I advised him to be careful how he advised such a procedure, unless it was for the purpose of explaining to the people the late treaty with reference to their entire submission to its terms; that any discussion having for object a different result would, I was confident, meet with no favor on the part of the Government of the United States. I said this much to Mr. Ross; more I could not say, with propriety, after the letter of the acting Secretary of War, dated the 30th ultimo, upon which I shall make no other comment than, if I understood my instructions of the 20th of June last, and understood the Secretary of War, I was not only sent to suppress hostilities, but to prevent them, and to preserve the peace of the country.

If I am to do nothing until hostilities have actually commenced, I can only say, that I cannot be recalled too soon from this command. I will never consent to risk my reputation as an officer with the restrictions embraced in the acting Secretary's letter. Experience shows how much may be lost for want of timely and decisive measures. If they had been resorted to at the proper time, the Florida and Creek wars might have been prevented. One Cherokee can, whenever he pleases, unite the whole nation, or at least a large majority, in a war against the United States.

In relation to the reception of the supernumeraries of the East Tennessee volunteers, I have only to say in my defence, that Governor Cannon urged their reception, upon the grounds that their services would soon be required on the southwestern frontier, and that General Gaines had written to the War Department, as well as to himself, upon the subject, and under such circumstances he was sure that the President would approve of my receiving them, and if the President should disapprove of it, and would not pay the expense, he pledged himself that the Legislature of Tennessee would. Under those circumstances, I could do no less than receive them; but with the condition that they should return home, and wait there without pay, until they were called for by the President of the United States, or myself. From the representations of the Governor, I could view it in no other light than as a precautionary measure, which General Gaines's letter, as well as the rumors of the day, rendered necessary and proper. It was an organized force, ready to be called into the field at any moment. At this time I did not know of the apportionment of the ten thousand volunteers authorized by Congress, among the several States. If I had known the fact, I should never have yielded to the solicitations of the Governor.

I should be pleased with your views on the subject of this communication, as soon as it may be convenient; and particularly, in relation to the assembling of a general council of the Cherokees.

I have the honor to be,

With considerations of the highest respect,
Your obedient servant,

JOHN E. WOOL,

Brigadier General Commanding.

HON. LEWIS CASS,
Secretary of War.

CHEROKEE AGENCY,
August 22, 1836.

SIR: I have the honor to acknowledge the receipt of your communication of the 14th March, on my return, enclosing a copy of a complaint against my official conduct, over the signature of John Hardwick.

The enclosed statements, marked No. 1 and 2, are signed by Mr. Cowan, to whom Mr. Hardwick refers, also by G. W. Currey, and Samuel Aiken, and Colonel Joseph McMillian.

According to the last clause of the 16th article of the late treaty, as well as the spirit of the instructions received, to take possession of the books, papers, and public property in the possession of Colonel Montgomery, this field is subject to my use and occupancy, having been cleared by Colonel Montgomery's tenant, by virtue of his implied authority as Indian agent, and it is hoped the department will so advise Mr. Hardwick. There is no State law to prevent the enforcement of the treaty stipulations in relation to improvements, or other matters, within the limits of Tennessee.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJAMIN F. CURREY.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

CHEROKEE AGENCY,
August 20, 1836.

SIR: In reply to your note of this morning, I would state, that some time in the month of February last, a Mr. John Hardwick was in the office of the Cherokee agency. When I entered the office, a conversation was going on between him and yourself, in regard to some slanderous insinuations which said Hardwick had, a short time before, made in relation to the agent being a partner in a mercantile house, contrary to law.

During this conversation, Mr. Hardwick made known the object of his visit; his notes were presented and paid, and I feel satisfied that he was treated with as much politeness as is usual in business transactions.

After settling his claims, he again took his seat, and the conversation was renewed. The subject of a field near the agency, which Hardwick claimed, was also discussed. Hardwick was, in his remarks, very insulting, and spoke largely of his intentions as to the future cultivation of the field. He was asked by you to leave the house. He replied he had more business to transact. You told him when and while he had business with the office, you would always be glad to see him, and would always treat him politely, but that you would not suffer him to make unfounded insinuations with regard to yourself with impunity. Mr. Hardwick did not present any other business or claim for settlement at that time, nor has he since done so, so far as I am informed.

I saw no hostile movements of the arms, &c., as represented by Mr. Hardwick, in his communication to the Secretary of War, nor did I interfere to prevent the destruction of Mr. Hardwick.

This gentleman appears to have given the whole matter a different col-

oring from the one it actually wore in my presence, and I think his insulting remarks and conversation generally, and his frequent interference in matters with which he properly had no concern, in my opinion, justified all that was said to him by you.

The field in question, I believe to have been cleared partly by Hardwick and partly by Mr. Aiken, while he lived at the agency with Colonel Montgomery, and I do not believe Mr. Spears ever cut one stick of timber on the place. I have seen the books of the valuation agents, which show that Mr. Spears could never have received pay for any improvement in less than two miles and a half of the agency.

Respectfully,

Your obedient servant,

WILLIAM W. COWAN

CHEROKEE AGENCY,

August 21, 1836.

SIR: I have examined the foregoing statement, and, to the best of my recollection, pronounce it to be correct, having been present during the whole of the conversation had at the interview alluded to by Mr. Hardwick, in his communication to the War Department of last spring.

Very respectfully,

G. W. CURREY

B. F. CURREY,

Supt. Cher. Rem., and Act. In. Agt.

CHEROKEE AGENCY,

August 21, 1836.

SIR: In answer to your inquiry, I would reply, the field alluded to by Mr. Hardwick, in his letter to the War Department of February, was grubbed and fenced in part by myself; for which labor Mr. Hardwick, while living with Colonel Montgomery, the then agent, allowed me to cultivate it for one season. Mr. Hardwick, myself, and Mr Spears, all belong to the same church; we lived on the same side of the river; and I had an opportunity of knowing, and, to the best of my knowledge and belief, Jack Spears never cut one stick of timber on said place. I cultivated a part of this field in 1833; my clearing was done in the early part of the year 1833. Mr. Hardwick cleared his part of the field one or two years before me, while living with his father-in-law at the agency.

SAMUEL J. AIKINS

TO BENJAMIN F. CURREY.

I saw Mr. Samuel J. Aikins at work in the above field, in the spring of 1833, which he partly cleared.

J. W. McMILLIAN

Test:

W. W. COWAN.

WESTPORT, JACKSON COUNTY, MISSOURI,
August 23, 1836.

SIR: My bill of exchange of this day for five hundred dollars, in favor of Blair & Bacon, is drawn upon the authority of C. A. Harris, Esq., Commissioner of Indian Affairs, dated July 5th, 1836, and is to enable me to fulfil instructions, which, on that day, he gave me to cause the surveys of the Cherokee lands to be completed, &c.

Respectfully, sir,

Your obedient servant,

ISAAC McCOY.

Hon. LEWIS CASS,
Secretary of War, Washington, D. C.

Extract of a letter from J. Van Horne to Brigadier General George Gibson, Com. Gen. Subsistence, dated 23d August, 1836.

"About thirty or forty Cherokee emigrants have lately arrived, but before the ratification of the new treaty. They say that they enrolled with the understanding that they were to enjoy the benefits of all stipulations of the late treaty, and that, therefore, they are entitled to \$33 33 each, in lieu of the year's subsistence in kind, which they therefore decline to receive."

"Frequent applications continue to be made to me for the amount due emigrants for improvements abandoned east of the Mississippi. Also, for the \$14,000 appropriated in 1834, for payment of spoliations of Cherokee property."

"The Cherokees and Creeks have been for a day or two in council together in this vicinity. Their object is not distinctly known. It is thought that the Cherokees are about to express their dissatisfaction with some stipulations of the new treaty; and that both tribes see, with no pleasant feelings, the prospect of being supplanted, in their power and influence, by the superior numbers and authority of the main body of these tribes, about to set foot on lands which those in power here are disposed to consider their own exclusive domain."

Extract of a letter from M. Stokes, sub-agent for Cherokees, and others to C. A. Harris, Com. Indian Affairs, dated August 24, 1836.

"The first item in your letter, mentioning the amount of the remittance to Capt. Brown, states, 'For Indian annuities, Cherokees, \$866 67.' I have no conception of what annuity this item refers to. It is no proportionable part of any annuity by treaty. Jolly and Vann, two of the principal chiefs, are here, and I have consulted them and Capt. James Rogers. Neither of them can give me any information on the subject. I wish to be directed how it is to be distributed."

NEW ECHOTA, GEORGIA,

August 26, 1835.

DEAR SIR: On my return to Tennessee, after one night's stay in Knoxville, I went to Valley river, in North Carolina, where I found General Wool, with a part of the East Tennessee volunteers. I took upon myself some trouble to learn the feeling, disposition, and intention of the Cherokees in the North Carolina part of the nation. They say they are not disposed to resist the power of the United States, and will remove whenever ordered to do so, but have made no treaty. General Wool required them to say they would submit to the terms of the treaty. They said, they would submit to anything the United States would require, but could not say they approved the treaty.

At several attempted conferences with them, they acted with duplicity towards the General, in so much that he thought it prudent to direct the warriors should bring in their guns. Near a hundred were given up, when I left. Of this the Indians complained, but without cause, under all the circumstances of the case, unless they intended to use them against the citizens of the United States. You know my friendly feeling towards the poor unfortunate Cherokees, yet I can but approve of the course pursued by the General, if the United States seriously intend to carry into effect the late Cherokee treaty. In fact, any other would have favored another Seminole and Creek tragical scene. It is always better to prevent than suppress hostilities. Perhaps twenty to one of the Cherokees are opposed to the late treaty, and are slow to believe it is to be carried into effect; and any temporizing course by the officers of the United States, would tend to feed the lingering hope of the Indians; to create a belief the United States are not in earnest, and to delay all preparation for emigration.

The Cherokees will never be found to dislike or disapprove a firm, independent, and candid course, therefore are apparently satisfied with General Wool, and view him as a friend and protector. Much good may be done by him, having the confidence of the white and the red man; though his situation is one of peculiar delicacy, owing to the legislation of Georgia and other States, over the Indian territory, and the consequent difficulty in protecting the Cherokees in their rights, without a collision with State authority, which has not yet occurred, nor is it apprehended.

Many white men are trading with the Indians, holding out inducements, and persuading them to run in debt, under a belief the United States will see to the payment, and if not, that the Indians, when ready to embark for Arkansas, can be coerced by civil process, and that the United States will then pay to free them from embarrassment, and get them away. To all this, my dear sir, a stop must be put, or the Cherokees will be stripped of every thing they possess, and be finally forced to the west pennyless.

Some instances have occurred of prosecutions against Indians for felony, and sums of money extorted for a compromise. The worst of all swindling being by color of legal process; sometimes under such charges the head of a family has been confined in jail, till the woman and children were frightened from the land, the possession of which was desired. A short method of trying a possessory action.

The Cherokees were told last winter, if they would enter into the late treaty, their oppressions would cease, and they would be protected by the United States for two years. This pledge has not been redeemed, and the consequence is, those who made the treaty are fast losing the confidence o

the friends they had, and the faith of the United States suffers in their estimation. I fear General Wool is trammelled by his instructions from the War Department. Nothing but an unlimited discretionary power to him, or some such man, viewing the treaty as a part of the supreme law of the land, will ever accomplish a peaceable removal of the Cherokee tribe; without it, we will assuredly have difficulties with them, particularly as a large majority of the nation will be forced to submit to a treaty they disown. These suggestions are made for the action of your better judgment, and from a conviction on my part of the necessity of such a course. There need be no apprehensions the trust will be abused, so as to produce collision with State authority. It will surely work for good.

Excuse this hasty scrawl, and accept assurances of the high regard with which

I am, sir, your most obedient,
Humble servant,
SPENCER JARNIGAN.

To C. A. HARRIS, Esq.
Acting Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.

New Echota, Ga. August 27, 1836.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant, received yesterday, on my way to this place from Ross's landing.

Your impressions are altogether erroneous as to the course I would pursue in relation to the Cherokees. No man can feel more kindly to these people than I do, and no man will go farther to secure to them all the benefits of the late treaty. But in doing this, it is necessary to be firm and decided, or you will not convince them that the Government is serious in its intentions in having the treaty executed. A large majority of the nation are still under the delusion that the treaty will be modified, if not altogether rendered void, and John Ross it would appear is not without such hopes.

Allow me to say that the War Department do not understand these people, and no man can understand them until he goes among them. For three weeks after my arrival at Athens, from daily reports made to me, I was induced to believe that a large proportion of the nation was prepared to submit to the treaty and to remove west at a proper time. A few days at the mouth of Valley river convinced me I was mistaken. A few white men and some few half breeds only could be found to advocate a submission to the terms of the treaty. This is not fiction, but truth. The same remarks, although not to the same extent, will apply to this section of the country, that is, at least a large majority are opposed to the treaty and against removing to the west. What course, under such circumstances, would you pursue? Would you permit these people to remain until the period arrived for their removal, before you undertook to convince them that you were serious, and that a treaty had been made with them, which must be executed? I would be just to these people, but before they will allow me or my one else to be so, they must be convinced that a treaty has been made with them, (which they disavow,) and that within two years the same must be fulfilled. How would you do this? Would you merely say to them, that they shall not be interfered with, if they will remain peaceably and

quietly at their homes, until the expiration of the two years? Such a course, I have no hesitation to say, would produce the same scenes which have just been exhibited in Florida, and the Creek country. Not a man would be ready to move, nor will one of them, with some few exceptions, move without compulsion. If possible, that is if the Government would avoid war, some four or five thousand should be prevailed on to go this fall. If all remain, and all should be required to remove at the same moment, a much larger force than I have at this time will be required to preserve the peace of the country. Again, if we would serve and promote the interests of these people, we ought to use every honorable means to induce them to leave the country as soon as practicable. They are the prey of the white men, and if they remain in this country two years, very few would have anything left to carry with them to the west. The white men would have debts against them sufficient to cover all that they would receive from the Government. It is vain to say that you would not pay these debts; the Indians would be detained by the civil authorities of the several States in which they reside, under the expectation that the Government would eventually pay those debts. I hope you will not understand me to say, that I would hurry these people unnecessarily to the west, or that I would use harsh measures to force them out of the country. On the contrary, I would convince them that they must go, and in the next place, I would endeavor to convince them that it was for their interest that a part should go this fall. In the mean time, I would protect them in the full enjoyment of all the rights secured to them by the treaty, and above all I would prevent the white men from turning them out of doors, and taking possession of their property, which has been done too often in this State. If such proceedings on the part of the white people cannot be stopped, these people will be driven to a state of desperation, when the result may be learned by reading the history of the late Creek war.

If the officer in command has no discretionary power over the white or red men residing in the Cherokee country, he ought not to remain in it, for it will be utterly impossible for him to do his duty, either as it regards the Government, the Indian, or the white man, who may reside in the Cherokee country.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brigadier General Commanding

To C. A. HARRIS, Esq.,

Acting Secretary of War.

CHEROKEE AGENCY, FORT GIBSON,

August 28, 183.

SIR: I am requested by the chiefs of the Cherokee nation west to lay the enclosed communication before the Secretary of War.

The first demand is for an appropriation for stock and other property lost during the emigration of the Cherokees from Arkansas, under the eighth article of the treaty of 6th May, 1828. The appropriation was for

\$14,364 50, and was made 28th June, 1834. The Cherokees complain that it has never been sent on.

The second demand is for the proportion of the Cherokees west, of the appropriation of \$12,600, under the act of Congress of last session, "making appropriations for the current expenses of the Indian Department, for Indian annuities and other similar objects, for the year one thousand eight hundred and thirty-six."

The third demand is for money to build a merchant mill in lieu of the "eight patent railway corn mills," promised the Cherokees west by the fourth article of the treaty of the 14th day of February, 1833.

The fourth demand is for the valuation of the mills and distillery of Charles Rogers, made under the direction of F. W. Armstrong, late superintendent of Indian affairs. The papers are herewith enclosed. The valuation amounts to \$3,943.

I have but little to say in relation to their demands. They speak for themselves. The \$14,364 50 is due to a great many claimants; and they complain with much dissatisfaction that their money has been kept two years, since the appropriation, without having been sent on, whilst they were suffering for the want of it.

I am, sir, with great respect,

Your obedient servant,

M. STOKES,

Sub-agent for Cherokees.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

CHEROKEE NATION,

August 22, 1836.

SIR: We hereby request you to demand from the Government of the United States, upwards of \$14,000, appropriated 28th June, 1834, for the benefit of Cherokee citizens, for lost stock. Also upwards of \$4,000, as our part of \$12,600, appropriated by an act of Congress of the present year. And also to demand the money appropriated to build a merchant mill for the Cherokees, so that it may be built forthwith.

We further require you to demand the money stated as the value of the mill and distillery of Charles Rogers, which was destroyed in obedience to a late act of Congress regulating trade and intercourse with Indians. We wish you to call on the United States to pay the valuation; so that Charles Rogers may get satisfaction for his said improvements. Mr. Charles Rogers states that the reason his mill was valued, was because the mill would have been an expense, instead of a benefit to him, after the Government of the United States refused to permit him to run his stills, as it is in a section of country where very few citizens live.

his

JOHN x JOLLY,

mark,

Principal Chief.

JOSEPH VANN,

Third Chief.

To M. STOKES,

Sub-agent for Cherokees.

CHEROKEE AGENCY, FORT GIBSON,
August 24, 1836.

I certify the foregoing to be a true copy of the original filed by me, at the request of the chiefs, in the office of the Cherokee agency.

M. STOKES,
Sub-agent for Cherokee

HEAD QUARTERS, ARMY E. T. AND C. N.,
New Echota, Ga., August 30, 1836.

SIR: As suggested in your communication of the 25th ultimo, I called a meeting of the committee named in the 12th article of the late treaty, made between the United States and the Cherokee nation, to take the subject of supplying the poorer classes of the nation with rations and clothing, into consideration. They were to have met me on the 26th instant, but owing to a variety of causes, and among others having rains and high waters, none of the committee, except one, arrived until last evening. Mr. John Ross, Situate, Roman Nose, and George Chambers, have declined to serve. Those who assembled, propose to adjourn until the 8th of September, when they would endeavor to have all present that will serve, at the same time come prepared to fill the vacancies which may have occurred.

Those of the committee present, and particularly Ridge and Rogers, are quite impatient for the arrival of the commissioners. Until they arrive nothing can be done to forward emigration. They seem to be anxious to move this fall, with as many of their friends as they can get to go with them; and they think they will have a large number willing in the course of the season.

I have drawn up a set of regulations for the government of such agents as I may appoint in different sections of the country to issue rations and clothing to the poorer classes of the nation. These I intended to have sent you by this day's mail, but lest I should deem it proper to alter them after the committee meets, I have concluded to postpone it until that time.

In the mean time I have suspended the issues of rations, except in extreme cases. They are not necessary at this time, in consequence of the coming in of their crops, a few cases only excepted.

I have the honor to be,

With great respect,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding

To C. A. HARRIS, Esq.,
Commissioner Indian Affairs.

UNION BANK OF TENNESSEE,
Nashville, August 30, 1836.

SIR: In further explanation of the transaction with the branch of this bank at Knoxville, made the subject of complaint by General Wool, I beg leave to enclose for your perusal the letter of the cashier, Mr. McMillan.

under date of the 24th inst. which, I hope, will afford a satisfactory explanation of the transaction.

May I ask the favor of you, after having read this letter, to enclose it to the Hon. Mr. Woodbury, the Secretary of the Treasury.

I am, with great respect,

Your obedient servant,

JOHN M. BASS, *President.*

CAREY A. HARRIS, Esq.,

Acting Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.,
New Echota, Ga., September 1, 1836.

SIR: Herewith I have the honor to forward you a copy of a letter to his excellency Governor William Schley, of Georgia. The subject is one, perhaps, which may deserve the attention of the War Department.

Since my last to you, Mr. John Ross has issued his circular, calling a council of the nation, for the purpose of laying before it the proceedings of the delegation at Washington, at the same time to give an account of their conduct in relation to the late treaty. This council is to meet on the 15th instant. I have sent one of the circulars to the President of the United States, by express, with a request that he would give me his views on the subject, and advise the course I ought to pursue in relation to it. One thing is certain, no good will result from it and much evil may be anticipated. Major Currey and John Ridge have been here; they both predict much evil from the meeting. We shall be disappointed if a formal protest of the council is not made and published against the treaty. This is the time for decision and action. Those who are opposed to the treaty should be told that the time had passed for discussing the question, and that they had nothing to do but to submit to its terms. This you may rely upon is the true course. I shall wait and do nothing until I have further orders from the War Department or the President.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,

Acting Secretary of War.

P. S.—Nothing as yet has been heard of the commissioners. The Indians favorable to the treaty are very impatient for their arrival, as they are anxious to depart to the west as soon as they can.

JOHN E. WOOL,

Brigadier General.

HEAD QUARTERS, ARMY E. T. AND C. N.,
New Echota, Ga., August 29, 1836.

SIR: Mr. John A. Bell, a Cherokee, informs me that when the late treaty was negotiated, Mr. Schermerhorn, the United States commissioner, promised the Indians that all prosecutions, except for murder, pending against

them in the State courts, should be dismissed, and that he would see your excellency on that subject. It seems the promise, if made, has not been complied with. Under a belief it would be, I am informed Cherokees have become appearance bail, and are likely to be injured, and perhaps emigration delayed.

I am not sufficiently acquainted with the constitution and laws of your State to know what power or control the Governor can have over the subject. One thing is certain, the promise, if made, should be complied with.

I presume the prosecuting attorney for the State, in the respective circuits, would have power to enter a *nolle prosequi*, under the sanction of the presiding Judge. It only remains for me to request that the proper course be taken to carry into effect the promise of Mr. Schermerhorn. If he has made known to your excellency any such promise, without any disposition on my part to dictate or interfere in the administration of the laws of Georgia, I would respectfully call your attention to the matter, under a conviction that whatever is best for the public good will be done.

I have the honor to be, &c.,

JOHN E. WOOL.

To his excellency WILLIAM SCHLEY.

FORSYTH COUNTY, GA., *Sept. 4, 1836.*

SIR: I have the honor to enclose to you a letter received a few days ago from Wm. Rogers, one of the national committee, that you may be apprised of the views and wishes of those chiefs who are in favor of carrying the treaty into effect, on the subject of the appropriation by Congress at its last session to satisfy demands for interest on former annuities; &c. due the Cherokee nation.

Spencer Jarnigan, late counsellor and attorney for Mr. Ross, is doing much to produce discontent among the Cherokees, by representing that he had been favored by you with your official views, and the perusal of the instructions emanating from the War Department to the officers concerned in carrying out the late treaty, and retailing constructions not contemplated by the parties to that instrument. I am in hopes the commissioners will be able to reconcile the doubts and apprehensions produced by Mr. Jarnigan's conversations when they get together. Governor Lumpkin is already on the ground, and an express has been despatched for Governor Carroll.

John Ridge not long since called a council of the nation to meet at New Town on the 12th instant, which received the approbation of General Dunlap, he being present at the time the call was resolved upon. General Dunlap shortly afterwards went to Lewis Ross's, whereupon John [Ridge] immediately called a council of the nation to meet him at Red Clay, on the 15th instant. Such a proceeding as that contemplated by Ridge and Ross, acting independently of the authorized agents of Government or the advice of the committee, was calculated to array the friends of each in an antagonistical attitude, and produce any other than a desirable result. It is the opinion of General Wool, Governor Lumpkin, and myself, that no councils should be permitted, unless it be with the view of carrying the treaty into effect, and then it should be called by the proper agents of Government, or by the committee, with the expressed approbation of the agents. Under this view of the subject, Ridge has postponed his meeting, and General Wool has notified the committee to meet at New Town on the 8th instant.

Ross has expressed his hopes that he will be able to lay aside the treaty, and urges his people to be united in their opposition. This has produced a disposition with the Indians to arrest the valuing agents, or throw obstacles in their way for the present. These things have been fully represented to the President, and it is hoped both him and the department will give the proper officers discretionary authority to abate these and all other obstacles that may be wantonly interposed to prevent the execution of the treaty.

Most respectfully,
Your very obedient servant,
BENJ. F. CURREY.

Hon. C. A. HARRIS,
Commissioner Indian Affairs,
Washington city.

ECHOTA, GEORGIA,
August 30, 1836.

SIR: Having understood that it is contemplated by the Secretary of War to have the Cherokee people called together, to decide in what manner the annuities due the nation, under treaties anterior to that of Echota, shall be disposed of, I take the liberty of stating to you (with a view, if they are deemed worthy of notice, that they may be communicated to the department) some reasons why I think this course will not be the best.

From what has happened since the return of Mr. Ross to the nation, there can be no doubt of his determination to oppose the execution of the late treaty. For this purpose, it will be a favorite scheme with him to get the management of this money; and he will so delude the people, that they will, when they come to vote, give the money into his hands, under a belief that, thereby, the treaty will be broken, the white people expelled from their country, and their lands be restored. Would the interest of the Indians, and the policy of the Government, be advanced if all this should happen? No man can think so. That it is the duty of the Government to see this money so disposed of as to promote the interest of the Indians, there can be no doubt. How can this be done? Not by giving it into the hands of Ross to delude them with: but by applying it so as to aid in carrying out the treaty, and in their removal to their new homes. This may be done by placing it within the control of the committee named in the treaty. There are many claims against the nation which might be paid with this money, and also the salary of the committee; for it cannot be expected to serve for nothing.

I am, very respectfully,
Your obedient servant,
WILLIAM ROGERS.

Major BENJAMIN F. CURREY.

HEAD QUARTERS, ARMY E. T. AND C. N.,
New Echota, September 6, 1836.

SIR: Herewith I enclose you a copy of regulations for the issue of rations and clothing to the Indians. I do not wish you to consider them

as final, as I may be induced to alter them after the committee meets, the 8th instant, at this place. Some of the committee are in favor, in case it should meet the views of a majority, of my sending an agent to New York to buy the clothing, or articles of clothing, which may be required, this fall and winter, for the poorer class of the nation. Should such a plan be adopted, I have no doubt a great deal might be saved by it. In such a case, I should be glad to have the money deposited in some bank, to my credit, in either New York or Philadelphia: I think it would be more convenient in New York, as it is probable most of the articles of clothing will be purchased in that city. I think, under existing circumstances, it would be advisable to spend most of the appropriation for clothing. I think most of them will have enough to subsist on until towards spring, at least until the middle of next winter. This accords with the opinion of most of the committee with whom I have conversed. They are also in favor of furnishing as much of it as may be just and proper to those who emigrate this fall, and this accords with my own views on the subject. Finally, the whole sum will be expended as equitably, and judiciously, and economically as circumstances will permit.

At the end of this month I will transmit to you an account of what has been expended for rations. It will not exceed \$4,000; I think not so much. The rations which I sent to Valley river, in consequence of the Indians refusing to take them, I have transferred to the army. At this place and Coosawattee they have consumed about 10,000 rations, and perhaps half that amount at Ross's landing, and about 700 at Valley river. Mr. Buntington, who I appointed agent to distribute rations to the Indians in his neighborhood, has not yet rendered his account. The whole amount cannot exceed the sum above mentioned.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brigadier General Commanding.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

HEAD QUARTERS, ARMY E. T. AND C. N.,
New Echota, Ga., August 29, 1836.

The following regulations will hereafter govern the agents appointed to issue subsistence and clothing to the Cherokee Indians, &c. :

1st. Issues will be made only to the poorer classes of the Cherokee people, referred to in the 18th article of the late treaty entered into with the nation, upon the recommendation of one of the committee appointed under the 12th article of said treaty, or by agents regularly appointed by them and approved by the Commanding General.

2d. No issues shall be made for a longer period than three days at a time to any one person or family.

3d. Provision returns will be drawn for each family, stating the number of men, women, and children; on the back of the return the name of the head of the family will be endorsed; the returns will exhibit the num-

ber of days for which rations have been issued, and the commencement and termination of the period for which the issue is made.

4th. The abstract of issues will be accompanied by a roll exhibiting the number and names of the heads of families, to whom issues have been made, and also showing the number of rations issued to each family.

5th. The ration will consist of one pound of fresh beef, or three-fourths of a pound of pork or bacon, and of three-fourths of a quart of corn or corn meal, or of one pound of wheat flour to each grown person, and four quarts of salt for every one hundred grown persons, over the age of fourteen; and for persons under fourteen, one-half of the amount allowed to grown persons.

6th. When the age of persons cannot be ascertained, the issuing agent shall be the judge, and issue accordingly.

7th. No blankets, clothing, or articles for clothing, will be issued, except upon recommendations of one of the committee, or agents appointed by the committee, as authorized in the first paragraph of these regulations.

8th. The recommendations will state the causes which render the issues necessary, the number of persons to whom issues are to be made, making a distinction between grown persons and children, with the name of the head of the family and the articles that may be required.

9th. Upon these recommendations a return will be made, exhibiting the number of persons, making a distinction between men and women, boys and girls, with the names and number of the articles required, upon the back of which the name of the head of the family will be endorsed.

10th. No clothing, or articles for clothing, will be delivered, except to the person or persons for whom they may be intended; and no person will be allowed to receive more than one article of a kind, except by the express approbation of the Commanding General.

11th. The abstract of issues for clothing will be accompanied with a roll containing the names of every person of each family to which clothing or articles for clothing may have been issued; also showing the articles, with the cost of each.

MARDISVILLE, ALABAMA, Sept. 7, 1836.

DEAR SIR: I take the liberty, in behalf of several gentlemen, to address you on the subject of Cherokee emigration.

The recent alarming and distressed situation of the citizens of Alabama, on account of the Creek hostilities, furnishes incontestible proof of the necessity for a speedy removal of the Indians who have ceded their country, to their new homes west of the Mississippi; and humanity, as well as sound policy, equally dictates that every citizen of our Government should use whatever exertion he is capable of making to facilitate their removal. Past experience has shown that the longer the Indians remain in the country, the more difficult it is to get them started; and that the only sure plan to provide against difficulties with them, is to get them off immediately.

Several thousand of the Cherokee Indians reside within the limits of the State of Alabama, contiguous to the Creek people; a spirit of dissatisfaction has, to some extent, been infused into their minds by the recent hostilities of the Creeks, which has become increased, no doubt, by the excitement occasioned by the negotiation of the late treaty with them. They

are, however, very anxious to emigrate this fall, and would do it immediately, provided the necessary arrangements were made. Many of the most influential of the Alabama Cherokees have spoken to the gentlemen whom I represent, to address the department on this subject, requesting that their improvements be valued as early as practicable, and that they may be permitted to go on to Arkansas forthwith. At the request of many of those Indians, and under a firm conviction that we have it in our power to forward the designs of the Government, in effecting their removal, and believing also, that, by so doing, we will not only render great service to the people of Alabama, but to the Indians themselves, and secure to ourselves a reasonable recompense for our trouble, &c., we have concluded to submit for your consideration the following proposition: That we will emigrate this fall to Arkansas any number of Cherokees, not less than one thousand; that we will provide them with wagons and provisions necessary for their comfortable transportation, in consideration that the United States will pay to us the sum stipulated to be paid, by the 8th article of the late Cherokee treaty, to Indians who emigrate themselves, to wit: the sum of \$20 per head. The Cherokees are desirous that an arrangement of this kind be made, and it most certainly conflicts with no article of the treaty. We propose to remove them for the sum, without any other expense to the Government, save the employment of an agent to see that we punctiliously comply with our agreement, and to report the number of Indians emigrated, that we may receive the pay. We confidently believe this proposition to be a fair one, and have every reason to believe that its acceptance would comport with the wishes of the Cherokees in Alabama, and the interest of our community. If the department thinks proper to accept our proposition, we are prepared to go into the arrangement immediately, and to give any security for the faithful performance of our agreement.

Be pleased, sir, to favor me with an answer as early as practicable; and in the mean time be assured that, whether our proposition be accepted or not, we will use our utmost exertions to rid our country of this truly unfortunate people.

I am, with high respect,

Your most obedient servant,

JAMES R. BRACKE

For himself and others

To Hon. LEWIS CASS,

Secretary of War, City of Washington.

CUMMING, FORSYTH COUNTY, GEORGIA,

September 8, 1836.

SIR: For the purpose of despatching that branch of duty connected with the valuation of improvements, the Cherokee country has been laid off into districts. That part embraced by Georgia is known as the first; that part embraced by Alabama as the second; that part embraced by Tennessee as the third; and that part embraced by North Carolina as the fourth. Some of these districts are again subdivided. The Georgia part of the Cherokee country, or the first district, is laid off into four divisions, as follows:

VALUING AGENTS, &C.

Walker and Floyd counties compose the 1st.—Major Philip Hemphill, late member of the Legislature from Floyd county, and James Liddel, late member of the Legislature from Jackson county. Elijah Moore, interpreter.

Raulding, Cass, and Murray counties compose the 2d.—Capt. Stephen Mays, late member of the Georgia Legislature, recommended by Georgia delegation, and Col. Wm. N. Bishop, late State agent and aid to the present Governor Schley, and late aid to Governor Lumpkin. John Watie, interpreter.

Cobb, Cherokee, and Gilmer counties compose the 3d.—Capt. William Worley, of Cherokee county, Georgia, who is a man of good character and business qualifications, and Colonel Joel Yancy, formerly of the House of Representatives in Congress, recommended by Col. R. M. Johnson and Hon. John Bell. Sanders, interpreter.

Forsyth, Lumpkin, and Union, compose the 4th division of the 1st district.—Col. Josiah Shaw, of Lumpkin, recommended by Georgia delegation in Congress, and Col. Nathaniel L. Hutchings, late member of the Legislature from Gwinnett county. Henry Crittenden, interpreter.

The appointments or selections for the 2d district, included by Alabama, are not yet made, but will be in a few days.

The 3d district, or Tennessee part of the country, is laid off into two divisions, as follows:

The 1st, composed of that part lying northwest of the road leading from Hambright's ferry, via Petit's, on the Federal road, and McNair's, to the Georgia line.—Doct. James S. Young, of McMinnville, recommended by Hon. J. K. Polk; and Captain David Caldwell, of Monroe county, recommended by the Hon. H. L. White and R. J. Meigs. Joseph A. Foreman, interpreter.

The 2d division is composed of that portion of Tennessee lying southeast of the 1st division.—Jackson Smith, Esq., brother of Major Gen. Nathaniel Smith, of McMinn county, and Col. Joseph McMillin, of Bradley county, recommended by Legislature of 1832, as a person entitled to the confidence of the people of Tennessee as elector. Wm. Foreman, interpreter.

4th district, on North Carolina part of the country, is not divided.—William Welch, Esq., late member of the North Carolina Legislature, also, of the convention to amend the constitution of that State, and Nimrod S. Jarrett, Esq., both recommended by Col. Robert Love, of Franklin. Michael Gormley, interpreter.

The foregoing persons are all in active service. The dates at which they commenced, respectively, will be given on my arrival at the agency. Each agent and interpreter has, before proceeding to business, been sworn to perform the same faithfully and impartially; and the appraising agents have been furnished with detailed instructions, corresponding with those furnished by the department.

Owing to the great uncertainty of Indian movements, and the possibility that eight or ten thousand may wish to go off this season, and in that result, the necessity of having their business settled before their departure, the number of appraising agents has been increased above the number spoken of in my last interview with the Commissioner of Indian Affairs; but this will not increase the ultimate expense of that branch of business.

In a few days I expect to be able to give you a more satisfactory account of the number that will wish to emigrate this season, which depends very much upon the latitude given Mr. Ross, in his measures of resistance to the treaty, by General Wool.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

NEW ECHOTA, CHEROKEE NATION, GA.,

September 9, 1836.

SIR: On the 25th of July last I entered upon the necessary correspondence with General Carroll, and others, to ascertain when and where the more formal and operative duties of my appointment, as United States commissioner under the late treaty with the Cherokees, might be successfully prosecuted. Being unable, up to the 30th ultimo, to hear anything whatever from my associate commissioner, and having been apprized by letters from Major Currey and many of the intelligent Cherokees, of the necessity and importance of the presence and services of the commissioner in this part of the country, I have accordingly proceeded to this place, having in my tour obtained interviews with most of the agents of the Government charged with duties connected with the execution of the treaty. I have also seen and conversed with many of the most intelligent Cherokees, especially those who are charged with the duty of attending to the settlement of claims arising under the provisions of the treaty. Withstanding the opposition of John Ross, and his associates, and the many vexed and perplexed subjects connected with the present state of the affairs of the Cherokees, I still indulge the belief that a wise, firm, and prudent course, on the part of the Government and its agents, will yet bring this long standing case of annoyance to a favorable issue; but the duties assigned to the commissioners will demand of them untiring patience and perseverance.

A prudent forecast admonishes me of the importance and advantage which will result from systematic and well-defined arrangement in transacting the business confided to the commissioners. It would seem that the treaty contemplated that the whole of the business should be transacted at this place, and I find this to be the wish and understanding of the Cherokees who signed the treaty; and, in point of geographical location and Indian population, it is as eligible as any other point whatever.

But neither this or any other central point in the Cherokee country, can at this time afford that reasonable and necessary accommodation which the nature of the business seems to require. If the business is transacted here, it will be indispensable to have some repairs made to the dilapidated Cherokee (public) buildings, to afford shelter and protection from the weather (of the approaching winter) to the commissioners and their secretary. These repairs, however, could be made at a very moderate expense, perhaps for a sum not far exceeding one hundred dollars.

Upon my invitation, Col. Jackson, secretary to the commissioner, has accompanied me on the tour to this place, where we shall remain until we hear something on the subject of the absent commissioner. We find the

expenses of travelling and subsistence greater than could have been reasonably anticipated. Travelling, sending expresses, employing interpreters, &c., will, in the course of things, necessarily add something to the expenses of transacting this business. Upon all these matters, I feel myself restrained from entering upon definite arrangements until I can have an opportunity of consulting with my associate, and can ascertain from the Government how, when, and where, these expenses are to be defrayed. Under these circumstances, I have to request that I may be informed, without delay, whether any allowance will be made for expenses and subsistence of the Commissioners and their secretary, and for the subsistence and expenses of presses and interpreters. I will further remark, that none of the Cherokees named in the treaty as a committee to settle the affairs of the nation, can, or will, attend to that duty without a reasonable compensation, and their services will be insispensible to a proper adjustment of the affairs of their people. It is, therefore, necessary that this Indian committee should be explicitly informed on this subject. I have, and shall continue to have, the most strict regard to economy, and, therefore, have not made the foregoing suggestions with a view of opening the way, unnecessarily, for the expenditure of a single cent, but with a view of having a distinct understanding, which may prevent all embarrassments in making a final settlement at the close of the business.

My private resources have thus far been ample to meet the very small expenditures which have occurred; but I have to request that I may be instructed upon the subject of obtaining the necessary public funds.

I shall continue to feel some solicitude for the arrival of my associate, but trust I shall not much longer remain in suspense upon the subject.

I have the honor to be, with respect,

Your obedient servant,

WILSON LUMPKIN.

HON. LEWIS CASE,
Secretary of War.

Extract of a letter from Montfort Stokes to the Commissioner of Indian Affairs, dated September 10th, 1836.

"At the request of the chiefs of the Cherokee nation, I enclose a copy of their letter to James Starr, and others, who signed the late treaty with the Cherokees of 1836."

CHEROKEE NATION, NEOSHO DISTRICT,
August 23, 1836.

We, the undersigned, have seen a treaty concluded with some of our eastern brethren, and commissioners appointed by the President of the United States. And it appears from that treaty that our people in this country do not receive equal benefits with their brethren east, except a few late emigrants.

We, in behalf of our people, do earnestly solicit our brethren east to agree that all the Cherokee people shall receive equal benefits from the above

mentioned treaty, as the whole Cherokee people have to remove to the land where we live. It appears to us that equal benefits, under the said treaty, would unite our people again as one nation in the western country.

We have called your attention to the late treaty, with a view that you take it into consideration, so that all the Cherokees may receive equal benefits under it. We have the best of feelings for our brethren east, and it has ever been our sincere wish for them to unite as a nation in the west. A compliance with the above request, appears to us as the only thing that will unite the whole Cherokee people as a nation.

There is another part of your treaty that our people in this country are opposed to. It is this: That you bring missionaries with you to this country. Our people consider that there are plenty of missionaries already among us, as they create excitement at times, by interfering with the political affairs of our nation; and we have a law in existence, that there shall be no more missionary establishments erected within the nation, until provided for by law.

We wish further to state to you, that you sent A. Smith and S. W. Bell to request us to send a delegation to attend your council, and we were assured by them that all the expenses of the delegation should be paid by you. Agreeably to that request, we sent a delegation; and we shall expect you to comply with the promise of your delegation.

We have the honor to be,

Most respectfully,

John Jolly, his x mark.

Principal Chief.

Joseph Vann, 3d Chief.

John Rogers, jun.,

Executive Council.

Thomas Graves, his x mark.

John McKinzie, his x mark.

Charles Rogers, his x mark.

George Brewer, his x mark.

Moses Smith, his x mark.

Robert Webber,

James Carey, his x mark.

AUGUST 23, 1836.

Now you see from this letter what I told you all when you wished me to sign the treaty. I told you that I would sign it, though it was not agreeable to our instructions, and you would not agree to any of my proposition. You and our people can settle it yourselves hereafter.

his

JOHN x SMITH,
mark.

To Mr. JAMES STARR and others.

CHEROKEE AGENCY,
Fort Gibson, August 24, 1836.

I certify the foregoing to be a true copy of the original, filed by me in the office of the Cherokee agency, with a request from the chiefs that a certified copy of the same be laid before the Secretary of War.

M. STOKES,
Sub-Agent for Cherokees.

NEW ECHOTA, *September 10, 1836.*

SIR: I am still in suspense, awaiting some information upon the subject of my associate commissioner, under the Cherokee treaty, from whom I have not yet heard. I have had frequent interviews with five members of the Cherokee committee appointed in the late treaty to transact the business of their tribe. I have some apprehension that the balance of the committee, being under the influence of Mr. John Ross, will decline serving. I, however, entertain the belief that, if a faithful execution of the treaty was in progress, it would soon overcome all prejudice and opposition, and finally be carried into effect without the aid of those strong measures which have become necessary elsewhere.

It is very desirable that a majority of the Indian committee named in the treaty should act, but I take it for granted, that the execution of the treaty cannot depend upon the uncertain contingency of the majority of an Indian committee performing the duties assigned them, and consequently shall feel myself authorized to transact business with the aid of such as will serve, and such persons as may be appointed by them to fill vacancies.

The members of the Cherokee committee, with whom I have conferred, and many other intelligent Cherokees, state that, before the arrival of the disbursing officer of the Government in this country, they found many of the Cherokees suffering for want of food; whereupon they have furnished their suffering people until the arrival of relief through the Government was obtained. The value of the provisions thus furnished, is estimated not to exceed three thousand dollars. For this timely act of liberality, the Cherokees request that they be reimbursed, and suggest that it might, by your order, be done out of the funds set apart in the 18th article of the treaty, for the subsistence of the indigent Cherokees. Upon an approach to the duties which devolve on the commissioners, I daily find new questions arising, upon some of which I find it necessary to trouble the Executive Government. In order to a proper adjustment of Indian claims, under the late treaty, and to facilitate the transaction of their business, it is deemed most expedient to assemble the claimants at this place, many of whom are poor and destitute, and must have subsistence while attending to the settlement of their claims. Therefore, I would respectfully inquire, is there any fund which could be placed under the control of the Indian committee and commissioners, for the above purpose of subsistence? The Cherokees suggest that there are funds, under prior treaties, which might be thus applied. But whether there be any funds, and what funds, that may be applied to this object, you can best judge. I deem the object of subsisting the Indians, while here on business, one of great importance to the poorer classes.

There are many of the most intelligent and influential Cherokees, who are fully competent to the management of their own affairs, and who are very desirous, as soon as their claims are settled, to receive all that may be due to them under the late treaty. I will add, that if this desire can be granted, it will have a happy influence in favor of the treaty with that entire class of the nation.

I have the honor to be,

Very respectfully,

Your obedient servant,

WILSON LUMPKIN.

Honorable LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.,
New Echota, Ga., September 11, 1836.

SIR: Since my last, I have had a meeting of as many of the committee designated in the late treaty to manage the affairs of the Cherokee as thought proper to attend. Five, being of the Ross party, have declined serving, and three others did not make their appearance; consequently, five only were present, to wit: Boudinot, Ridge, Gunter, Rogers, and Chibbers. I laid before them my regulations, to govern in future the issues, with which they were much pleased. I submitted to their consideration how much of the \$72,000 they thought ought to be appropriated for clothing, and how much for rations. Although they preferred leaving the whole subject to my discretion, they recommended that \$30,000 be appropriated immediately for clothing, the greater part of which, at my suggestion however, they recommended to be expended for blankets and shoes, to be purchased, by an agent sent for that purpose, in New York. These blankets, clothing, and shoes are to be expended according to circumstances; that is, according to the necessities of the people, generally having reference to those who may emigrate this fall and coming winter. In order to ascertain the wishes of the North Carolina Indians, I shall postpone sending an agent until I have consulted them, which I shall be able to do at the council to be held on the 15th instant, on the subject of the kind of clothing they may require. As they are less civilized than those in Georgia, they may require some articles of clothing that the latter do not.

I have already informed you that I have expended about \$4,000 for rations, an account of which will be transmitted to you at the close of this month. As they can now do without rations, I have ordered the issues of rations to be suspended until further orders, except in extreme cases. I also, in a former communication, suggested the propriety of depositing the appropriation in some bank in New York or Philadelphia, where I may draw for it as circumstances may require. In case I should make purchases in this country, which, no doubt, I shall be obliged to do for small accounts, (say two; three, or four hundred dollars,) it would be more convenient to draw checks on some bank at the east than bills of exchange on the War Department. Small checks I can get cashed almost anywhere; but bills of exchange on the War Department I shall be obliged to send to the Knoxville bank to be cashed, which is always attended with expense, such as sending an agent for the purpose, &c.

I am at a loss, at this moment, to know how to draw for the money required for the clothing to be purchased in New York, lest you may have deposited the money, as suggested in a former communication, in some bank in New York. If not, you will please deposite, if it meets your approbation, in the Merchants' Bank, in New York, \$62,080, being the balance undrawn for, of the appropriation for the poorer classes of the Cherokees, agreeably to your statement of the 4th ultimo.

You will oblige me if you will return an answer as soon as practicable to this communication.

I have the honor to be,
Very respectfully,

Your obedient servant,
JOHN E. WOOL,
Brigadier General Commanding

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

NEW ECHOTA, *September 12, 1836.*

SIR: Since writing to you on the 9th instant, on the subject of repairing the public buildings, at this place, for the use of the commissioners, &c., Mr. Elias Boudinot, who has the most comfortable buildings which are to be found on the lands reserved for public use at this place, has suggested to me a willingness and desire to lease to the United States his buildings, for the use of the commissioners in transacting the public business. His buildings are both comfortable and convenient, and would add greatly to the comfort and convenience of all who may be engaged in transacting the public business under the treaty. This proposition originated with Mr. Boudinot himself, who is, as you know, a liberal and enlightened man, and who takes great interest in promoting every effort of the Government towards carrying out the provisions of the late treaty, in that manner which may be best calculated to promote the interest of his native race. For his possessory right for two years under the treaty, I have no doubt he could lease his possessions for five hundred dollars; consequently, the Government ought not to offer him less. This arrangement would add greatly to the prospect of comfortable quarters to the commissioners and others at this place; and if consistent with your views of the public interest, I will please to instruct me on the subject. Permit me to add that the additional expense now suggested, over that contemplated in my letter of the 9th, will be more than counterbalanced by the comfort of the commissioners; for the prospect of comfort, at best, is bad.

I am, very respectfully,

Your obedient servant,

WILSON LUMPKIN.

Hon. LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.,
New Echota, September 12, 1836.

SIR: Since my communication of the 10th instant, Governor Lumpkin informed me that he had, at the request of a part of the committee designated in the treaty for managing the Cherokee affairs, suggested to the Secretary of War whether it would not be expedient to allow such of the committee, who may have furnished subsistence to the poor and needy of the nation previous to my issuing rations to them, to be paid out of the appropriation for the poorer class, agreeably to the 18th article of the treaty. My object in calling your attention to the subject is, merely to put you on your guard against such propositions. The claims of a similar character are numerous. If you allow them in one case, will you not be compelled to allow them in all others? I have no doubt if such claims were allowed, they would amount to more than the whole appropriation, \$72,000, and the trouble of liquidating them would be almost endless. I hope the suggestion by the Governor will not be entertained, for I am confident it will open the door to numerous frauds.

It has also been suggested by some of the committee, that this fund ought to be expended in furnishing with subsistence all those who may attend on the commissioners to transact business. If such a proposition should be

entertained, not a man would come prepared to subsist himself, and the consequence would be that the fund would be diverted from the persons contemplated by the 18th article of the treaty. It would be partially distributed, and principally to those residing in Georgia. Those in North Carolina, where the great body of the poorer class reside, would not get their proportion. I would distribute this fund impartially, and when it would do the most good. I know not whether this proposition has been submitted to the War Department. If it has, I hope it will not be entertained; it certainly ought not, if we would be just. If the people generally should submit to the terms of the treaty, and come in and settle their claims with the commissioners, the number, probably, would be so great as to consume the whole fund in two weeks.

I hope this subject will receive all the attention it merits.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

CHEROKEE AGENCY,

September 14, 1836.

SIR: In my communication of the 8th, I informed you that the dates respectively at which the appraising agents and the interpreters reported for service, would be given on my arrival at the agency.

Appraisers for the 1st district in Tennessee.

Doctor John S. Young,	reported August 11, 1836.
David Caldwell,	do. do. 16, 1836.
Interpreter.—James A. Foreman,	do. do. 17, 1836.

Appraisers for the 2d district in Tennessee.

Jackson Smith, Esq.,	reported August 16, 1836.
James W. McMillan,	do. do. 22, 1836.
Interpreter.—William Foreman,	do. do. 21, 1836.

Appraisers for North Carolina, in one district.

William Welch, Esq.,	reported August 24, 1836.
Captain Nimrod S. Jarrett,	do. do. 24, 1836.
Interpreter.—Michael Gormley,	do. do. 25, 1836.

Appraisers for the 1st district in Georgia.

James Lidel, Esq.,	reported August 30, 1836.
Philip Hemphill,	do. do. 30, 1836.
Interpreter.—Elijah Moore,	do. do. 30, 1836.

Appraisers for the 2d district in Georgia.

Colonel William N. Bishop,	reported August 17, 1836.
Captain Stephen May,	do. do. 17, 1836.
<i>Interpreter.</i> —John Watie,	do. do. 21, 1836.

Appraisers for the 3d district in Georgia.

Captain William Worley,	reported September 7, 1836.
Colonel Joel Yancy,	do. August 20, 1836.
<i>Interpreter.</i> —Johnson Alberty,	do. September 6, 1836.

Appraising agents for the 4th district in Georgia.

Colonel Josiah Shaw,	reported September 5, 1836.
Colonel N. L. Hutchins,	do. do. 5, 1836.
<i>Interpreter.</i> —Harry Crittenden,	do. do. 2, 1836.

I shall proceed on to-morrow to Alabama, for the purpose of making sections for that country.

It is still uncertain what number may wish to go off this season.

There are many emissaries in this country from Knoxville, Tennessee, whose conduct and conversation appear to be well calculated to sustain Mr. Ross in his measures of opposition. Several men, heretofore co-operating with Ross in these measures, are now building on the land allotted for the use of the Government, or agent superintending the removal of the Cherokees, in defiance of my wishes, and to the annoyance of the interest, as I believe, of the Government. If we are to judge of the future by the past, I am certain no good can result from their continuance in this country.

In the conclusion of my letter of the 8th instant, I do not wish to be understood as casting censure on General Wool, yet I fear, through the influence of such as I have above named, the department has been induced to restrict the action of General Wool in such a manner as to give Mr. Ross's prejudices, and those of his political advisers, that effect so much desired by some partisans of the present day. I am advised by some of the appraising agents that letters have been circulated through the Cherokee country, from Ross, requiring the Indians to stand firm and united in opposing the treaty, and that he has assurances it will be set aside, and they will get back their lands. If he is allowed to oppose the treaty in this way, there can be no doubt as to the effect. It will result in nothing short of a repetition of the scenes exhibited in Florida and the Creek country, during the past spring and summer.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJAMIN F. CURREY.

Gen. GEORGE GIBSON,

Commissary General of Subsistence,

Washington city.

P. S.—The valuing agents are employed at \$4 per day each, and the interpreters at \$2 50, to include the usual expenses.

CHEROKEE AGENCY, Sept. 4, 1836.

SIR: The expenditures for the next quarter may be regarded as somewhat uncertain. I would, however, on account of valuation agents and their interpreters, estimate

Eighteen agents, at \$4 per day, ninety days each	-	\$6,480 00
Nine interpreters, at \$2 50 per day each	-	2,025 00
One interpreter for superintendent, back pay, &c. per quarter	-	275 00
One clerk to superintendent, at \$3 per day	-	270 00
One superintendent Cherokee removals	-	500 00
Removal of 5,000 Cherokees, at \$20	-	100,000 00
Contingencies	-	300 00
Advances necessary to be paid by the commissioners to intelligent class of Cherokees, on their improvements, to enable them to buy wagons, teams, pay debts, &c.	-	150,000 00
Six removing agents, at \$4 per day, ninety days	-	1,960 00
Six interpreters, at \$2 50 per day, ninety days	-	1,350 00
Six physicians, salary and expenses estimated at \$6 per day, 60 days	-	2,160 00
Total	-	\$265,320 00

I would suggest, as a check and safeguard, while at the same time the public convenience is consulted, that the draft of the disbursing agent, endorsed by the commissioners, be necessary to draw the sum from the deposit bank, which should be drawn out in quantities and at times to suit the emergency.

This large estimate is made to avoid the danger of underrating the demands which might, owing to the uncertainty of Indian movements, arise of a sudden. As I have before said, the number of emigrants going off this season depends much upon the latitude given to Mr. Ross in his measures of opposition to the treaty.

Most respectfully,

Your very obedient servant,
B. F. CURRIE

Gen. GEO. GIBSON,
Commissary General of Subsistence.

PHILADELPHIA, 9th Month, 16, 1836.

We enclose thee Isaac McCoy's draft, dated West Port, Jackson county, Mo., 16th August, in favor of Wm. M. Chick, drawn on thee, as Secretary, for one thousand dollars,—by authority of C. A. Harris, Commissioner of Indian Affairs. For which sum please send us a check on the Girard Bank or on Moyamensing Bank.

With respect,

SITER PRICE & Co.

LEWIS CASS,
Secretary of War,
Washington city.

MARDISVILLE, *September, 1836.*

SIR: I am informed that a number of the Cherokee Indians are desirous to emigrate to the west during the present season, and that they wish agents of their own selection employed for that purpose. If the treaty with that tribe will authorize such a course, (and I apprehend it will,) I would respectfully suggest the propriety of the removal of such as may desire it, as early as practicable. I am satisfied a number of them can be removed this fall, at less expense and trouble than at any future time. Be so good as to let me hear from you upon this subject as early as practicable.

I am, very respectfully,

Your obedient servant,

JOAB LAWLER.

HON. LEWIS CASS,
Secretary of War.

TREASURY DEPARTMENT,
Second Auditor's Office, September 16, 1836.

SIR: On the settlement of Lieut. Batman's account, Benjamin F. Currey received from him, on the requisition of J. F. Schermerhorn, United States commissioner, \$215 for expenses incurred as special messenger, in travelling from Red Clay council ground to the seat of Government, and returning, in November, 1835. As no allowance can be made by the accounting officers for expenses incurred in coming to the seat of Government without authority from the department, be pleased to inform me if Mr. Schermerhorn was authorized by his instructions to employ Mr. Currey as special messenger, or if his repairing to Washington has been sanctioned by the department.

I am, respectfully,

Your obedient servant,

WM. B. LEWIS.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Red Clay, Tenn., September 18, 1836.

SIR: It is with peculiar pleasure that I acknowledge the receipt of your several communications of the 1st and 3d instant, by express, from Athens. They have indeed revived my hopes; for I had begun to think all confidence was lost, both as it regarded my judgment and discretion. I am happy to find that it is otherwise.

The Cherokees are fast coming in from all parts of the country to attend the council. I presume at least three thousand are present. My camp is within a quarter of a mile of the council ground. The Indians appear very quiet and peaceably disposed. Notice has been given that the business of the council will be commenced to-morrow.

I had two interviews with Mr. John Ross. I endeavored to convince him of the folly of any attempts to resist the execution of the treaty, or to

obtain a modification of it. At the same time I informed him of the determination of the President to have it executed in all its parts, and, as he directed, cautioned him on the subject of holding a council for any other purpose than to advise submission to its terms. I send herewith an extract of the President's letter of the 7th instant.

I have no doubt that the council will endeavor to procure a declaration of the people against the treaty, and to appoint a new delegation to go to Washington for the purpose of making a new treaty, or to procure a modification of the present one. On this subject, I informed Mr. Ross that I should consider such a measure no less dangerous to himself, than ruinous to his people. It would have the effect to delay the execution of the treaty, and, consequently, the people would not be ready at the proper time to remove, when he might look forward to the course now pursued towards the Creeks, who were found unprepared to remove to the west. He replied, that his wish was that of his people. If they assented to abide the treaty he would be content, and remove with them. He does not, however, consider it a treaty with the Cherokee people, but made with a faction composed of a very small body of the nation. I told him the destinies of his people rested with him. It was in his power to do much good or much evil; and that the latter would be the result if they adopted at this council the plan he had suggested. The last interview was had in the presence of Messrs. Lowrie, Taylor, Ross, and the two Gunter. I read to all the President's letter. Most of the more intelligent part, such as Judge Martin, Taylor, Boudinot, Bell, Hicks, Vann, &c., are anxious to remove, and they say they will remove this fall. But they appear to have no influence upon the full-blooded Indians. It is Mr. John Ross, and him only, who appears able to control them. They all say they want to hear what he has to say on the subject, and then they will decide. He has unbounded influence over them. This is no fiction, but truth. I am in hopes to be able to advise you more fully in my next of the measures the council intend to adopt.

On the subject of certain Creeks and Cherokees, I would call your attention to the enclosed letters, from 1 to 3, inclusive. Humanity revolts at the course pursued towards those Creeks who have not participated in the late hostilities, but have lived from one to twenty years in the Cherokee country, and connected, by marriage and blood, with the Cherokee people. They ought not to be hunted and dragged to the emigrating camp like so many wolves. A distinction ought to be made between that class and those who have been engaged in recent hostilities. Many of the former have become nationalized and adopted into the family of the Cherokees, and by their laws and customs, are permitted to come in and partake of the benefits of the late treaty. I hope the subject will claim your early attention, in order that a decision may be had as soon as practicable upon those difficult and intricate questions. I would not drive these people, or any part of the Cherokees, to desperation. There is a great difference between cruelty and oppression, and being decided, firm, and just. With the latter, you will command the respect of the Indian; and whilst you can do that, you may control him; but with the other, nothing but hatred and dislike, and if pursued too far loose every thing. These people, as tame and docile as they may now appear, can be driven to war.

I regret that the commissioners have not found it convenient to enter upon the duties of their office. It would, no doubt, have had the most fa-

favorable effect. Until they do, every thing will remain in an uncertain state. We should be able to test the sincerity of those who say they are ready and anxious to go. If all would go this fall that say they will, it would not fail to have a very favorable effect.

You will perceive by the President's letter, that General Carroll will not be here before early in October.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To the Hon. LEWIS CASS,
Secretary of War.

No. 1.

HEAD QUARTERS, ARMY E. T. AND C. N.

SIR: The bearer, Gah-lah-stak-yohs, informs me that she has a sister who is a Cherokee, but the widow of a Creek, with five or six children, who have been taken, and are either on the way or at Gunter's landing, for emigration to the west. Her name is Stewonah, or Oke-wo-nat. I am informed by some of the chiefs now present, that this woman and her children, according to the laws and customs of the Cherokee nation, are entitled to come in and partake of the benefit of the late treaty made with the Cherokees. Under these circumstances, and in order to preserve the peace of the country, and to prevent an unnecessary excitement among the Cherokees, at the same time to do justice to all concerned, you will not send this woman and her children, nor Amak-noh-yoh, nor any other individual similarly situated, to the west, until the commissioners appointed under the late treaty made with the Cherokees, or the War Department, settle the question whether the wife and children shall partake of the character of the husband and father, and follow his destiny; or whether they shall be separated, and each, according to circumstances, come in and partake of the benefits of both Cherokee and Creek treaties, and be sent to the west.

Six of the committee, who have authority under the late treaty to manage the affairs of the Cherokees, are now present, and are of the opinion that this woman and her children, and also, A-mak-yoh-yoh, are entitled to come in under the late treaty and partake of its benefits; and accordingly request, as well as Governor Lumpkin, one of the commissioners appointed under the treaty, that they be set at liberty. You are therefore directed to deliver them to the bearer, and permit her to take them to some place where they will not be liable again to be apprehended, until these difficult and intricate questions are settled.

You will please to instruct your agents to be careful not to apprehend any of those Indians whose cases are of a similar character to those above

mentioned, unless they absolutely know that they have been hostile and engaged in the Creek war.

I am, very respectfully,

Yours, &c.,

JOHN E. WOOL,
Brig. Gen. Commanding.

To Gen. ANDREW MOORE,
Emigrating agent, at Gunter's Landing.

No. 2.

HEAD QUARTERS, HIGHLAND BATTALION,
Coosawattee, Ga., September 16, 1836.

SIR: I have the honor of reporting myself, with a portion of my battalion, at this point. I reached here on Saturday morning, without any incident worthy of communication.

I am without any prisoners, having, as yet, made no attempt to arrest the Creeks that are in this neighborhood; but am offering them terms, that Sanders and Bell, who, I hope, will induce them to come in and peacefully surrender themselves for emigration. I thought the most peaceable of the best to be employed *first*; which, if they fail to accept these peaceable terms offered, they may prepare for the chase. The best information makes more than 300 in this immediate neighborhood, leading the most dissolute life, drinking at the little grog shops; every day from 30 to 50 beastly drunk, &c. This state of things cannot exist long, without the worst consequences.

Sanders and Bell, who, all admit, have a complete control of these people, have been notified. Bell I have not seen, but have sent him word by Sanders, that, by the orders of General Jesup, all these people who have not reported themselves to the emigrating camp by the 20th of August, are declared to be hostile, and, therefore, the common enemies of the United States, which makes it treason in any citizen to give them aid or comfort; for which crime the penalty is death. I feel unwilling that the views of Government should be defeated, and the lives and property of our citizens be endangered, merely to gratify the avarice of a few unprincipled men. Nothing but fear for their own personal safety will induce them to use their influence with these people to come in. I have made no threats, but notified Sanders of the danger he is in. But should they fail to comply with my request, I will make out the best case that I can, and, if thought sufficient for their conviction, I will ask their arrest, to be tried by the laws of the country.

Be pleased to give me your views upon this matter, which will be duly respected, and you shall be properly advised of the progress of my duties.

I am, with high considerations of respect,

Your obedient servant,

C. H. NELSON,

Major Commanding

Brig. Gen. Wool.

No. 3.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Red Clay, September 17, 1836.

SIR: I have just received, by express, your communication of yesterday. You will recollect that you are subject to my authority whilst in the Cherokee country, and not to that of General Jesup. It is essential to the public interest that you do nothing to produce an unnecessary excitement, and which might retard or delay the objects of Government, in relation to the removal of Cherokees. Mr. John Bell is one of those who signed the late treaty, and from which circumstance, I cannot credit the declaration that he has been guilty of treason in the sense you would apply the term to him, or that he would do any act to prevent the execution of the treaty.

By my instructions from the War Department, the Cherokees are not to be molested, or their rights depredated upon, unless they meditate hostility against the people of the United States. If any, however, should be found exerting an undue influence to prevent the execution of the treaty, they may be regarded as meditating hostilities, and ought to be watched; but no arrests will be made under such circumstances until the facts in the cases are reported to me, and orders issued on the subject.

You will, therefore, prohibit any violence being committed on the person, or depredations on the property, of any Cherokees, within the limits of the Cherokee country, without my orders; and should any be committed by your command, you will make ample satisfaction to the persons injured, and without delay report to me the names of the offending individuals.

Your command and duties are highly important and delicate, in the discharge of which you may do much good or much evil. Prudence and discretion are essential to the faithful performance of the trust confided to you. In pursuing the Creeks, whom the Government, no doubt, are anxious to have removed out of the country, you will be careful not to include in the number Cherokees, or any of those who may have become nationalized by marriage and long residence, and who would be entitled, under the laws and customs of the Cherokees, to come in and partake of the benefits of the late treaty. All cases of a doubtful character, you will report to me and receive my orders. The course which has already been pursued in relation to persons of that description has produced great uneasiness, not only in the minds of those who are opposed to the treaty, but most of those who are friendly and willing to emigrate to the west. I repeat, that you cannot be too cautious in your zeal to serve the country, and particularly in regard to that class of Cherokees or Creeks who have been adopted in the family of the Cherokees, lest you produce an excitement which may end in a course of measures on the part of the nation, which might lead to the most disastrous consequences.

I am, very respectfully,

Yours, &c.,

JOHN E. WOOL,

Brigadier General Commanding.

To Major C. H. NELSON,
Commanding the Georgia volunteers.

[EXTRACT.]

HERMITAGE, *September 7, 1836.*

SIR: As you have the treaty before you, and the instructions of the acting Secretary of War, I do not see that I can add anything more on this subject at present. The treaty is to be religiously fulfilled. You may be sure all concerned that no modification or alteration in it will be made by me. Of this, Mr. John Ross has been advised. His friend, Mr. Standeish, who waited upon me at Washington, and made the inquiry whether I would agree to a supplemental article admitting the Ross's and their delegation in as chiefs, was informed I would not. You will, therefore, make known to the Cherokee people that no alteration in the treaty will be made, but that all its terms and conditions will be faithfully and fully executed. Should you find any evil-disposed white man in the nation, exciting the Indians not to comply with the treaty, you will forthwith order him or them out of the nation; and if they refuse to go, the facts being thoroughly established, you will take the steps necessary to put them out. Said character must be considered in the light of intruders, prohibited by the treaty from living within the limits of the nation.

You will caution John Ross from calling any council of the Cherokee people, with the view of opposing or altering the treaty. He will know that there will be no further negotiation on the subject; that the Cherokees are to emigrate in two years from the ratification of the treaty, and will be obliged to go within that period.

I have had a letter from Governor Carroll. He will leave Pontotoc as early a moment as he can, and expects to meet Governor Lumpkin early in October next.

With these hasty remarks, I remain

Your obedient servant,

ANDREW JACKSON,

HEAD QUARTERS, ARMY E. T. AND C. N.,
Red Clay, Tenn., September 18, 1836.

SIR: To-morrow I shall send an agent to New York to purchase blankets, shoes, &c. &c., for the Cherokees. The amount, as I have already informed you, will be thirty thousand dollars. This sum was recommended by such members of the committee mentioned in the treaty, as attended on the 8th instant, at New Echota. I requested in that letter that the amount might be deposited in the Merchants' Bank of New York to my credit. I shall give the agent authority to purchase to that amount, but I shall not draw for it until I have been informed of the purchases, when I will draw in favor of the houses of whom the purchases have been made. I should be glad to know whether I shall draw on the department or the bank, in which I requested you would deposite the money to my credit.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. General.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

WESTPORT, JACKSON COUNTY, Mo.,
September 19, 1836.

SIR: My bill of exchange of this day for five hundred dollars, in favor of W. W. Kavanaugh & Co., is drawn agreeably to authority of C. A. Harris Esq., Commissioner of Indian Affairs, dated July 5th, 1836, and is to enable me to fulfil instructions, which at that time he gave me, to cause the surveys of the Cherokee land to be completed, &c.

ISAAC McCOY.

HON. LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Red Clay, Tennessee, September 21, 1836.

SIR: Herewith I have the honor to enclose a letter to Major Nelson, of the Georgia volunteers. I send it to you to guard against misrepresentation, and that your attention may be called to the subject to which it relates. See my letter to him on the 17th instant.

My command is daily becoming more difficult and intricate. The Georgians are impatient of restraint, and more difficult to manage. They are anxious to get possession of the lands of the Cherokees, and the latter are equally anxious to retain them.

Daily, and almost hourly, complaints are made of some improper conduct of the white people. I have done much to correct abuses, still I find it impossible to correct them altogether.

The council is still in session, but nothing has been done as yet but read documents. It is thought a vote will be taken to-morrow, on the subject of the treaty, which will be unanimously condemned. They may declare it no treaty, and appoint a delegation to go to Washington to make one, at least to modify the present one. I sent the enclosed notice to them, which was read to the people assembled in council. I have since seen a number of their principal men, but it did not appear to have made any impression on them, although I have heard it said by some two or three, that nothing will be done except to read the documents and adjourn. This I do not believe.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL.

HON. LEWIS CASS,
Secretary of War.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Red Clay, Tennessee, September 21, 1836.

SIR: I received your letter of the 18th instant, last evening, by express. The object of my communication of the 17th instant,* was neither to

*A copy was enclosed to the War Department by the last mail.

call in question your veracity, integrity, patriotism, or zeal to serve your country.

It was merely to remind you that you were exclusively subject to my authority whilst stationed in the Cherokee country; consequently, any reference without my authority to General Jesup in regard to your duties, or the course you ought or would pursue in relation to the Cherokees or Creeks, would be improper and unmilitary. I gave you directions to follow the instructions of General Jesup in relation to the apprehending of Creek refugees, because it was his as well as Governor Schley's desire that you should be employed on that service, and because I thought you were better acquainted with it, than any other officer under my command. In the discharge of this duty, however, it became necessary, from the remarks in your own letter, that I should caution you to be careful not to transcend the bounds of the greatest prudence, lest you might include Cherokees, or Creeks who had been nationalized, and might properly come in and partake of the benefits of the late treaty made with the Cherokees.

I am sure you can have no desire to apprehend Cherokees, or those who have been adopted in the Cherokee family, whether they are red or white men. If white men can be adopted in the Cherokee family, and come in and partake of the benefits of the treaty, I can see no reason why Creeks should not, under the same circumstances. This subject, however, has been submitted to the War Department for its decision, which, it is probable, I shall receive in the course of a few days.

The Government of the United States is extremely anxious that nothing should be done which would produce an excitement that might retard the execution of the treaty. Hence my remarks in relation to Mr. J. A. Bell, who it is said had done much to bring about the treaty.

The great effort now making to induce the Cherokee people to denounce the treaty, and to show that it was not made with the consent of the nation, and only by a few unauthorized individuals, aided and assisted, as they say, by corrupt agents, in whom the Cherokees have no confidence, rendered it doubly necessary that we should be cautious in our course and conduct towards them; and consequently my order, which was extended to my whole command, that we should be cautious in our course and conduct towards the Cherokees, and permit no violence to be committed on the persons, and no depredations on the property, of any Cherokee, and more especially those who are friendly to the treaty.

With this explanation I return to you your resignation, with the assurance that I intended no impeachment of your veracity, integrity, patriotism, or zeal to serve your country.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To Major C. H. NELSON,
Commanding the Georgia volunteers.

P. S.—The resignation of Major Nelson, was a consequence of my letter to him of the 17th instant.

J. E. W.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Red Clay, Tennessee, September 19, 1836.

I am instructed by the President of the United States "to make known to the Cherokee people, that no alteration will be made in the late treaty, entered into with chiefs and headmen of the Cherokee nation, and ratified the 23d of May, 1836, by the Senate of the United States, and that the same, in all its terms and conditions, will be faithfully and fully executed." Agreeably, therefore, to its terms, "the Cherokee people are to emigrate in two years from the ratification of the treaty, and will be obliged to go within that period."

JOHN E. WOOL,
Brig. Gen. Com. in Cherokee Country.

To the CHEROKEE PEOPLE.

ATHENS, GEORGIA,
September 24, 1836.

SIR: I have just returned to this place, after having spent a month in the Cherokee country, in efforts to render service, connected with the discharge of duties confided to me, as one of the commissioners under the late treaty with the Cherokee Indians. You are doubtless apprized that my associate commissioner, General Carroll, has not yet entered this field of labor, nor is he now expected until some time in next month, (October.) The want of the co-operation of my associate, from the nature of the service *being joint*, has greatly retarded the progress and efficiency of my efforts, to have in a successful train of progress the execution of the treaty. Under the treaty no claim whatever can be finally adjudicated by a single commissioner; and not a single Indian or family will emigrate until their claims are adjusted and settled. Many of the Cherokees, and especially those having property, are very desirous to be on their way to Arkansas, at as early a period as possible. They wish to perform the journey west before the cold winter commences. I have received and registered such claims as have been presented for the decision of the commissioners, and placed the papers appertaining thereto on file, ready for the examination and decision of the commissioners. Major Currey, the emigrating agent, has all of his appraising agents in the field, and I believe they are progressing in that branch of the business as well as circumstances will permit. The emigrating agent is devoted to his duty, with the requisite skill and ability. Without direct information from General Carroll, I have, in anticipation of his attendance, given public notice, that the commissioners may be expected to attend at New Echota, on the 10th of October next, for the purpose of entering more fully on the duties of their appointment, and have invited the attendance of claimants, &c. This step was deemed expedient, in order to the support and encouragement of the treaty making party of the Cherokees, and their friends, who are desirous to emigrate. Further delay on the part of the agents of the Government cannot fail to produce the most unfortunate results, by strengthening the opposition to the treaty. Through General Wool, and other channels of information, you are doubtless apprized of the mischievous efforts of John Ross and his white associates to prevent a speedy and faithful execution of

the late treaty. This man Ross, sir, has already been the instrument in the hands of bad men, to bring more than ordinary evil upon his unfortunate people, the Cherokees. His career of mischief should be checked, before greater evils ensue from it. I cannot believe the Federal Government so destitute of rightful power, as to permit this single individual to thwart and overturn its policy and treaties at pleasure. Shall this man involve his people in war, blood, and carnage, and produce a state of things which cannot fail to eventuate in the destruction of this remnant tribe of a once mighty race?—a tribe which was the favorite of our Washington, and of his successors; a tribe to whom the United States stands pledged honor and by the strongest treaty stipulations. If the laws of the United States do not provide for the arrest and punishment of such conduct as Ocoola and John Ross have been guilty of, it is then the solemn duty of the approaching Congress to take the subject into serious consideration. Although the service in which I am engaged is from its nature unpleasant and perplexing, I should feel that I was usefully and therefore properly employed in the discharge of the duties with which you have thought fit to confide to my supervision and care, as one of the commissioners under the late Cherokee treaty, provided a power could be some where lodged, and prudently exercised, to prevent the selfish, ambitious, and lawless, from thwarting the efforts of the agents of the Government in carrying the treaty into effect. The statements of Ross and others, that the late treaty was made contrary to the will of a majority of the Cherokee people, is entitled to no respect or consideration whatever. Nineteen-twentieths of the Cherokees are too ignorant and depraved to entitle their opinions to any weight or consideration in such matters. They are incapable of self-government. Moreover, their long established customs and habits prevent the conversion of an Indian from exercising his thinking powers upon such subjects. They have been, and are still, governed by the opinions of their leading men upon the subject of removal, just as much as the slave is governed by the opinion of his master. If Ross had entered into a treaty last winter, to suit the selfish purposes of himself and his friends, on his return home his whole party would have received him with acclamations of approbation and applause. The treaty which was made was well received by the Cherokees and would have been cheerfully acquiesced in by an overwhelming portion of the people, but for the efforts of John Ross and his confederates of the white race. Ross received the countenance and support of many of the political men of the country. He is countenanced and sustained by them in his opposition to the late treaty, and made to believe that in certain contingencies it may yet be abrogated and set aside. He is caressed and flattered by some of the subordinate agents and officers of the Federal Government. Under these circumstances, his arrogance is not a just matter of surprise. I have not yet heard the results of Ross's council, (which he should never have been permitted to hold,) yet I do not doubt what the result will be. It will be to delude the Cherokees, and throw obstructions in the way of executing the treaty. He wishes again to figure at Washington, during the approaching session of Congress, and act the part which may be assigned him. Under this state of things, I anticipate some difficulty in the Cherokee country; and, with a view to prevent mischief, and to protect both the red and white population in their respective rights, a respectable military force ought to be kept in the Cherokee country. If United States troops cannot be spared for this service, then the force should consist of

volunteers from the respective States having Cherokee population, proportioned to the number of Indians in each State. You will excuse me for the liberty thus taken, when I assure you that I am actuated from motives of prudence and forecast which may prevent much evil if duly respected.

When I entered the Cherokee country of Georgia, on my late tour, I was truly surprised at the excited state of feeling amongst many of the Georgians, on account of prejudices which they alleged to have been imbibed against the conduct of General Dunlap, of Tennessee, and some of his subordinates in command. Without expressing an opinion who was right or wrong, I am assured that volunteers from one State should not be quartered on stationary duty in another State. The contemplated service will not likely afford such active employment to volunteers, officers, and men, as to keep them free from the mischief of intermeddling with matters with which they have not been charged. I should be reluctant to attempt the discharge of the duties assigned me in the Cherokee country, encountering the bold and daring, as well as cunning opposition of John Ross, and have no force or protection at my command, except men and officers believed to be more friendly to the schemes of Ross than they are to the objects of my mission, or that of the Government and administration under which I am acting.

To prevent misapprehension, and as an act of justice to General Wool, I deem it proper to state, that I have entire confidence in the honor, integrity, and ability of General Wool to discharge the duties of Commanding General, &c., which have been confided to him; and if the General and the commissioners can be sustained in the discharge of their respective duties, untrammelled by any embarrassment from the subordinate officers of Government, the Cherokee treaty *will be executed*. The Commanding General and the commissioners should be clothed with all *legal* discretionary power, and *take the responsibility* of doing their duty. Without firmness and decision this treaty will never be brought to a happy issue.

With the highest respect and consideration,

I am your most obedient servant,

WILSON LUMPKIN.

To the PRESIDENT OF THE UNITED STATES.

CHEROKEE AGENCY,
September 30, 1836.

SIR: Enclosed, I have the honor to transmit to you the copy of a letter which has been extensively published among the Cherokees from the day of its reception, written by the Hon. H. Clay, to John Gunter, a Cherokee, (marked A.) It has, no doubt, had much influence among the members of the tribe. I also send the copy of a letter which George Lowry, the 2d principal chief, received from John Ross, after the ratification of the treaty, (marked B.) This letter was translated by Mrs. Brown, the daughter of Lowry, and the Rev. Edward Graves, from the English into the Cherokee language, and privately circulated. Until the period of its circulation, most of the Indians were in the spirit, and very many were making ready to remove west. This letter fell into the hands of Andrew Ross, who translated it, with the aid of John Ridge, into the English, and furnished me a copy of their translation. Ross has held his contemplated council, at which I

am informed he read to a meeting of several thousand Indians all the inflammatory matter which he transmitted to the Senate and House of Representatives; also a pamphlet which he published while in Baltimore or Philadelphia, and in which he predicts scenes in the attempt to remove the Cherokees under the treaty, at which the heart would sicken. The tenor and bearing of the letter enclosed, and the proceedings had at Red Clay, under Mr. Ross's direction, are calculated, and has so far had the effect, to produce a stubborn opposition with many of the common Indians to a removal, who, before the circulation of said letter, and the meeting called by Ross, looked to a removal as a matter of course. But since this meeting was tolerated, at which the Indians declared the treaty to be a fraudulent one, and they were allowed to take steps preparatory to its defeat or abrogation, under the eye of General Wool, they are encouraged to a stubbornness and further opposition, which I fear will end in a realization of Ross's predictions.

If the course pursued by Ross before and during the council does not eventuate in such scenes, I will be agreeably disappointed. Had I, however, been present and had control of the troops, Mr. Ross, and his pretended authorities assembled at his call, would now be in confinement.

In my opinion, such a step would have endangered the peace of the country less than that which has been tolerated.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJAMIN F. CURREY.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

A.

ASHLAND, June 6, 1831.

DEAR SIR: I received your letter of the 14th ultimo, describing the wrongs and sufferings of the Cherokee nation. Of these I have been previously well informed. In common with a large portion of the citizens of the United States, I regretted them and felt the sincerest sympathy with you on account of them; I regretted them not only because of their injustice, but because they inflicted a deep wound on the character of the American Republic.

I have supposed that the principles which had uniformly governed our relations with the Cherokee and other Indian nations, had been too long and too firmly established to be disturbed at this day. They were proclaimed in the negotiation with Great Britain, at Ghent, by the American commissioners who concluded the treaty of peace; and having been one of those commissioners, I feel with more sensibility than most of my fellow-citizens, any violation of those principles. For, if we stated them incorrectly, we deceived Great Britain; and if our Government acts in opposition to them, we deceive the world.

According to those principles, the Cherokee nation has the right to establish its own form of government, and to alter and amend it from time to time, according to its own sense of its own wants; to live under its own laws; to be exempt from the operations of the laws of the United States;

and quietly to possess and enjoy its lands, subject to no other limitation than that, when sold, they can only be sold to the United States. I consider the present administration of the Government of the United States as having announced a system of policy in direct hostility with those principles; and thereby encouraged Georgia to usurp powers of legislation over the Cherokee nation, which she does not of right possess.

Such are my opinions, which are expressed at your request. But they are the opinions of a private individual, which can avail you nothing.

What ought the Cherokees to do in their present critical situation? is a most important question for their consideration. Without being able to advise them, I see very clearly what they ought not to do. They ought not to make war. They ought to bear every oppression rather than fly to arms. The people of the United States are alone competent now to redress these wrongs, and it is to be hoped that they will sooner or later apply the competent remedy.

In communicating these opinions at your instance, I have done it with no intention that they should be published. A publication of them might do injury, and I therefore request that it be not made.

I feel very thankful for the friendly sentiments towards myself, which you have expressed; and offer my sincere wishes that your nation finally may obtain justice at the hands of the United States, and may become a civilized, christian, and prosperous community.

I am, with high respect,

Your obedient servant,

H. CLAY.

Mr. JOHN GUNTER.

B.

WASHINGTON CITY, *May 26, 1836.*

DEAR FRIEND: Before you get this letter, you will have seen those of our friends who have gone home. You will, also, have seen the hasty lines I wrote to you, and sent by Baldrige. When our friends left, I did not expect to remain here until this time; but the Senate have not yet removed the injunction of secrecy from their proceedings on the fraudulent treaty which they have ratified, and how far they will go to involve the Cherokees, I do not know, for I have not yet been informed; but it is true that they have made some alterations in the treaty. I have been told this; and if the President, and those who made the treaty, do not approve of the Senate's amendments, it will be no treaty; but if they agree to it, then the President will have to call on the House of Representatives to make the appropriations to carry the treaty into effect, and this he has not yet done. They are engaged in something of great importance, secretly, which it is not proper for me to make known at present; for it is very probable that the House of Representatives will refuse to appropriate the money, and in that case the treaty will be null and void.

Some of the members say that the President is displeased with the Senate's amendments, and others say what has been done cannot be viewed as final, until the majority of the whole Cherokee people shall approve of it; for even, according to Schermerhorn's own statement, there is not one

in every ten Cherokees, who approves of what he has done; but all that has been done would be nothing, if the Cherokees would all be firm in their minds, and consider it the same as if there was no treaty made and ratified, and be strong in this resolution, and not accept of the provisions of the fraudulent treaty made by unauthorized individuals. If they would do this, and remain still and quiet, the Government would then give up the idea of treating with them, and we would gain a great deal, and the Cherokees would become enlightened, and our minds would be made glad. But there is no doubt there is a great deal said there before this reaches you, to lead the minds of the people astray. The people must not be alarmed, and must not be disturbed in their minds, nor suffer their judgments to be scattered, and go astray. They must do nothing wrong, nor understand wrong, for this business is of the utmost importance to us all, for our peace and happiness. When we, whom you have sent here on your business, get to our homes, we will then tell the truth about every thing that has taken place here. You will readily see the importance of informing the great body of the people correctly of what is intended; for if this was not done, they would be apt to change their minds from what they have been heretofore, and they would be likely to embrace the first news which they have heard about the ratification of the treaty made by the unauthorized persons. I depend on you to inform the people of the contents of this letter, and let them all be informed, so that they may be on their guard, and not suffer themselves to be deluded. This is all I have to say. Give my respects to all our friends.

JOHN ROSS.

To GEO. LOWRY.

SEPTEMBER 26, 1836.

I certify that this translation of John Ross's letter to George Lowry, for the purpose of circulating it privately among the Cherokees, is a true copy of the original, in my possession.

JOHN RIDGE.

CHEROKEE AGENCY EAST,
October 1, 1836.

SIR: I have the honor herewith to forward a quarterly statement of officers and interpreters, employed in business preparatory to Indian removals; Also, an account current for the balance of the third quarter of the present year; and a statement of articles of public property now on hand, and for which I am accountable.

Also, the receipt of G. W. Adair, S. W. Bell, and Archibald Smith, for moneys paid over to them, and for which, I hope, you will obtain me a credit in the Second Auditor's Office.

I must, also, ask the favor of you to have me some blanks forwarded for the use of this office, in making out quarterly statements hereafter.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY,

Superintendent Cherokee Removals.

Gen. GEO. GIBSON,
Com. Gen. Subsistence.

CHEROKEE AGENCY, *October 1, 1836.*

SIR: I have the honor to inform you that the Cherokee part of Alabama, or the second district, is composed of two divisions, distinguished as the upper and lower divisions of the second district:

APPRAISING AGENTS, &C., RECOMMENDED BY THE HON. MR. CHAPMAN.

For the 1st or lower division of Alabama.—Rezin Rawlings and George S. Massey. William Lapey, interpreter.

For the 2d or upper division of Alabama.—General Andrew Moore, late assistant removing agent of Creeks, and David Ricketts, esquire, both of Marshall county, Alabama. Andrew Ross, interpreter.

The full number of agents, with their interpreters, supposed to be necessary in valuing Indian improvements, are now in service. I regret, however, to inform you that, while the principal men at the council held out to General Wool a belief they would afford these agents every facility towards completing this branch of business, off at a distance the assessors have met with increased difficulty in getting the common Indians, since their return from the Red Clay council, to show their improvements.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

General GEORGE GIBSON,

Commissary General Subsistence, Washington city.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Red Clay, Tenn., October 2, 1836.

SIR: I have the honor, herewith, to forward a communication from Mr. John Ross and others, of the Cherokee nation, relating to the proceedings of a council recently held at this place. It requires no comment: it speaks for itself. I, however, apprehend no immediate danger from the proceedings of the council, although it may tend to retard the execution of the treaty.

On this subject, as well as all others connected with my command, I have freely and fully communicated my views to the War Department, which, so far as they may regard the execution of the treaty, may be told in a few words, as follows: If the Government intended seriously to execute it within the period prescribed by the treaty, two years from its ratification, all discussions of its validity should have been prevented, and all meetings having for their object any other result than submission to its terms should have been broken up, and the people ordered home to prepare for removing to the west. Six weeks since this might have been done with ease, and without producing any excitement: yes, one month since it might have been done, and the late council prevented, without producing the slightest commotion. It would be more difficult at this time. The people have been told by their principal men that the treaty, so called, is no treaty, and consequently, not bound to obey or submit to its terms. (See my communications

to the War Department of the 15th, 20th, and 27th August, and of the 10th, 12th, 18th, and 25th September last.)

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding

To the SECRETARY OF WAR.

PONTOTOC, October 7, 1836.

SIR: I have been so much afflicted with the rheumatism for the last three weeks, that I am obliged to resign as commissioner under the Cherokee treaty. I request that you will make this determination known to the President, to whom I will write by the next mail.

Business is going on very harmoniously here, and I have very little doubt but that we shall get through without a single complaint.

I beg you will be pleased to have the locations approved by the President without delay, as it will aid us very much in closing the business.

Gold and silver are abundant here, and the first two sales amount to about \$530,000. The Chickasaws will be rich; but the security of funds, and their future happiness and prosperity, require their immediate removal west of the Mississippi.

Most respectfully,

Your obedient servant,

WM. CARROLL

C. A. HARRIS, Esq.,
Washington city.

NEW YORK, October 10, 1836.

DEAR SIR: On my return to town, this morning, I found that Mr. Lenore, agent for General Wool, had made part of his purchases of another house.

I advised him, before proceeding further in the matter, to see you; explained the present mode of making purchases, and showed him the law and regulations under which the purchase should be made. He had not concluded, when he left our office, whether to go or to write you. If, in either event, any arrangement is made by which he can finish his purchase, we would feel much indebted if you would communicate it to us: the part purchased was of a house who bought from us, though a commission house, of an inferior article, costing one-third less to import. When he left, he did so with the intention of explaining the matter, and obtaining a release of the purchase.

Governor Cass is off, having sailed at 11 o'clock this morning. I handed him your letter.

I am, my dear sir,

With many thanks for your kindness,

Your obliged friend and servant,

D. JACKSON TOWNSEND.

C. A. HARRIS, Esq.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Fort Cass, Tennessee, October 11, 1836.

SIR: I have been at this place for the last six days, settling up my accounts for the last quarter, and examining and signing abstracts of provisions. The abstracts and accompanying rolls of issues to the Cherokee Indians were not made out agreeably to the forms presented, and consequently, I have ordered them to be made over, which will delay my accounts for your department much longer than I intended. It is almost impossible to find persons in this section of the country sufficiently acquainted with the army forms to do the business correctly; all must be learnt before it can be done either expeditiously or correctly.

I leave to-morrow for the Cherokee council, to be held at New Echota, where I have directed a camp of two companies of volunteers to be formed to watch their movements and prevent disturbance.

I am impatient to receive answers to my communications of the 10th and 12th ultimo.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

FORT GIBSON, *October 12, 1836.*

SIR: I have the honor to enclose my returns for Cherokee disbursements, during the third quarter of 1836.

I take the liberty to suggest, that unless a very large body of Cherokees requiring subsistence in kind should arrive here, that no contract be made for the subsistence of Cherokees, until I can first have an opportunity of issuing the surplus beef contracted for with Mr. Mackey. I believe I can purchase corn and salt on better terms without a contract.

Giles McNultie and James Childers emigrated without receiving the gun, blanket, and kettle, to which each head of family were entitled by treaty of 1828. They have in vain applied to the agent here, and have repeatedly called upon me to know how they can get them. Are they debarred from getting them on account of their neglect or their inability to get them before emigrating?

Major Currey writes me that McNultie did not receive, and that Childers emigrated before there was an enrolling agent in Alabama.

Very respectfully,

Your obedient servant,

J. VAN HORNE,

Disbursing Agent Cherokees.

Brig. Gen. GEORGE GIBSON,
Com. Gen. Subsistence.

PHILADELPHIA, 10th Month 12, 1836.

We enclose a draft drawn on thee by Isaac McCoy, in favor of Flour & Hickman, dated Westport, Mo., September 9th, for five hundred dollars, being drawn agreeably to authority of C. A. Harris, Commissioner of Indian Affairs, dated July 5th, 1836, for surveys of the Cherokee lands. Please send us a check for the \$500.

With respect,
SITER, PRICE, & Co.

To LEWIS CASS,
Secretary of War, Washington city.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Fort Cass, October 13, 1836.

SIR: I have the honor to acknowledge the receipt of your communications of the 30th ultimo and 3d instant, by express, just arrived from Athens, but that of the 24th ultimo has not come to hand.

In yours of the 30th ultimo, you have remarked "that the remittance of five thousand dollars herein alluded to, you will please consider as a part of the thirty thousand dollars to which you were requested in the letter of the 24th instant to confine your expenditures for provisions, clothing, &c. for the present year." In reply to which I would observe, that although the amount to be *paid out* for blankets, shoes, &c., may exceed the amount stated in your letter of the 24th ultimo, yet it is contemplated that the issues for the present year will not amount to that sum. At least no arrangements of my own will exceed twenty thousand dollars.

The object in sending for so large an amount of blankets, shoes, &c., was to save the expense of sending an agent next year, and not to issue the whole amount this fall. The blankets, shoes, &c. ordered, it was estimated, would amount to thirty thousand dollars; it may not exceed twenty-five thousand dollars. I have no doubt these articles have been purchased and are now on their way to this country. It is, therefore, too late to remedy the error, if it be one. I have promised to pay for them at cash prices, and shall, therefore, be obliged to draw for the amount as soon as I receive notice of the purchases having been made, which I expect by the next mail. You have not informed me agreeably to my request in my letters of the 12th and 18th ultimo, whether I should draw on the War Department, or whether I should check for it on the Merchants' Bank of New York, where I requested it might be deposited to my credit.

I regret extremely that you should have thought it necessary, under the circumstances, to have transmitted a copy of my letter of the 12th ultimo to Governor Lumpkin. It can do no good, and may do harm, particularly as it was in opposition to the wishes of the committee designated in the treaty, to whom I have no doubt the Governor will make known the contents. If my views of the question had been adopted by you, it would then have been proper to have communicated my letter; but as it produced no change of opinion as regards yourself, I can perceive no good that will result by communicating it to others. The only object of that letter was to prevent a partial distribution of the funds appropriated to certain purposes by the 18th article of the treaty, and great dissatisfaction which will inevitably ensue if all the claims of a like character are not paid. I have no

doubt that the claims of the committee for supplying the poorer Indians with provisions are just and proper; and I have as little doubt that the claims of many other individuals are equally just; and under such circumstances I cannot perceive how you will allow one and not allow the other. I am myself acquainted with a claim in North Carolina, amounting to about one thousand dollars, not included in the estimate of Governor Lumpkin, and which, I have no doubt, is equally as just as any that will be presented by the committee. These accounts, I think, ought to be audited in the same manner that all others are by the commissioners, after which the Government could decide whether they should be paid from the appropriation under the 18th article of the treaty, or from the national fund. The whole amount of such claims, however, should be ascertained before they are paid.

I am, very respectfully,
Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

ROME, FLOYD COUNTY, GA.,
October 13, 1836.

SIR: I have learned from unquestionable authority that Ross's late council appointed a delegation to visit the Western Cherokees. This delegation is to be headed by John Ross, and the object, as communicated to me by Stephen Foreman, one of the delegates, is to induce the Western Cherokees to refuse to accept the late treaty, and get them to send a delegation to Washington next winter, to co-operate with Ross and his party in trying to break it. I have this day read a letter signed by John Jolly, principal chief, and a number of others, among whom is John Smith, of the western chiefs, protesting that this treaty was signed without sufficient authority by Smith and Rodgers, and that its provisions do not secure equal advantages to the Western Cherokees, and asking of James Starr and others a modification of its provisions.

Would it not be well for the department to direct the western agent to seize the individuals headed by Ross, under the authority conferred by the 13th and 15th sections of the intercourse law of 1834, and dispose of them as that law directs? The measures contemplated have for their object the defeat of said treaty, and ought perhaps properly to be checked when commenced among the western Indians, as there is less doubt as to the binding influence of that law in a country where the State jurisdiction has not been and cannot be extended.

Most respectfully,
I have the honor to be
Your very obedient servant,
BEN. F. CURREY.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs,
Washington city.

P. S.—Ross and his party set out in a few days, and will probably remain some weeks in the west.

NEW ECHOTA, October 13, 1836.

SIR: According to a notice given by Governor Lumpkin, many Indians have met here for the purpose of arranging their business preparatory to removal. Unfortunately, however, for them, as well as for the Government, General Carroll has not arrived, nor has any disbursing agent reported, although, from a letter received by me from Dr. King, who was selected for that duty, before I left Washington city, he informed me he would be here by the 20th August last. It would be difficult for one who is not here in person to appreciate the perplexity attending these disappointments, yet it is devoutly hoped that they will be removed by an early supply of the deficiencies which gives rise to them, so that those who have made ready to remove may be provided with the means to enable them to do so.

Most respectfully,

Your very obedient servant,

BEN. F. CURRIE

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

NORFOLK, VIRGINIA,

October 14, 1836.

SIR: I have the honor to acknowledge the receipt of yours of the 10th instant, "advising me of my appointment, by the acting Secretary of War, to serve as physician in the emigration of the Cherokee Indians, under the late treaty with those Indians."

For this mark of confidence in me by the department, I feel truly grateful. I cheerfully accept the appointment, and will endeavor to be so guided by a faithful and prudent devotion to my trust, that all interested may be satisfied it was not improperly bestowed.

Private affairs will necessarily detain me in Virginia till the first Monday in November; after which, I shall repair, without delay, to the theatre of my future labors.

I have the honor to be, sir,

Your most obedient servant,

C. LILLYBRIDGE,

To Gen. GEORGE GIBSON,

Commissary General of Subsistence.

WASHINGTON, October 15, 1836.

SIR: I have the honor to inform you that I have been ordered by the Adjutant General to report to you for duty in the Indian Department, and am now ready to receive your instructions.

Very respectfully,

Your obedient servant,

PHILIP MINIS,

Assistant Surgeon U. S. Army.

To C. A. HARRIS, Esq.,

*Commissioner of Indian Affairs,
Washington.*

PHILADELPHIA, *October 16, 1836.*

SIR: After I saw you yesterday morning, in Washington, I received my instructions from the Commissioner of Indian Affairs, and am therein directed to proceed to New Echota. This order differs from that received from the Subsistence Department, as I am there directed to proceed to Calhoun. As you were absent from the office when I called for my instructions, I mentioned the discrepancy above stated to the clerk, (in the emigration office,) who told me that you were aware that I was to be ordered to New Echota, and as Calhoun was mentioned in the instructions, it was not necessary to erase it, but that I would be considered by your department as ordered to the former place.

Should you conceive it at all important, you will please forward me an order from the Commissary General to proceed to New Echota, directed to New York, where I shall probably be detained for three or four days waiting for a vessel. I shall take passage in the first vessel for Savannah or Charleston, and proceed immediately to New Echota.

I am, very respectfully,

Your obedient servant,

PHILIP MINIS,

Assistant Surgeon U. S. Army.

To Major Hook,
Commissary U. S. Army,
Washington.

NEW ECHOTA, *October 20, 1836.*

SIR: I have this day had the honor to receive your letter of the 27th ult., in answer to my several letters therein referred to.

I am still here, with my secretary, Colonel Jackson, engaged in all the various duties with which I have been charged by the Government, as far as those duties can be performed by a single commissioner. I have no information from my associate except what is contained in a letter of the 9th September, which I had the honor to receive from the President of the United States, in which I am informed that General Carroll had assured the President that he would be here by the 1st inst.

The delay of the other commissioner is deeply to be regretted, from various considerations.

The Indians who were disposed and anxious to remove the present autumn will be wholly disappointed, many of whom are men of property and large families. They have sold out their grain and provisions, purchased horses and wagons to emigrate themselves, and have now been waiting for weeks to have their affairs adjusted and settled, in order that they might receive their dues under the treaty, and embark for their new homes in the west.

Major Currey is using his best exertions to have the valuations of their improvements completed, and has that branch of business already in such a state of forwardness that all those who are anxious to remove immediately could have their business adjusted at once, provided the other commissioner was here, and the funds ready to make the payments, in the terms of

aty.

Although much of the business confided to the commissioners requires the joint action of both, and but little can be completed without two commissioners, I assure you, sir, I have not been idle while here alone. I have received and examined a great mass of papers and claims arising under the treaty. I have made my notes on many of these papers, registered, arranged, and filed them. I have had the Indian committee here in session for ten or twelve days past, and have a great portion of the business in which they were expected to render aid, in a state of preparation and forwardness.

If my associate was now here, we could discharge the business of those Indians who are desirous of emigrating immediately with great expedition, the tedious and laborious part of their business being already in a state of forwardness and preparation.

I know not who the disbursing agent will be to make payments to the emigrants and their creditors in terms of the treaty, but it is necessary that such agents should be in the country immediately. Being unapprised of the kind of funds in which payments may be made, I will take the liberty to suggest that I find funds of the banks of the several States are most acceptable to citizens when on the banks of their own State: some arrangements, therefore, to make payments to suit the recipients under the treaty may be advisable. The branch of the State of Georgia, (at Athens, Georgia,) would be acceptable to all the citizens of Georgia, and most convenient to much the largest portion of the Cherokee country.

If I could have a suitable associate, and have the means afforded me of discharging my duty according to my instructions, this business should progress with all the despatch and correctness of which its nature is susceptible, and such a course will best insure a successful execution of the treaty.

Could the opposing part of the Cherokees witness the example of their more discerning brothers availing themselves of the provisions of the treaty, it would have the most powerful influence in inducing the ignorant to follow their example, and yield cheerfully to the terms of the treaty. I find, from my correspondence with your department, that under the existing mail arrangements, it is at least one month before I can get an answer to any communication which I may make. I would, therefore, respectfully suggest the great inconvenience which must necessarily arise in the execution of this Cherokee treaty, if we are under the necessity of communicating to Washington every time a few hundred dollars may be wanted to meet the demand of payments under the treaty. In regard to Mr. Boudinot's house, I only remark, that I regret to have requested any accommodation connected with my personal comfort, which should have been deemed inadmissible.

Very respectfully,

Your obedient servant,

WILSON LUMPKIN

C. A. HARRIS,

Com. Indian Affairs,

War Department.

PHILADELPHIA, 10th Month 21st, 1836.

A remittance has been made to us from the Treasury, of five hundred dollars, in payment of the draft of Isaac McCoy, of the 9th of September, enclosed in our letter of the 12th instant.

With respect,
SITER, PRICE, & Co.

C. A. HARRIS,
Department of War,
Office of Indian Affairs,
Washington city.

TUSCUMBIA, ALABAMA, October 22, 1836.

SIR: Learning that Mr. Benjamin F. Currey, in connexion with Governors Carroll and Lumpkin, were authorized to let the contract for the removal of the Cherokee Indians to Arkansas, we made a proposal to Mr. Currey on that subject. He did not feel himself fully authorized, without the consent of the other gentlemen above named, to let the same. We then applied to Governor Carroll, and he does not consider that, by the treaty, either or all the commissioner have the necessary authority, but has very kindly given the recommendations enclosed, and should anything further be necessary in this respect, we can furnish any testimonials that may be required of our fitness for the undertaking.

Our proposal which was made to Mr. Currey, and which is herewith renewed to you, is as follows :

TUSCUMBIA, ALABAMA, September 15 1836.

The undersigned hereby propose to contract for the removal of the Cherokee Indians from their several points of rendezvous in the old nation to Fort Smith, on the Arkansas, at the rate of twenty dollars per head for men, women, and children, exclusive of victualling.

We learn that many of the Indians will be ready to move this fall, and as the work will be one of some magnitude, it will be of importance to us to have as early an answer as possible.

If it is with the department to consult the feelings of the Indians themselves, we have already had a decided expression in our favor, from influential leaders of both parties in the nation, to wit: of Edward Gunter and John Gunter, and doubt not we can obtain the same from other chiefs. We are prepared to enter into contract with such person or persons as the department may appoint, on its will being made known to us.

Very respectfully,

Your most obedient servants,

CHRISTIAN SIMPSON & Co.

T. LIMERICK,

JOHN S. RHEA & Co.,

L. STEVENS & Co.

The Hon. LEWIS CASS,
Secretary of War.

PONTOTOC, *October 5, 1836.*

SIR: I am informed that Christian Simpson & Co., of Tusculum; John S. Rhea & Co., of Decatur, and others, will make proposals to remove the Cherokee Indians west of the Mississippi river.

If those gentlemen succeed in obtaining the appointment, the department may be assured that they will faithfully discharge every obligation they undertake to perform. They have steamboats and other means so completely under their control, that the greatest possible despatch may be relied on in removing the Indians.

Feeling a lively interest in the prompt removal of the Indians, I cannot but hope for the success of the gentlemen above named.

Very respectfully,

WILLIAM CARROLL

To Hon. LEWIS CASS.

SPRING PLACE, GEORGIA, *October 24, 1836.*

SIR: I had the honor, some time since, of receiving your communication in reply to mine, by Mr. Rogers. Since that date, I find Mr. Jarnigan has erected a trading-house on the agency reservation. In this measure he is sustained, so far as General Wool's failure to remove him and others similarly intruding, on my application, can be considered so. In the last conversation I had with Mr. Jarnigan, he informed me he was employed writing legal opinions upon which for General Wool to base his operations. If this be true, the military had as well be under the direction of John Ross: for I can regard Jarnigan's intrusions in no other character than to afford him facilities towards aiding Mr. Ross in opposing the enforcement of the treaty successfully. He was, and I believe he is yet, Ross's attorney and counsellor; but he has, by writing flattering letters to Mr. Harris, in relation to General Wool's conduct here, and reading them to that officer before they were sent, gained upon his confidence, whereby he may the more effectually succeed in his schemes.

I enclose you an Athens Republican, containing a letter from H. Clay, one from John Ross, also one from James Standefer, none of which need further comment than is made by the editor. Ross, I understand, has gone to Arkansas to excite opposition there to the late treaty. He takes with him a delegation from the west. He will go to Washington this winter again, to play the part assigned him by his political prompters. I saw a letter a few days ago to James Starr and others, purporting to be signed by John Jolly, principal chief, and others of the western nation, asking a modification Mr. Schermerhorn's treaty, and complaining of its alleged injustice and inequality. This letter was evidently written by a man of talents, and was certified to by M. Stokes, agent. Whether his personal feelings towards Schermerhorn has induced him to encourage opposition to this treaty, I would leave others to judge.

I believe Ross is ultimately to fall a victim to the seductive politician and the temptations held out by a company claiming a large tract of land in California. On the 13th instant, I wrote Mr. Harris on the subject of Ross's mission, and suggested the propriety of arresting him in the western nation, under the authority of the 13th and 15th sections of the intercourse law of 1834

The 10th instant was appointed, by Governor Lumpkin, for persons having business with the commissioners to meet at New Echota. Many attended, but the absence of Governor Carroll and the disbursing agent disappointed every one. When I left Washington city, Governor Cass informed me Dr. King would follow in a few days, to make all the necessary disbursements. I afterwards received a letter from the Doctor, saying he would be at the agency by the 20th August; yet no such officer has reported himself. Many Indians wish to go off, and are waiting for the means of transportation. Having sold all their stock and crop, preparatory to a removal, they remain here in great suspense.

I write you freely and fully, because your order will remedy all inconveniences in the shortest possible time.

The Georgia elections have been close, but this I believe will only cause the Union men hereafter to act with unanimity, making assurance doubly sure. The untimely death of General Coffee, I fear, has let in one nullifier for the session of 1837-8. Changes are taking place rapidly in East Tennessee, but the contest is even more doubtful in that State. Alabama is safe, and I believe North Carolina to be so also.

Be pleased to accept my best wishes for your future health and happiness, and believe me,

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

To his excellency A. JACKSON,
President of the United States.

CHEROKEE AGENCY,
October 26, 1836.

SIR: On my return from a tour through the nation yesterday, I had the honor to receive your communications of the 22d September, and 12th October. That of the 22d ultimo relates to Mr. Brackin's bid or proposition to take the Cherokees off by contract.

The uncertainty as to the number of emigrants who will go off this fall and next winter, has rendered it inexpedient that contracts should be let for their removal. The Indians have, too, a great aversion to being put up to the lowest bidder, so far as my knowledge extends. I have consulted Governor Lumpkin, and a portion of the committee, who concur in the opinion that no contracts should by any means be let, or offered, for the removal of the Cherokees, until near about the expiration of the two years term allowed in which to remove.

The very judicious views taken by the President, as communicated through your department on the 12th instant, to General Wool, will, if carried out, obviate measurably all the evils apprehended from the latitude given Ross by that officer heretofore; but still there is no certainty as to the number that will emigrate so late in the season, nor as to the proportion who are capable of removing themselves, and would choose to do so. If the disbursing officer had been here in due time, I have no doubt we would have despatched many of the wealthy and intelligent ere this; and whenever the example is shown by a respectable portion of this class, like the bell weather leading the flock of sheep over the pound, the common Indians will follow.

Owing to an error of memory as to the author of your communication of the 13th of August last, which was not discovered until I was admonished by the Commissary General of Subsistence under date of October 12th, the selection of valuing agents, &c., was communicated to General Gibson. This was not intended by any means as a mark of disrespect to you or your department. I am advised to address the communications on this subject to the proper Department of Indian Affairs.

Owing to the press of the appraising, I have selected Colonel John Rice, of Lookout Valley, Tennessee, (who is known to the President and honorable F. Grundy,) in conjunction with Colonel Henry McCoy, of Cherokee county, Alabama, to aid in finishing the district assigned General Moor, and D. Ricketts Esq. Colonel McCoy is recommended by the honorable S. Chapman. Their service commenced October 15th, 1836. The Indians assigned these gentlemen are anxious to get off. This measure is approved by Governor Lumpkin and a portion of the committee:

In the place of Colonel N. L. Hutchings of the 4th division in Georgia, resigned on account of delicate health, George Kellogg, Esq., of Forsyth county, Georgia, has been selected on the recommendation of Governor Lumpkin.

In the place of James Liddel, Esq., of the 1st division in Georgia, elected to the Georgia Legislature, from Jackson county, Colonel Samuel Burdett of said county, has been selected, upon the recommendation of Mr. Liddel and Governor Lumpkin.

In the place of Colonel W. A. Bishop, of the 2d division, absent on account of the ill health of his family, Kinchen W. Hartgrove, Esq., of Cass county, has been selected with the approbation of Governor Lumpkin.

The appraising agents are generally getting on well. Dr. Jno. S. Young, and D. Caldwell, Esq., have finished the estimates for their district, and will go out to aid those who, on account of sloth, or the obstacles thrown in their way by Ross's late council, and his private circulars, have not been able to get along so well; but all will, in my opinion, be completed by the setting in of winter.

The rule for valuing improvements successively in rotation, has, under the urgency of particular cases, been varied from in many instances, under the authority of Governor Lumpkin, to enable those who wish to be in readiness to remove as soon as the disbursing agent arrives, to do so without further delay.

After the estimates are fully made, the field books of the assessors, duly certified by each set of appraisers, will be deposited in this office, as books of reference; and clerks will be necessary, or such appraisers as can write good hands will be retained to make out the returns for your office, for the commissioners of claims, and for the western agency.

The commissioners will perhaps revise some of these valuations to produce uniformity, and in order to detect frauds, which may with all the vigilance used by them have been practised. I will be slow to approve unless it be in cases where the emigrants are ready to be off.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREN

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
October 26, 1836.

SIR: I have the honor to acknowledge the receipt, yesterday evening, on my return from a tour through the nation, of your several communications of September 29th, October 1st, No. 1 and 2 of the 4th, one of the 5th, and one of the 10th.

By that of the 29th ultimo, I find my estimates for McCoy and McLaughlin's improvements have been referred to the Commissioner of Indian Affairs.

By that of the 1st instant, I am notified of the appointment of Dr. B. King, as disbursing agent, enclosing a copy of his instructions. It is unfortunate for the interest of the Government that he has not yet arrived.

No. 1 of the 4th October, refers to the necessity of discriminating between that which appertains to your office, and that belonging to the office of the Commissioner of Indian Affairs. The error committed, and to which you refer, was owing to a supposition without strict examination, that you had written a letter which I find to be from the Commissioner himself, dated August 13th, 1836, and for which I hope to be excused.

No. 2 of the same date, enclosing a copy of a letter to Captain Brown, on the subject of removal and subsistence of the Cherokees, also a copy of reply; for this favor be pleased to accept my acknowledgments.

One of the 5th instant, in relation to Alexander Shook's residence at the time of enrolment. Mr. Shook resided in Georgia, when he proposed to enrol, but being a white man, and his relations being opposed to his going west, he declined for the time. He with his family afterwards removed to the Tennessee part of the nation, where the enrolment took place, and under which they removed west in 1834.

There are two Jane Wilsons on the roll, one a single woman, the other had four in family. If she is the wife of Thomas Wilson, he enrolled her and family while they lived in Georgia; but owing to his embarrassments he removed to Tennessee, received the commutation for himself and one son, and left his wife and balance of the family to accompany Lieutenant Harris's detachment. If it was any other than Thomas Wilson's wife, the enrolment must have been made without the limits of Georgia. The foregoing has been communicated substantially to Lieutenant Van Horne.

The letter also of the 10th instant is before me, in relation to emigrants who have lately arrived in the west, and claim \$33.33 commutation in lieu of their year's subsistence. By reference to the 15th article of the treaty of December 29, 1835, persons emigrating since June, 1833, are entitled to all the benefits accruing under this treaty, to those who yet remain east. Consequently it would appear to me that all who went with Lieutenant Harris, or received commutation at that period, or have gone since, have a right to this amount, under the 8th article, although they may have taken a smaller commutation under former regulations. Their names have been furnished Lieutenant Van Horn, in muster rolls transmitted to the western agency from time to time. No promises were made on this subject beyond the stipulations referred to, and which were previously authorized by Mr. Robb's letter of June 23d, 1833.

The clerk estimated for is necessary. Whatever business devolves upon me in my absence, whether as acting agent or superintendent of removals, comes under his care. I cannot be at the agency and have the duties committed to my care performed by subordinates elsewhere. My presence is re-

quired at times in all parts of the nation, and when absent, in addition to the duties of arranging papers, copying letters received and sent, instructions, &c. &c., this clerk has charge of the business arising in my absence, and is consequently an indispensable assistant connected with the business of emigration, for all duties of a public nature here are intimately connected with that object. It was not known at the time of the appointment whether it would be constant or temporary. Time seems, however, to increase rather than diminish the necessity. My recollection of the appointment is that a clerk was estimated for. In this, however, I may be mistaken.

Very respectfully,

Your most obedient servant,

BENJ. F. CURREY.

P. S.—I have the honor to acknowledge the receipt of your letter notifying me of the appointment of Dr. C. Lillybridge, as physician, enclosing a copy of his instructions, dated October 10, 1836.

B. F. C.

NEW ECHOTA, *October 26, 1836.*

SIR: I have the honor to acknowledge your letter of the 3d instant, enclosing a copy of General Wool's letter of the 12th ultimo, on the subject of reimbursing the Cherokees who have furnished their suffering poor with subsistence, (to prevent their starvation,) previous to the arrival of the disbursing agent of the Government, charged with the duty of attending to the wants of these suffering people; also on the subject of providing for the subsistence of the poor Indians, who might attend on the commissioners for the purpose of settling their business in terms of the late treaty with the Cherokees.

I will remark upon this subject, that at the time I wrote to the War Department on the subject referred to, the contents of my communication were made known to General Wool, who was then at this place, and to the best of my recollection, my letters were read to him, and if he had been as communicative to me as he has been to the War Department, a better understanding, and greater concert of action, would have been the result.

From the instructions given to the commissioners, greatly increased responsibilities are placed upon them, by clothing them with the supervisory duties contained in their instructions. As one of the commissioners, I feel great solicitude that this treaty should be faithfully executed, and but for the interest which I have felt on the subject, I never would have entered on the duties of the appointment. I am ready to risk my reputation in having this treaty executed to the general satisfaction of the country and of all the parties concerned, if I could be freed from the embarrassment of too many intermeddling and incompetent agents in the business, and have a suitable associate to co-operate with me, as was contemplated. When I entered upon this business, General Wool's letter, to which you refer, and a copy of which is now before me, clearly evinces to my mind, that while he takes a correct view of the necessity and importance of scrutinizing with vigilance all claims, accounts, and disbursements, connected with the business, in order to guard against frauds and impositions being practised upon the Government, he has, nevertheless, overlooked the

views and considerations to which I attached great importance, in furthering and promoting in the most desirable manner the execution of the treaty.

I still believe on the strictest principles of justice and a fair construction of the treaty, that my suggestion in favor of reimbursing *Indians* who had subsisted the poor, and providing for the subsistence of the same description who may attend this place on business, can be most fully sustained by reason and sound policy. In recommending the course I did on this subject, I was influenced by considerations of *sound policy*, as well as justice.

General Wool had informed me that the *Indians* who were opposed to the treaty, although in a state of suffering, generally refused to receive the subsistence provided for in the treaty. I therefore concluded, that they ought not to be permitted act the part of the "dog in the manger," that the better plan, yea, duty, demanded that the just wants of those who were disposed to comply with the treaty should be attended to; and by this course I entertained no doubt that much of the opposition to the treaty would be overcome; that the opponents of the treaty would be influenced by the example of their yielding brethren who were receiving advantages under the treaty. Moreover, I entertain no doubt but the same policy ought to be pursued in relation to the clothing and blankets.

I think it would be altogether wrong to press the reception of blankets and clothing upon that portion of the *Indians* who express a determination never to yield to the terms of the treaty. I should deem it more wise and prudent to restrict the distribution of clothing to such as are actually preparing to emigrate.

My plan is to disburse the seventy two thousand dollars chiefly, (and economically,) extending over two years, to the *poor* emigrants. I consider this provision in the treaty connected with the emigration of the *Indians*; and if no preference is given to emigrants the result will be that the whole of this provision will be used for the purpose of keeping the *Indians* in their present unpleasant abodes, instead of encouraging them to embark for the west. Those *Indians* and their leaders, who were opposed to the treaty, have so far appeared to be inclined to peace, and unless they are encouraged directly or indirectly, by white men, I do not believe they will ever think of hostile operations against our white population. Indeed, I have no doubt but the whole Cherokee people will peaceably yield to the late treaty, if the Government and its agents perform their duty in the execution of it.

But it cannot be denied or concealed that up to the present day, much has been omitted, and much done, which has been well calculated to retard and hinder the faithful execution of this treaty.

For two months past both of the commissioners should have been here with all the means afforded them to discharge every duty with which they stand charged according to their instructions. But so far from that being the case, I am, after three months' suspense and correspondence up to the present day, here alone, trying to effect all I can to sustain and carry out the treaty. Yet my labors and operations remind me of a cart with but one wheel, and the remedy is beyond my control. I have seen and felt the impropriety and mischievous effect of the course of things in this country, with nothing but nominal control over the evils complained of. Mr. Ross has received more of the respect and attention of the officers and agents of the Government sent here to aid in executing this treaty than every other native of the country put together.

I am very far from advising harsh or unkind measures towards Ross and

his followers, but I do protest, most solemnly protest, against the policy of officers and agents of the United States, deporting themselves in a manner which shall impress the Cherokees with the belief that no treaty can be made or executed without the sanction of Mr. Ross. I thought it wholly wrong to permit Ross to assemble his people for the express purpose of preventing them from yielding to the late treaty, if the Government really intended to execute and carry out the treaty. But I was still more mortified that during his council of mischief, he should have had a military guard thrown around him and his followers, and receive from the officers of Government that respect and consideration, which, under all circumstances, I consider humiliating to that Government of which I am a proud to be a citizen.

Very respectfully,
Your obedient servant,

WILSON LUMPKIN.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

NEW ECHOTA, October 26, 1836.

SIR: Having perceived through the newspapers that you are now at the head of the War Department, I have deemed it expedient to invite your attention to the subject of the execution of the late treaty with the Cherokee Indians, being connected with that branch of the public interest, as one of the commissioners under the treaty for settling claims, &c.

I should be pleased for you to examine my several communications to the War Department and President of the United States on this subject; from which you will perceive that I have been corresponding on the subject since July last, and am, to the present day, here in suspense, and want of necessary aid and means to have the business in that train of advanced and successful operation, which the best interests of the Cherokees, and the good faith of the Government, so obviously require.

The *specific* duty assigned to the commissioners under the treaty, of deciding on claims, has been wholly retarded thus far, for the want of an associate; and various other duties with which the commissioners have been charged in their instructions, have, from their nature, and a sense of delicacy towards others, been performed with less efficiency and promptitude than would have attended my progress if the entire responsibility had been placed on me alone.

Nevertheless, I have faithfully endeavored to effect all that could be done under the circumstances, and most of the duties assigned the commissioners are in a state of preparation and forwardness which would greatly facilitate the completion of a large portion of the business, if I could have the immediate co-operation of an associate.

A great mass and variety of claims and papers have been received, partially examined, registered, and filed. The committee of Cherokees, recognised by the treaty, have already performed a considerable share of the labor referred to them under my supervision and advice in regard to their proceedings. The valuing or appraising agents have made considerable progress, and will, in a few weeks more, probably complete their returns.

If my associate was now here, and the disbursing agent who is to make payments under the treaty, I think we should be able still, to emigrate a large company of the Cherokees this season, before the severe cold of winter will commence in this climate.

I have no doubt but several thousand of the Cherokees are anxious to remove the present season, and would have gone if their business could have been settled in the terms of the treaty. I still trust that all opposition to the treaty will be overcome by mild and energetic measures; but Mr. John Ross, as you are apprized, is still engaged in plans of mischief. His council, which he never ought to have been permitted to hold, has resulted in a plan to disturb the peace and quiet of the Western Cherokees. He will use every exertion to get his western brethren to unite with him in an embassy to Washington, where he will again act the part which may be assigned him by wiser, if not better men.

He should receive no countenance from the Government whatever, so long as he continues to persevere in his plans of hostility to the views and measures of the Government as connected with Indian affairs.

To settle the affairs of the Cherokees under the provisions of the late treaty, is a most arduous and important undertaking. You will please to review my instructions, send me the aid of another commissioner, and afford me the means of obeying my instructions, before I become wholly discouraged in an undertaking which nothing but a sense of duty, and a desire to promote the interest of the perishing Cherokees, induced me to embark in.

I have the honor to be,

With very great respect,

Your obedient servant,

WILSON LUMPKIN.

Hon. B. F. BUTLER,

Acting Secretary of War.

CHEROKEE AGENCY EAST,
October 26, 1836.

SIR: Your communication of the 6th inst., making known the wish of the acting Secretary of War, that Major Davis should be employed in this service, was received yesterday, on my return from Alabama.

I addressed a letter to Major Davis on or about the 1st of August, informing him he had been selected by me as one of the appraising and enrolling agents, (his pay to be the same as heretofore allowed,) and requested him to report to me forthwith, for instructions, since which time I have heard nothing from him. I ascribe his failure to bad health, or an indisposition to serve. The duties of these agents have been arduous, and owing to his

illness, I regard his failure as fortunate for himself as well as for the public. Owing to the press of business connected with valuations, I have assigned Colonel John Rice, of Lookout Valley, Tennessee, (who is known to the President, and also to Mr. Grundy,) to be associated with Colonel Henry McCoy, of Cherokee county, Alabama, to aid in finishing the district assigned General Moore and David Ricketts. Colonel McCoy is recommended by Hon. S. Chapman. The Indians in that section of country assigned the persons last selected, are many of them anxious to get off.

In the place of Colonel N. I. Hutchings, of the 4th division, in Georgia, resigned on account of ill health, George Kellogg, Esq., has been selected and qualified on the recommendation of Governor Lumpkin.

In place of James Liddle, Esq., of the 1st division, in Georgia, is elected to the Legislature of Georgia, from Jackson county, Colonel Samuel Burns, of said county, has been selected upon the recommendation of Governor Lumpkin and Mr. Liddle.

In the place of Colonel W. N. Bishop, of the 2d Georgia division, absent from duty on account of ill health of his family, Kinchen W. Hartgrove, Esq., of Cass county, has been selected with the approbation of Governor Lumpkin.

The appraising agents generally are progressing well. Dr. Young and D. Caldwell, Esq., have valued all the Indian improvements in their districts, and will be sent out to the aid of those who, on account of slothfulness, or the obstacles thrown in the way by Ross's late council, and his private circulars, have not been able to get along as well. But I am assured the whole will be completed by the setting in of the winter.

After the labor is completed, each set of appraisers, all acting under the same regulations, will, perhaps, be directed by the commissioners to make slight alterations in some items, in order to produce conformity.

It is thought to be most advisable, after this is done, to have the agents certify to their respective valuations, and then as they are approved by me, or supervised by the commissioners, to employ clerks to make out transcripts necessary to be furnished the commissioners, as well as for your department and the western agent, in a more business like manner, reserving the originals in the office here, as books of reference, or subject to the order of the War Department, or commissioners.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

P. S.—I herewith enclose the copy of my notice to Major Davis.

ATHENS, TENN., August 2, 1836.

SIR: The business preparatory to Cherokee removals having been confided to me by the Government of the United States, I take this occasion to notify you that you are selected as one of the assessors of Cherokee improvements, as provided for by the late treaty.

Your pay will be as heretofore. Should you accept, you will be pleased to report yourself to me for further instructions on the 20th instant; at the Cherokee agency cast, or as soon thereafter as practicable.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

Major WM. M. DAVIS,
Frankfort, Kentucky.

CHEROKEE AGENCY,

October 27, 1836.

SIR: Enclosed, I beg leave to call your attention to a request (marked A) which I was induced to make of General Wool. I had, for the convenience of individuals who, it is expected, will have business at the office in the course of Indian removals, procured Doctor Johnson's consent to take charge of the dwelling occupied heretofore by Colonel Montgomery, to open a house of entertainment, solely for the accommodation of such as might not be able to get entertainment, without inconvenience, elsewhere. Lieutenant Howe just at this time, as I was informed, commenced repairing a house within twenty paces of my office, and which he has converted into a hospital.

This house had been occupied by a portion of the former agent's family; but owing to there having been no use for this building since the removal of Colonel Montgomery, it was for a while, by my permission, occupied as a store house and magazine: but when houses more suitable were built, and the articles removed, it was not expected that that which had been granted as a favor would be claimed as a right, and therefore I had engaged to let the doctor have it, as one of the inducements held out for his undertaking to open an entertainment. Before this, however, my brother, to whom is intrusted, during my absence, the duties of the office, in passing from the office to the stable was stopped by one of the soldiers, and threatened with violence if he attempted to pass; and I am informed that the property of my interpreter has been taken, and the peace of his family disturbed, by the conduct of the soldiers. More recently, one of them has stood in the lane and fired against the dwelling house attached to the agency, endangering the lives of our citizens, without provocation: and I am advised, for this last offence, an arrest and trial have been had, without being attended with adequate punishment.

I wished, therefore, to confine the sphere of these men to the immediate eye of those whose authority can control them. The quarters of the army officers are across the branch from the agency, with trees and houses intervening, near which was surrendered to the company first stationed at this point the buildings occupied formerly by the sub-agent.

I have not seen General Wool since this request was made. I learn, however, he told Governor Lumpkin this was a little matter, unworthy a man of standing.

Enclosed, I also beg leave to ask your attention to the copy of another request (marked B) made of General Wool, believing he was the proper person to carry the treaty into effect, where the laws could not, in the State tribunals, give proper relief, and where they do not prevent the execution of the treaty.

The commissioners who negotiated the treaty, understood the clause referring to the agency reservation to secure to the agent exclusive control over the tract of country known as the agency reservation. This is the view taken by the Cherokees, also, on behalf of the nation, so that the Superintendent did not interfere with the occupant right of any Cherokee. It was in hopes these things would be carried into effect, so far as white intruders were concerned, by General Wool, and that the house first named would be abandoned, when the General was informed its occupancy by the regulars would annoy me, or that it would be needed for the accommodation of such persons as might be compelled to visit me on business connected

with emigration, valuation, &c. Mr. Ross's houses are open; but all who call, and some who have called, inform me that the abuse of the Indians and officers boarding there, against the Government and its high officers, is offensive to them, and they have, in consequence, looked out other lodgings.

Be pleased to give such direction to this matter as it may, in the estimation of the department, be entitled to.

General Wool has, for what purpose I know not, often spoke of the danger he considered me to be in from members of his military family; that they had often abused me in his presence, until, at length, this practice was interdicted by him. He, however, a few days ago, sent for my brother, and in general terms informed him that I had better not insist on occupying the house above spoken of, and observed he was fearful I and others would get to cutting each other's throats, and named Doctor Hitchcock as the foremost man. I have to contend against Indians, military, and politicians.

I may be dismissed the service; but, while here, I will ask nothing but what I believe to be right, nor do anything which I believe to be wrong. Threats from the military, either regulars or volunteers, will not prevent me from the performance of what I conceive to be my duty to myself and the country.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

A.

CHEROKEE AGENCY, *Sept. 29, 1836.*

SIR: I am informed it is the wish and present intention of Lieut. Howe to convert a house attached to the agency into a hospital. This house is situated between the office and the residence of my interpreter, and will be a necessary appendage hereafter, as it has been heretofore, to the residence of the agent.

I feel persuaded you have no disposition to have me annoyed by placing loathsome diseases, such as are incident to a regular soldiery, at my door, when houses more convenient to the quarters of the army officers have already been surrendered by me for that purpose. I would, therefore, respectfully request your attention to this matter, with the view of being freed from unnecessary interference with the peace, health, and comfort of myself and those whom it may be necessary, in the discharge of public duty, I should have more immediately about me.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY

Gen. JOHN E. WOOL,

Commanding, &c.,

Calhoun, E. Tenn.

B.

CHEROKEE AGENCY, Oct. 3, 1836.

SIR: I beg leave to call your attention to the 16th article of the treaty concluded at New Echota, with the fourth article of the supplement thereto, and request the favor of you to remove from the lands set apart for the Government of the United States or the agent immediately superintending the removal of Indians, Mr. John Meigs and Messrs. Morgan and Jarnigan, who have, without any permission from me, and in contempt of treaty stipulations, erected houses on said tract of land, which was intended by said article to be kept free from intrusion.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

Gen. JOHN E. WOOL.

NEW ECHOTA, Oct. 27, 1836.

SIR: For the information of your department, I forward you the following copies of correspondence between General Wool and myself, on the subject therein referred to. The subject, I presume, will receive the attention which it merits.

Very respectfully,

Your obedient servant,

WILSON LUMPKIN.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

HEAD QUARTERS, ARMY E. T. AND C. N.,
New Echota, Ga., Oct. 19, 1836.

SIR: By a communication of the 30th ult., received at Fort Cass on the 14th inst., from the War Department, I am authorized to pay on your certificate to such of the committee designated in the late treaty, and such other Cherokees who may have supplied during the summer past, including the months of June and July, those of the nation "who were suffering for the want of food," to an amount not exceeding three thousand dollars.

By the same communication, I would also inform you that I am authorized to issue provisions to such of the poorer Cherokees as may be at New Echota, attending before the commissioners to the settlement of their claims under the late treaty, to an amount not exceeding two thousand dollars.

In relation to the accounts of the committee, or others who may have supplied the poorer Cherokees with provisions, I would remark, that they must be accompanied with a roll, exhibiting the number and names of the families to whom provisions have been furnished, and also showing the number of rations, and the period when furnished to each family. This roll will be sworn to by the person having furnished the provisions, and certified to by yourself. As soon as I can be furnished with roll conform-

ing to the form herewith transmitted; of the number of persons and number of rations furnished, together with the accounts showing the amount expended for them, which must also be sworn to, and certified by yourself, I will pay the same, provided the whole does not exceed three thousand dollars. The provisions to be furnished to such of the poorer Cherokees as may attend on the commissioners to settle their claims at New Echota, will be ready to issue at any time after four or five days' notice by the commissioners, that they may be required.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Com. the Cherokee country

To the Hon. W. LUMPKIN,

Commissioner, &c.

NEW ECHOTA, *October 27, 1836.*

SIR: It was after your departure from this place, before I had carefully examined your letter of the 19th instant, on the subject of reimbursing such persons as had supplied the wants of the poorer Cherokees, before your arrival in the country, and the issue of provisions to such as may attend at this place on the settlement of their business under the treaty.

The duties assigned me in your letter are incompatible with my other official engagements, to which I have been invited by the Government of the United States.

Moreover, I will respectfully suggest, that your requirements appear to be such as to preclude the practicability of compliance, either by the claimants or myself, so long as we entertain a scrupulous regard for that which is due to ourselves.

Respectfully,

Your obedient servant,

WILSON LUMPKIN.

Brig. Gen. JOHN E. WOOL.

CHEROKEE AGENCY EAST,

October 28, 1836.

SIR: I have the honor to acknowledge the receipt, this moment, of your two communications of the 17th instant; one notifying me of the appointment of Doctor Minis, of the army, as disbursing agent; the other authorizing me to take out of the office at Calhoun, and apply to my own use, the blanks sent to Dr. King: for which be pleased to accept of my acknowledgements.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

Gen. GEORGE GIBSON,

Com. Gen. Sub., Washington city.

CHEROKEE AGENCY EAST,
October 28, 1836.

SIR: I have the honor to enclose you a copy of a roll of one Cherokee family, forwarded by to-day's mail. This family borrowed commutation, and the lender relies upon being refunded on the arrival of Doctor King. The emigrant head of the family receipted as if to that officer.

Most respectfully,

I have the honor to be

Your most obedient servant,

BENJ. F. CURREY, S. C. R.

Gen. GEO. GIBSON,

Com. Gen. Sub., Washington city.

CHEROKEE AGENCY,
October 28, 1836.

SIR: I have the honor to acknowledge the receipt of yours of the 15th instant, notifying me of the remittances by your department of moneys to satisfy the claims of McCoy and McLaughlin, east and west. Also, a copy of the sections of the intercourse law, referred to in your letter of the 12th instant, addressed to General Wool. Also, your communication of the 17th instant, approving the selections made by me of agents to estimate the value of Indian improvements. Your admonition in relation to addressing your department on all proper subjects, was deserved. I hope, however, the explanation in mine of yesterday will prove satisfactory.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

Hon. C. A. HARRIS,

Com. Indian Affairs, Washington city.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Fort Cass, Tenn., November 2, 1836.

SIR: A few days since, on my return to New Echota, to consult Gov. Lumpkin on business of importance connected with my command, I had the honor to receive your communication of the 24th September last, in which you have remarked that it was inexpedient to send an agent to New York to purchase blankets, &c. for the Cherokees. You have also remarked that, "by the 13th section of the act of 1834, organizing the Indian Department, it is provided that all merchandise, required by any Indian treaty, for the Indians, payable after the making of such treaty, shall be purchased under the direction of the Secretary of War, upon proposals to be received," &c.

By my instructions from the Secretary of War, dated 20th June, the following instructions will be found, viz: "The amount for provisions and clothing is limited to seventy-five thousand dollars; but a far less sum than this will be sufficient for the issues required to be immediately made. The

purchases, if any, will be made upon the best terms, and will be paid for in bills to be drawn on this department, which will be met as soon as the appropriation is made." In the instructions of the 20th June, no mention is made of any law on the subject of purchasing either rations or clothing for the Indians. I, however, confined the issues to the Indians to rations only, and made no purchases or authorized any of clothing, until after I received your communication of 25th July, in which, with remarks, you called my attention to the late treaty, as follows: "In the twelfth article of the treaty, twelve persons are named as a committee on the part of the Cherokees, and are fully empowered and authorized to transact all business on the part of the Indians, which may arise in carrying into effect the provisions of this treaty, &c. You are requested, therefore, to call these persons to your aid in determining who belong to the former class of the nation; *what amount shall be expended for goods, and what amount for provisions.* Your arrangements will then be made to procure both the goods and provisions; and if necessary, you will establish different posts of distribution, and appoint as many issuing agents, at a reasonable compensation, as you may think proper, who will act under such instructions as they may receive from you. I would suggest, however, whether the goods would not be more useful to the Indians, if procured for them when they are about to emigrate; but you will be guided on this point by the opinion of the committee of the tribe." In this communication no mention is made of any law, on the subject of purchasing goods for the Indians.

On receiving your communication of the 25th of July, presuming that it was the wish of the Secretary of War, I lost no time in sending notices to the committee, as designated in the treaty, to meet me at New Echota, to make the arrangements as authorized. The 8th of September was named as the day of meeting. The committee, however, did not assemble until the 12th, five only attending, when the whole subject was laid before them, when they recommended that thirty thousand dollars should be laid out in goods and shoes, and that an agent should be sent, as soon as practicable, to New York, to make the necessary purchases. This was done for the purpose, and at my own suggestion, to make the most of the fund, and to save to the Cherokees the one hundred per cent., which is charged on all goods sold in this section of the country. It was done, too, under the belief that I was acting, not only in conformity to the spirit, but to the very letter, of my instructions.

A responsible agent was appointed and despatched on the 19th of September, with instructions to hasten without delay, and to return as soon as practicable, and, certainly, as early as the 15th of the present month.

The goods were purchased as early as the 6th of October, and shipped by the 15th for Charleston, South Carolina, and they are now between that place and New Echota, to which place they are destined.

Fortunately for me, however, the amount purchased exceeds but little more than half the amount estimated for. The invoices only amount to \$15,159 81; whereas the estimate was \$30,000. For the amount purchased, \$15,159 81, I am bound in honor to draw for on the Secretary of War, and which I cannot believe will be dishonored, from the circumstance that my instructions of the 20th June, as well as your communication of the 25th July, authorizes the draft.

I repeat that I thought I was not only acting in strict conformity with my instructions, but that I was rendering important services to the Cherokees.

kees. The latter I am assured of, from the circumstance that almost every article purchased will not cost more than one-half of what I should be obliged to pay for them in this section of the country.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

P. S.—I have notified Governor Lumpkin that I was ready to pay accounts for provisions issued, by the committee and others, to an amount not exceeding \$3,000, agreeably to your communications of the 30th September and 3d October. The Governor, however, has taken exceptions, I believe, to the manner of making out the accounts. All that I require is that each person shall make out a roll of the persons to whom he has issued provisions, limiting the time to the months of June and July, which he is to swear to, and afterwards to be certified to by Governor Lumpkin, according to a form transmitted to the Governor. All that was required of the latter was merely his certificate, without even giving the form of one, leaving it entirely to himself. I have also advised Governor Lumpkin that I was ready, at any moment, to issue rations to those who might attend on the commissioners, to transact business, agreeably to your instructions of the 30th September and 3d of October.

J. E. W.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Fort Cass, Tennessee, November 2, 1836.

SIR: Agreeably to the instructions of the Secretary of War, dated 20th June, and from C. A. Harris, Esq., Commissioner of Indian Affairs and acting Secretary of War, dated 25th July last, I have the honor to inform you that I have this day drawn a draft, or bill of exchange, in favor of Messrs. Buckingham and Huntington, of New York, for \$15,159 81, for clothing purchased of them on account of the poorer class of Cherokees, which I have to request you will honor.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

SECRETARY OF WAR,
Washington City.

SPRING PLACE, NEW ECHOTA, GA.,
November 4, 1836.

SIR: Your two letters of the 10th and 12th of last month, (October,) together with the copies and extracts therein referred to, I received from the post office, at this place, yesterday. The frequent failures of the due arrival of even the weekly mails, at New Echota, induced me to visit this

place in search of news from Washington and elsewhere, connected with my official duties in this country. I was gratified to find your communications above referred to at this place, and more especially after reading and duly considering their contents.

But for the fact that I have not yet the slightest information from General Carroll, I should now indulge the hope of a successful progress in executing the treaty. I have never received a word from General Carroll on the subject of our joint duties, although I opened a correspondence with him (first) in the month of July last. Your instructions to General Wool and myself have my most hearty concurrence and approbation, and, so far as I am concerned, you may assure the President my duty shall be promptly discharged. I will not consume your time by reiterating anything which I have heretofore suggested or urged upon the subject of executing the Cherokee treaty, more than barely to remark that my opinions upon every point, heretofore communicated, remain unchanged; and I am happy to find that my views upon every important point coincide with the views and opinions of the President.

Having left most of my official papers and correspondence at New Echota, I am not able to quote precisely what I have heretofore expressed to you on the subject of funds and a disbursing officer, to make payments under the direction of the commissioners, and in terms of the treaty. In your letter of the 12th ultimo, you request me to forward an estimate of the sums that may be required for the payments which may come under the direction of the commissioners. My want of correct knowledge of the regulations, mode, and manner of making such disbursements, may, I fear, have induced me to clothe my ideas, heretofore expressed to you on this subject, in language which may be construed into a desire, on my part, for the Government to depart from its usual regulations upon such subjects. Should this have been the case, permit me to remark that I have not intended to assume any suggestion on this matter which may be deemed incompatible with the fiscal duties of the Government. My only object is, and has been, that such arrangements might be made, that no delay in the emigration of the Cherokees might accrue, for the want of funds being at command in this country, to meet payments promptly, as demands of the claimants may require. I had supposed, and believe I have heretofore suggested, that a sufficient amount of funds might be placed in two banks, one in Georgia, the other in Tennessee, subject to the requisitions of your disbursing officer, and, perhaps, sanctioned by the commissioners. In this arrangement, the necessity of estimates, it would seem to me, might be dispensed with, and the difficulty of making anything like a near approach to accuracy in these estimates be avoided. With a view of simplifying the subject, permit me to remark that if you will take a view of the present position of things, as I have communicated them to you, you will find it utterly impracticable for me to say, with any approach to accuracy, what an amount will be necessary to make the legal payments in any given time. I do not yet know when my associate will be in the country. With the procrastinations, disappointments, and near approach of winter, I am wholly unable to say what number of the Cherokees (if any) will be emigrated the present winter. My object, sir, is to prevent ruinous delays to the Cherokees. I have no partiality or preference to express in favor of any particular mode of transacting this business, so that it be consistent with justice and a faithful execution of duty.

Let the funds be placed within the reach of the officers and agents of the Government, and let not a dollar be drawn, except when needed to make immediate payments under the treaty.

But I beseech you to let us be relieved from forms of business which will produce further delay and procrastination, and I shall be content.

I am, sir, very respectfully,

Your obedient servant,

WILSON LUMPKIN.

C. A. HARRIS, Esq.,

*Commissioner of Indian Affairs,
War Department, Washington.*

CHEROKEE AGENCY EAST,
November 8, 1836.

SIR: I have the honor to acknowledge the receipt of your communications of the 19th and 21st ultimo; the former in relation to the employment of a clerk, the latter enclosing the copy of a communication from your office, of the 21st ultimo, to Dr. Philip Minis, United States disbursing agent.

In answer to the former, so far as relates to a clerk, you will see, by referring to the quarterly statement of August 9th, 1836, (made out of the usual time, on account of my previous absence,) "that George W. Currey, during the months of July and the preceding quarter, was engaged, at my request, during my absence at the city, in attending to such duties as necessarily devolves upon the agent, and could not be delayed until his return." This remark was made to your office, believing that he would be allowed pay, if deemed advisable, under the circumstances, by your department; and was not considered as an authorized employment, unless you should first decide that the circumstances would justify the same. The date at which his services commenced should be April 14, instead of March 14, 1836. But after the Commissioner of Indian Affairs clothed me with power and authority, as set forth in his letter of July 11, 1836, a copy of which is enclosed, marked A, and addressed me again, under date of August 13, saying your selections are completed, (referring to the valuing agents,) "you will report them to this office," I considered the imperious necessity of an immediate report waived, until all the necessary aids were collected. This view was the more readily adopted, because of my almost constant absence from the office, making the selections necessary for the valuations of Indian property. In writing out the instructions for those agents, and for the purpose of aiding in a multiplicity of other duties, such as acting in the office during my absence, copying and filing all letters received and sent, giving instructions contingent upon the appraising agents being obstructed in the progress of their duties, &c., &c.; I was obliged to have a clerk or assistant.

In order to show more fully the pressing necessity which induced the employment of a clerk, or person to take charge of this office, at the period for which you disapprove, I would beg leave to call your attention to cir-

cumstances by which I was surrounded, with which I had supposed you were familiar, and which would be duly appreciated by you, without making this explanation necessary. On the 18th January last, the President of the United States called on me, through the War Department, for testimony in support of the statements made by me in a letter to the editor of the Federal Union, and the reasons which induced me to make that letter public. At this time, the troops were in North Carolina. I had in my care valuable papers, besides public property to the amount of fifteen thousand dollars. I had, necessarily, to be absent from the office, my witnesses being scattered over an immense territory. Lieutenant Batman, the only person retained in service by your order of the 11th February, (except myself,) had previously obtained permission to visit the city to settle his accounts. Duty to myself, to the Executive, and to the country, required that I should obey the call of the President. I consequently made a personal matter of this appointment during my absence, believing, when the facts, by whatever channel they were communicated to you, or the Commissioner of Indian Affairs, would insure the allowance of an adequate compensation. Although the employment was not authorized by your letter of the 11th February, the safety of the public property, books, and papers, required it. About the time I had obtained such evidence as was to be had in this country, and was ready to answer to the call, but for the absence of Mr. Schermerhorn, Colonel Hansil, James A. Foreman, and Colonel Joel Yancy, (all of whom I afterwards found at the city,) I received a letter from Mr. Schermerhorn, an extract of which will be found enclosed, marked B, and one also from the Commissioner of Indian Affairs, a copy of which is herewith sent, marked C, indicating a wish that I should visit the city, and expressing a belief that my presence might be necessary to insure the ratification of the treaty. I resolved to go on—my character and that of my country were at stake, as also were some of those vital interests connected with the treaty; and I leave it to you, and to those who are acquainted with the progress of matters connected with the treaty, whether it is not well I did go to the city, and whether, in doing so, I would have done right to leave the office, public property, rifles, &c., exposed to the dangers of an excited Indian population, without any one to protect them. Besides this, it was necessary, in my absence, that I should be constantly advised of what was going on here, while I was at the city, that you might, if necessary, be informed, in order to guard the public interest. Sometime during my stay at the city, it will be observed, by reference to the enclosed copies of communications, marked D and E, that not only Judge Herring addressed an order to G. W. Currey to perform certain public duties, but that your office addressed me at this place, knowing that I was yet at the city, and that, too, as I believe, with the full knowledge that G. W. Currey had charge of the property alluded to, and, in my absence, would attend to your order, which was accordingly done. Also, there was a suit pending between James Brown and myself, as security for an emigrant, which had to be attended to in my absence. Neither the clerk, or myself, however, have any desire to take advantage of this circumstance, nor to claim anything for services not authorized by instructions or the interest of the public. When I feel conscious of the correctness of my course on this subject, generally, I am called on by candor to acknowledge that other duties prevented me from

strictly complying with "the 4th article and section 2d regulations," which I am in hopes it will be in my power hereafter to comply with literally.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

Gen. GEO. GIBSON,

Commissary General of Subsistence,

Washington city.

P. S.—About fifteen hundred or two thousand Indians would be off this fall, provided their business was settled at this time by the commissioners, and the disbursing agent had been here to authorize their collection for departure. Major Ridge, Judge Martin, and Joseph Vann are of this number; when they do commence removing, there should be funds at the immediate command of the commissioners to meet the demand of all, provided they should show their readiness to remove.

Yours, respectfully,

B. F. CURREY.

A.

WAR DEPARTMENT,

Office Indian Affairs, July 11, 1836.

SIR: I am directed by the Secretary of War to inform you that you will, in addition to your present duties, be charged with the general superintendence of the business relating to the valuation of improvements, ferries, &c., and the payments of the debts of the Indians, under the late Cherokee treaty, subject to such revisionary power as may be invested in the commissioners of claims.

No additional compensation will be allowed for this additional service.

Instructions will be given for your government as soon as they can be prepared. In the mean time, however, you are authorized to make preliminary arrangements for the employment of a sufficient number of valuing and other agents, at such pay, per day, as shall not exceed the compensation heretofore allowed for similar services, and for commencing this branch of your duties. You will report, for the action of this department, the names, compensation, &c. of the agents you are hereby authorized to select.

Very respectfully,

Your obedient servant,

C. A. HARRIS,

Commissioner.

Major B. F. CURREY,

now at Washington.

[EXTRACT.]

B.

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

I look for you here with considerable anxiety, and I hope you will be on soon. I told the President you would be here. He will be glad to see you.

With respect,

Your friend, &c.,

J. F. SCHERMERHORN.

Major B. F. CURREY.

[PRIVATE.]

C.

WASHINGTON, *March 15, 1836.*

DEAR SIR: The letters herewith enclosed have been kept by me for some days, under the expectation of soon seeing you here. I fear, from our friend Schermerhorn's communication to me, that I shall not have that pleasure. I regret it very much. I believe that you could render considerable aid in procuring the ratification of the Cherokee treaty, now before the Senate. Mr. S. and others of our friends entertain little doubt of its final passage. I am of the same opinion; but, considering it of the utmost importance to the Cherokees, I wish that you, and every other gentleman able to help us, was on the ground, with his shoulders to the wheel.

Very respectfully,

Your friend and servant,

ELBERT HERRING,

Major B. F. CURREY.

D.

DEPARTMENT OF WAR,
Office Indian Affairs, May 26, 1836.

SIR: Your brother, Major Benjamin F. Currey, who is now here, has informed me that he left in your charge the rifles, blankets, &c. at the Cherokee agency. I am instructed to request you to deliver them to the officer of the army who may be directed to receive them.

Very respectfully,

Your humble servant,

ELBERT HERRING.

GEORGE W. CURREY, Esq.,
Calhoun, Tennessee.

E.

EMIGRATION OF INDIANS,
Office Com. Gen. Sub., May 30, 1836.

SIR: You will deliver to Major M. M. Payne, 4th artillery, any portion of the rifles, blankets, and camp kettles, or all of them, now in your possession, placed there for the delivery of the Cherokees. Take his receipt therefor, or advise me of the transfer, and render the receipt in the current quarter's account.

Respectfully,

Your obedient servant,

GEO. GIBSON,

Commissary General of Subsistence.

BENJAMIN F. CURREY,

Supt. Cherokee Emigration,

Calhoun, Tennessee.

CHEROKEE AGENCY,
November 8, 1836.

SIR: I have the honor to acknowledge the receipt of your communications of the 20th, 21st, 25th, and 29th ult., on my arrival from a tour among the valuing agents; the first, enclosing copies of communications to the United States commissioners and to General Wool, on the subject of Cherokee affairs; the second, approving the appointment of valuing agents in Alabama; the third, informing me of the appointment of John Kennedy, Esq., Jonesboro', East Tennessee, in place of Gov. Carroll, resigned; and the fourth, notifying me that a requisition had issued in favor of Dr. Minis, for the payment of valuing agents, &c.

The views of the President in relation to the execution of the treaty are such as were expected from that source, and if promptly carried out, will effect the removal of the tribe without much trouble; unless the poison infused by Ross and his advisers, into the minds of the common Indians, has become so deeply seated as to require more violent remedies than any anticipated by the Executive. It will, however, in my opinion, be necessary to vest an almost unlimited control with the commissioners over funds near at hand, so that they will, with the aid of other officers, be able to meet any emergency. The Indians are slow to make up their minds; when they act, they act on the spur of the occasion, and very much together. If taken while in the humor, there will be but little trouble with them; but if allowed again to relapse into their former supineness, it will require more to arouse them than is needed to give the first impulse.

In the great anxiety I had to be ready with the appraisers' estimates by the time the commissioners would meet, I employed Captain D. Caldwell to visit the Alabama agents, and urge them to bring in their returns as early as possible. He set out on the 29th ultimo, taking with him a pilot or interpreter, Wm. Foreman, while I visited those in Georgia. About fifteen hundred Indians have reported themselves in readiness. Judge Martin, Joseph Vann, and Major Ridge, are of the number.

On the 28th, I started Dr. John S. Young and Colonel McMillon out to

value improvements in Murray county, Georgia, a part of the 2d district of that State.

Even after they bring in all their estimates, it will be some time before the whole can be approved, and triplicates made out for the commissioner for the principal disbursing agent west, and for your office.

All the despatch necessary, however, to bring this branch of business to a close, having an eye to accuracy and justice, will be used.

I have the honor to be,

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs,

Washington city.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Fort Cass, Tenn., November 10, 1836.

SIR: For the information of the War Department, I have the honor to forward, herewith, two general orders, Nos. 66 and 74.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN. E. WOOL,

Brig. Gen. Commanding.

Hon. B. F. BUTLER,

Attorney General, and

Secretary of War.

General Order, No. 74.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Fort Cass, November 3, 1836.

I am instructed by the President of the United States, through the War Department, to make known to Mr. John Ross and all others whom it may concern, that it is his determination to have the late treaty, entered into between the United States and the Cherokee people, and ratified by the Senate the 25th May, 1836 "religiously fulfilled in all its parts, terms, and conditions, within the period prescribed;" and that "no delegation which may be sent" to Washington "with a view to obtain new terms, or a modification of those of the existing treaty, will be received or recognised, nor will any intercourse be had with them, directly or indirectly, orally or in writing;" and that the President regards the proceedings of Mr. Ross and his associates, in the late council held at Red Clay, "as in direct contravention of the plighted faith of their people, and a repetition of them will be considered as indicative of a design to prevent the execution of the treaty, even at the hazard of actual hostilities, and they will be promptly repressed."

It is further made known, by instructions from the War Department

that "if any of our citizens enter the Cherokee country, and incite opposition to the execution of the treaty, they will be proceeded against according to the laws of the State," if any exist on the subject, in which they may enter; and if there should be "no law of the State which can be brought to bear on them, and under which they may be removed, it is the opinion of the President," as expressed through the War Department, "that they may be removed" out of the country "under the 6th article of the treaty," in which the United States guaranty that the Cherokees shall be protected against interruption and intrusion from the citizens of the United States who may attempt to settle in the country," unless it is with the express consent "of the committee who are acting under the 12th article of the treaty, and by the terms of that article they alone are authorized to give it.

All officers of the army, whether commanding volunteers or regular troops, under my command, are required and directed to make known to all persons residing, or who may come within the range of their respective commands, the contents of this order, and to make diligent search and inquiry in regard to all citizens who may enter the Cherokee country, and incite opposition or interfere with the due execution of the treaty, and report their names and places of residence without delay, to general headquarters, in order that they may be proceeded against according to the laws of the country and the instructions of the President of the United States. They are also required and directed to prevent all meetings, and to break up all councils coming to their knowledge, assembled in the Cherokee country, for the purpose of opposing the treaty or discussing its non-execution.

JOHN E. WOOL,
Brig. Gen. Commanding.

NEW ECHOTA, GEORGIA,
November 12, 1836.

SIR: I have the honor to report to you my arrival at this place on the 11th instant, after having surmounted some difficulties arising from the badness of the roads and the want of proper means of transportation. I have, however, arrived in ample time to discharge my duties, as neither of the commissioners or the superintendent are here. I have heard, since my arrival, that Major —— will probably be here in a few days, and the commissioners in about eight or ten days.

I have to acknowledge the receipt of your communication of the 21st ultimo, informing me that funds would be transmitted me for the payment of the salaries of the superintendent, &c. As yet I have received no communication on the subject from the Treasury Department.

From the information which I have obtained since I have been in the Cherokee nation, I think that there are many of the Cherokees who have been ready to emigrate for a month or six weeks past, having made all their arrangements for that purpose, and were only waiting for the funds which they are entitled to receive here by the treaty. Now, I think there will be some objection to going until next spring, in consequence of their dislike to travelling in the winter season. The above information has been

obtained by conversing with some of the most intelligent and important men among them.

In the payment of the salaries, I shall be guided by the regulations concerning the removal of the Indians.

I am, very respectfully,

Your obedient servant,

PHILIP MINIS,

Disbursing Officer Cherokee Removal.

Gen. GEORGE GIBSON,

Com. Gen. Sub., Washington city.

NEW ECHOTA, GEORGIA,

November 12, 1836.

SIR: I have the honor to inform you of my arrival at this place, and acknowledge the receipt of your communication of the 15th October, addressed to me at this place.

Neither of the commissioners or the superintendent are here, but I have learnt that they will be here in the course of a few days. On my route here, I met Governor Lumpkin, on his way home; he informed me that he should return as soon as he was apprized of the appointment of another commissioner. I find that there are many of the Cherokees all ready for removal, they having made their arrangements for that purpose some weeks since, and are only waiting to obtain necessary funds. The season has advanced so far, that many, who intended going in the fall, are now averse to doing so until the spring, from their dislike to travelling in the winter.

I am, sir, very respectfully,

Your obedient servant,

PHILIP MINIS,

Disbursing Agent Indian Department.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

NEW YORK, November 15, 1836.

SIR: We enclose to you Brig. General John E. Wool's first bill of exchange, in our favor, for \$15,149 81, on the department, on account of clothing for poor and destitute Cherokees.

We have endorsed the same, and will thank you to remit us your check for the amount upon one of the deposit banks of this city.

Very respectfully,

Your obedient servants,

BUCKINGHAM & HUNTINGTON.

HON. SECRETARY OF WAR,

Washington city, D. C.

P. S.—A copy of Gen. Wool's letter is attached.

HEAD QUARTERS, ARMY E. T. AND C. N.,
Fort Cass, November 2, 1836.

GENTLEMEN: I have just received, by express, from Athens, your communication of the 15th ultimo, with invoices of goods purchased by Mr. A. S. Lenoir, my agent, on account of the United States, for the Cherokee Indians, amounting to \$15,159 81, for which I herewith transmit a bill of exchange on the Secretary of War.

Be pleased to acknowledge the receipt of the bill, by return mail, and direct to Athens, Tennessee, and you will greatly oblige

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

Messrs. BUCKINGHAM & HUNTINGTON,
New York.

CHEROKEE AGENCY,
November 17, 1836.

SIR: Having just returned from a tour among the agents appointed to assess Indian improvements in Georgia, I have the honor to acknowledge the receipt of your several communications of the 2d and 5th instant: the former directing me hereafter to address the Office of Indian Affairs on all subjects connected with Indian emigration; the two latter, one relating to the removal of intruders from the agency reservation, and the other giving notice of deposits in the Athens bank for the purpose of carrying into effect the treaty, and designating the manner in which said moneys shall be drawn from that bank.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJAMIN F. CURREY.

COMMISSIONER OF INDIAN AFFAIRS.

CHOCTAW AGENCY,
November 17, 1836.

SIR: Yours of the 12th October, upon the subject of a delegation from the Cherokees east to those west, as also an extract from a letter from you to General Wool, has been received. I have written Governor Stokes in relation to it; and, should the delegation come on, I will give the subject of your letter my particular attention. I hope, however, yours to General Wool will have the good effect of stopping the expected delegation from coming over with a design of interfering with the treaty in any way. Should they come and do so, I will act promptly upon the subject, and, at the same time, with great caution, *for I know with whom I have to do.* The department know my views in relation to the feeling and spirit of the Creeks;

and there is with the Cherokees great discontent; but the way to stop such a spirit is by a sufficient force and the rigid execution of the laws of Congress.

Respectfully,

Your obedient servant,

WILLIAM ARMSTRONG,

Acting Superintendent Western Territory

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

UNION MILLS, November 19, 1836.

MY DEAR SIR: The enclosed letter was received not an hour since, and although I am sensible of the importance of your time, and although I would prefer not to have been called on, yet, in justice to my feelings, I cannot withhold this letter from your eye.

The writer I have known for many years. He is a high-minded and honorable man, and was, and I presume is yet, very popular with the Cherokees. I knew him as factor, in 1808. As ever,

Your friend,

WILLIAM LYON.

To Gen. ANDREW JACKSON,

President of the United States.

NOVEMBER 12, 1836.

DEAR SIR: I recently paid a visit to Mr. D. McNairs, where I saw your son Thomas in good health.

You will probably think it strange to ask a favor of you of the following nature: Will you write a few lines to General Jackson, saying that a number of the Cherokees are desirous that I should accompany them to their new home, which, with a moderate compensation on the part of the United States, I will do.

I will now only remark, for your own ear, that in case I should receive an appointment, to repair to Arkansas in the spring, it would give a spur and cheerfulness to a large body of the Cherokees, to follow in the ensuing fall. Whatever you may do, say but little, and I will endeavor to walk up to the mark *as long as I last*. Make my respects acceptable to Mrs. Lyon, and accept, for yourself, the regard and esteem of

Yours,

WM. BYER.

WM. LYON, Esq.

P. S.—There will be numerous applicants and a variety of appointments to effect the grand remove, as contemplated next fall. Should you think proper to say anything in my behalf, you must do it quickly, and you shall have due credit therefor.

Yours, again,

W. BYER.

CHEROKEE AGENCY EAST, Nov. 20, 1836.

SIR: Herewith, I send you an Athens Republican, containing an article over the signature of "An Observer." I would beg leave to call the attention of the department to this article, because I believe it emanated from General Wool's staff officer, Lieut. Howe, and that, perhaps, its publication received the sanction of General Wool himself. The writer speaks of complaints against the agents, and says "they can defend themselves." Since Judge White's attack, I have heard of no complaints against the agents of Government, except it was from General Dunlap, Spencer Jarnigan, Ross's party, and some of the regular officers, boarding at Lewis Ross's. All this was, however, looked for as certainly as I expected to discharge my duty to the country.

You will perceive that the author of this article endeavors to convey the idea that Ross's mischief was done, not in open council, but in fireside conversations. General Wool gave me the information himself of Ross's having read to the Cherokees the inflammatory matter, &c., alluded to in my letter to your department, accompanied by a copy of letters from H. Clay and John Ross, in September last. The writer says now that it is all over, and the consequences seen, it is said this assemblage of the Indians should not have been permitted.

Long before the receipt of your letter of the 3d September, which Gen. Wool received before, or during the session of, Ross's council, General Wool told Governor Lumpkin and myself any assemblage of the kind would be dispersed upon his own responsibility, as he could see nothing but evil consequences likely to result from such meetings.

The writer further observes, if General Wool had received positive instructions from either the President direct, or from the Secretary of War, would he have dared to disobey them? General Wool has said in conversations, with various individuals, that the holding of this council was contrary to his own convictions of propriety. The inference, therefore, is produced that either the President of the United States or the Secretary of War restrained him from dispersing this council. On the other hand, the facts contradict this assumption, when we look at the surprise expressed, through your department, on the 12th ultimo, by the President, that General Wool should have permitted said council to remain in session for a moment after it became apparent it was determined to declare the treaty void, "and that this was the contingency contemplated in the letter of the department of the 3d of September, in which you were instructed to interfere and disperse such assemblage." A copy of your letter of the 12th ultimo was forwarded to me, with the request that I should give publicity to the views of the President therein contained. This I did do, and this, connected with General Wool's ill-advised course, is what has created a stronger necessity in the opinion of the officers of General Wool's army, especially with the regular officers, to implicate the agents by inuendo, at the same time exculpating themselves by writing for newspapers, under assumed characters of disinterested observers. As I was requested to give publicity to the views of the President, I did so among the people to whom our operations were confined; but, on seeing the communication of "*An Observer*," and feeling that it was an insidious attack upon myself and those associated with me, for having promulgated the views of the President, which sustained those of Governor Lumpkin and myself, previously expressed in this country, I allowed the editor of the Republican to see the copy of yours of the 12th ultimo, which you had authorized me to give publicity to, "in order that

justice might as well be done to the President and to your department, as to others. The editor may consider it proper to make some strictures on the remarks of the "Observer." Indeed, I have authorized him to do so, provided I am right in supposing said article was handed to him by an officer of General Wool's army.

Dr. P. Minis has been in this country about ten or twelve days. Although advised that he was instructed by General Gibson to report to me at the agency, I am informed he is with General Wool at New Town. Neither of the commissioners being there at this time, I cannot conceive what can detain him, unless he is delayed by the persuasions of General Wool. I addressed a note to the Doctor some days ago, that "I would be pleased to see him at the agency as early as practicable," yet I have not been favored with any direct information from him whatever.

I was at Athens yesterday; but the warrants, for which requisition had issued from your department or the Treasury, had not been received.

The money, as well as the commissioners and disbursing agent, is in great demand. Several families of Cherokees have already set out for the west, leaving powers of attorney with their friends to draw the commutation, that it may overtake them afterwards, on the route, in time to facilitate their passage to their new homes.

Governor Lumpkin left this country some days before the appointment of Governor Carroll's successor was announced. The joint action of the commissioners being contemplated, he saw no necessity for his constant presence at New Town, or in the nation, until his colleague should arrive, and visit Athens, Georgia; from whence he is expected to return in a few days.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

HON. C. A. HARRIS,

Commissioner of Indian Affairs,

Washington city.

P. S.—Be pleased to submit this to the President, and oblige,

Most respectfully,

B. F. C.

SIR: My attention has been drawn to the subject of the course pursued by Government agents and officers of the army, towards the Cherokees, by the many rumors which are afloat in this section of the country upon the matter. The agents of the Government can take care of themselves; with the officers of the army, it is a more difficult matter. They place their reputation in the keeping of their country, and it is not expected that they will appear in the public prints to proclaim their own merits, or to disabuse the public mind of any false impressions which may be entertained of their conduct.

I am personally acquainted with most of the officers of the volunteer and regular army, now serving in the Cherokee country. Taking a deep interest in the peaceful termination of our difficulties here, I have been a

close, and, I believe, an impartial observer of their conduct. Feeling an ardent desire (so far as a statement of facts will contribute to that end) to see justice awarded to all, and particularly to the distinguished officer who has been intrusted with the command here, I am constrained to make public the information which I possess.

Since the adjournment of the council lately held at Red Clay, in consequence of the proceedings of the Cherokees, at the council, it is said that many of them, who, previously, would have consented to remove to the west, without opposition, have now determined to make no preparations for going, from a belief that John Ross can save the country. There is little doubt of the truth of this rumor, and it is more apparent in the mountains than elsewhere. Now that it is all over, and the consequences seen, it is said this assemblage of the Indians should not have been permitted. I am one of those who think it should have been broken up on the first hour of its session; that the question of treaty or no treaty should never have been allowed to be put to these people. They should have been sent home, and told to prepare themselves for emigrating; that the treaty had been ratified; that the money to carry it into effect had been appropriated; that it was now as binding as any other law of the land, and was in the hands of the President, who, not only from a sense of duty, but from feelings of kindness to them, was determined to see it "religiously enforced." It was said before the meeting of the council, and it has been industriously circulated since, that General Wool had received positive instructions to break up the council. There were many speculations as to what he would do, by both whites and Indians. A large force of mounted riflemen were encamped near the council ground, and the anxiety of all was great. The General kept his own counsel, and nothing was known. On the day appointed for the meeting of the council, an express arrived from the President, and rumor spread a thousand tales of the instructions received by the General. A part of the President's communication was afterwards made public; but whether orders were given for the dispersion of the Cherokees was never known. Now, the question is this, whether, if General Wool had received positive instructions from either the President direct, or from the Secretary of War, would he have dared to disobey them?

He would not; and they must be dull indeed, who could, for a moment, believe that an officer who has shed his blood in the defence of his country, who has a hard-earned reputation to preserve, and whose honor depends upon a faithful discharge of his duty, would lose all, by favoring the worse than useless struggles of a poor deluded people to retain a country, in which, should they remain, they must soon starve. Either General Wool received no instructions upon the subject, or if he did, they were of such a nature as not to allow him to interfere, unless there was in the proceedings of the Cherokees something apparent to induce him to believe they intended to resist the execution of the treaty. Now, from the whole tenor of the General's conduct prior to the council, it is evident that he was in favor of strong and decisive measures; and that, unless he had been restricted some way or other, he never would have permitted the council to be called. If General Wool was restricted, without some open act on the part of the Cherokees, he could not interrupt them; for, in their deliberations, they were as pacific and respectful as they well could be. The mischief was not done in the council house. It was at night, when gathered in small groups around their family fires, that the poison was imbibed. Those who would

elevate themselves at the expense of these poor creatures, were there at work. If the treaty is to be enforced, all meetings, ball plays, dances, and the like should be prohibited. Let them feel that they must abide by the treaty. This is now not only the most just, but, in the end, will prove the most humane course which could be pursued, whatever snivelling philanthropists may say to the contrary notwithstanding. Lunatics must be bound to preserve them from self-destruction. A spell is to be broken here, woven round these poor Indians by wiley half-breeds.

If proofs are necessary, that General Wool favored no half-way policy, let us look at his course in the mountains of North Carolina, where the most savage portion of the Cherokees reside. It will then be perceived that nothing has been done which should not be approved of by all, and which, at the same time, was not in conformity with the provisions of the treaty, and the known wishes of the President. Soon after the General arrived at the Valley town, a meeting of the Cherokees in that section of the country was called. They were then told that the President did not wish to make war upon them; that he was their friend, and would ever continue such, provided they would comply peaceably with the treaty; that, under the treaty which they had made, he would protect them; but that they must be submissive to it. They heeded not what was told them, but wished to consult with John Ross. They were not permitted to do this, and were told that that man had led them astray from their interests, prosperity, and happiness, too long by his pernicious counsels; that he (General Wool) was the most proper person to advise with, &c. After several meetings, and after sufficient time had been given them to weigh his propositions well, at their last meeting they abruptly separated without giving him any answer. Their hurried departure from the place of meeting was a strong evidence of their determination to resist the treaty and all its terms. Their chief men were immediately apprehended, and, after a confinement of one night, promised to do anything that was required. Directions were given for all the young men to bring in their arms, which order was soon complied with. By this decisive act, which they little expected, (and which, although it seems harsh, was strictly proper if the treaty is to be executed,) they discovered that a treaty had been made, and with it they must comply. A respectable military force was kept in the country to watch them, and prevent any hostile movement. None was to be feared, for this one act served to open their eyes to their danger. All was as it should be; they began to talk of the new home which had been provided for them, and appeared desirous to know more about it.

General Wool has been firm and decided upon every subject presented to him, always keeping in view the grand object of his mission here—protecting the Indians in their rights, and restraining the crafty in their shameless designs against them; and he has given satisfaction to all honest men in the country. That he will fearlessly execute the important trust confided to him, none can doubt; and it is a matter of congratulation that there has been sent among us an officer so well qualified for the command in this section of the country.

He is neither a Ross man nor a Ridge man; he asks not how the treaty was made, neither does he wish to know. He was sent here to execute the treaty and to preserve peace, not to investigate and discuss what has hitherto been done. He hears all sides upon questions under the treaty, and then acts to the best of his judgment, which seldom leads him from the

truth. In his manners he is courteous and affable, yet strict in the discharge of his duties, paying every attention to the wants and comfort of his troops. In fact, I believe that a better man could not be found in our army for this important command.

I am, sir, a warm friend of the present administration, and hope to see the affairs of State as ably conducted by Mr. Van Buren as they have been by our present respected Chief Magistrate.

The old veteran has seldom been mistaken in his estimate of character, and in the selection of General Wool for the command here; he has been as happy as in any other act of his life.

AN OBSERVER.

HEAD QUARTERS ARMY, C. N.,
New Echota, Gea., Nov. 20, 1836.

SIR: It having been ascertained that Mr. Currey, the emigrating agent for the Cherokees, has been industriously making public throughout this country the censures of the President, as communicated through the War Department, against myself, I would respectfully request that the Secretary of War will allow me to publish the correspondence which has occurred between myself and the War Department, relating to Cherokee affairs, since I have been entrusted with a command in this country. Hitherto, I have rigidly abstained from publishing, or causing to be published, anything relating to my duties or required of me in this section of the country. Nothing but strict justice to myself now induces me to ask the publication of my correspondence with the War Department, which, I hope, under the circumstances, will not be denied.

The commissioners have not yet entered upon the discharge of their duties, I believe; neither are they, at this time, in the Cherokee nation. I give this information only because I have been required by the President to consult them on all measures relating to my command, whether of a civil or military character. My command is truly an embarrassing one, and from which I am exceedingly anxious to be relieved; for I am not sure that my conduct will be approved by either the commissioners, the Secretary of War, or the President.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To the Hon. B. F. BUTLER,
Secretary of War.

NEW YORK, November 21, 1836.

SIR: Your letter of the 17th instant, in reply to our letter of the 15th, addressed to the honorable Secretary of War, is at hand, as also your cover, enclosing General Wool's bill of exchange upon the department.

Permit us to trouble you once more upon the subject.

How early in the approaching session of Congress will provision probably be made for the payment of this bill ?

Will the department take the necessary steps, without further exertion on our part? Will it be necessary for us to return the bill to the department for that purpose? An answer to these inquiries will greatly oblige us.

You will also allow us to add that this purchase was a peculiar one, and, as far as profit may be in view, we bid fair to be losers by the purchase. In justice to the agent sent here by General Wool, we ought to add, that his notice of the want of authority on the part of General Wool to make these purchases, was not in such an official shape as to warrant him in disobeying his letter of instructions from General Wool. That agent was honest and faithful; and his desire to obey his instructions to make his purchases on the best terms, was the sole cause of his dilemma here, and the reason why we were employed to assume the responsibility of his purchases, by collecting them together in one invoice, in our own name.

You will permit us also to add, that every dollar of the purchase was made under the sanction of the agent; not one cent advance charged thereon; and the bulk of the invoice stipulates to be paid for in 30 days from the date of the purchase.

Agreeably to your suggestion we took the bill to one, the most liberal of all the deposite banks; we received in reply that, unless the Secretary of the Treasury would advise its payment, they would not advance the money. Failing at the Bank of America, we made no further trial, well knowing how useless would be our endeavors at the others.

Your early reply will greatly oblige

Your most obedient servants,

BUCKINGHAM & HUNTINGTON.

C. A. HARRIS, Esq.

Commissioner of Indian Affairs.

NEW ECHOTA, GA., November 21, 1836.

SIR: Your communication of the 29th ultimo has been received, informing me "that a requisition has been issued in my favor for eight thousand five hundred and five dollars, for the pay of eighteen valuing agents, and nine interpreters for them, under the late Cherokee treaty, for three months."

I have not yet received any notification from the Treasury Department respecting the transmission of the funds. This, however, I presume, is owing to the delay of the mails, as but one has been received since my arrival, owing to the irregularity which attends its transportation from Spring Place here.

Very respectfully,

Your obedient servant,

PHIL. MINIS, U. S. A.,

Dis. Agent, Indian Department

To C. A. HARRIS, Esq.,

Com. Indian Affairs, Washington, D. C.

SPRING PLACE, *November 22, 1836.*

SIR: Your several communications of the 17th and 25th of October, and 4th and 5th instant, I have had the honor to receive, and they would have been acknowledged at an earlier day, but for the continued non-attendance of my associate commissioner. But, having heard nothing to the present moment from Mr. Kennedy, except through your communications, I deemed it my duty thus to acknowledge your communications, and to renew to you the assurance of my continued solicitude for a better progress in the execution of the Cherokee treaty.

Your letter of the 17th of October, together with its enclosures, confides new duties to the commissioners, to which I attach great importance; from the nature and responsibility of which, I have deemed it expedient to suspend the exercise of any immediate action, until I can avail myself of the advice and co-operation of my associate. You will, however, please to assure the President, that so far as I am concerned, I cheerfully "take the responsibility," and "will try" to carry out his views (which coincide most fully with my own) in executing this treaty. In the early part of this month, being in suspense on the subject of the non-attendance of my associate and the disbursing agent, I left New Echota on a tour of business, connected with various branches of my official duty, in which tour I had the good fortune to meet with Dr. Minis, on the 8th instant, at Gainesville, in Georgia, on his way to New Echota, when and where I communicated to him, verbally, my views in connection with his official duties. From which place (look at the map of Georgia) I proceeded to Athens, in Georgia, for the purpose of making the necessary arrangements with the banks, at that place, to obtain, readily, the kind of funds which will become necessary in making satisfactory payments to the recipients under the treaty. And I now have the satisfaction to inform you, that Treasury drafts on the deposite bank of Augusta, Georgia, as suggested in your letter of the 5th instant, will, through the arrangements which I have made with the banks at Athens, be promptly cashed, with funds to suit the payment under the treaty, (any part in specie which may be demanded.) Therefore, Treasury drafts, as you have suggested, is all that is deemed necessary on this subject. And I have only to regret that the arrangement had not been made, before so large an amount was authorized to be drawn from the deposite bank of Tennessee, because much the greater portion of the recipients would prefer Georgia money to that of Tennessee; the reasons for this preference will readily occur to you from your own knowledge of business and commercial transactions. If you will examine the subject, you will readily perceive that my views are not founded on selfish or State considerations.

From my present understanding of the subject, and the measures which have been taken to meet the payments under the treaty, I trust a better understanding of the subject will hereafter enable us to progress without prostration or difficulty on the subject of funds.

But while I perceive the propriety and duty of the commissioners complying with your request, in regard to monthly estimates being furnished by them, I am, nevertheless, still laboring under the same difficulties heretofore pointed out to you. My associate is not yet come; winter is at our door; the greater portion of the Indians, who are desirous to emigrate immediately, may not be able to get off before spring.

I readily perceive and entirely approve of the plan which you have suggested, in making the disbursements to claimants under the treaty, and shall

adopt the most speedy arrangement, within my control, to have the blank book of certificates which you suggest, printed. But when you take into consideration our location; the distance we are placed from a printing press, where such jobs can be speedily and well executed; the causes which have heretofore paralyzed all my efforts in progress and preparation; your mind will readily be prepared for making all due allowance for the contingencies which may render the formal part of executing our duties less perfect, than would, under more favorable circumstances, have claimed more consideration. However, every thing that my means can control, shall be done, to have this business not only correctly performed, but in conformity with the views and instructions which I have received from the Government.

The remittances which you have made are deemed sufficient for the present, and should Mr. Kennedy meet me shortly, I will endeavor hereafter to furnish you with the estimates which you have requested.

Under a view of the whole subject, you will please to express to the President of the United States my deep sense of the imposing obligations under which I am placed to the country, by the confidence which he has reposed in the commissioners, and to assure him of my unabating confidence that the present arrangement will, in due time, overcome every obstacle which may be in the way of a faithful execution of the treaty, and that he shall be constantly advised of the actings and doings of the commission in all matters, the importance of which may claim his attention and advice.

Very respectfully,

Your most obedient servant,

WILSON LUMPKIN.

C. A. HARRIS, Esq.,
War Department.

CHEROKEE AGENCY EAST,
November 22, 1836.

SIR: I have the honor to acknowledge the receipt of your communications of the 11th and 12th instant; the former being an answer to mine of the 27th ultimo, the latter (to one from me of the 26th) approving of additional appointments.

I now have to announce to you the resignation of Philip Hemphill, of the 1st district in Georgia. He informed me, some time since, that he would, in all probability, have to withdraw from the service on account of the expected indisposition of his wife. In the event he had to do so, Major George Waters was qualified and instructed to take his place immediately on the happening of such a contingency, which has occurred. Major Waters is a man of business, and enjoys the confidence of all who know him.

Towards the conclusion of your letter, you say: "Upon inquiry of the gentlemen employed upon the business of emigration, I learn that no representation of the importance of an early appointment has ever been received from you." The memory of these gentlemen must have failed them; for I went in person, about the middle of July, to Governor Cass, who informed me my selection of Doctor King had been approved, and he would be ordered forthwith to the Cherokee country. I afterwards called at the

emigrating office, where they said they could not, on that day, make out his instructions, but this duty would be performed in a few days, and he would be furnished with the necessary means to carry into effect the treaty, and would report to me early after my arrival in the Cherokee country. This was after a pressing request that such an agent should be despatched forthwith for duty. While I was looking for Doctor King in person, I received a communication from him, a copy of which is herewith enclosed, marked A, in which he assures me he will be here as early as practicable, perhaps, at furthest, by the 20th August. I had no doubt he was appointed, and had received his instructions, long before, until I received a letter from the Commissary General of Subsistence, of October 1st, saying: "On this day, Doctor King has received his instructions," &c., a copy of which letter herewith sent, marked B.

I wrote to your department and to General Gibson, giving repeated indications of the necessity of disbursements growing out of the operations here. Here were twenty-two valuing agents and eleven interpreters, all on expenses, and no money to meet their current expenses. Here was a prospect, too, of an extensive emigration, and no money to defray the expenses. These things, it was supposed, were made sufficiently apparent by the face of the enclosed copies of communications, marked C, D, and E; while, by the verbal assurances previously given, both from the office of Indian Affairs and that of the Commissary General of Subsistence, as well as from the letter of Doctor King, I had a right to expect he would be here in due time, prepared to meet the emergencies spoken of in the afore-recited letters. Verbal conversations had, before I left the city, satisfied me he would soon be on his way. Under these circumstances, I could see no necessity whatever of leaving written memorials at the Commissary General's office of what passed in relation to a disbursing agent, and the importance of such an officer in this country was so manifest, that I could not suppose it even prudent to urge one to be sent, after I had any reason to believe it had already been done, and while I was daily expecting the arrival of said officer.

Most respectfully,

I have the honor to be

Your very obedient servant,

BENJ. F. CURREY.

HON. C. A. HARRIS,
Commissioner of Indian Affairs.

A.

WASHINGTON CITY, July 19, 1836.

MY DEAR SIR: As I cannot be spared from this place until the arrival of Doctor Randall, who was ordered from Fort Mitchell, Alabama, on the 12th instant, to relieve me, I hasten to give you the information, so that you may not be disappointed in any arrangements you might make with the expectation of my being earlier with you. I suppose Doctor Randall will not delay an hour unnecessarily on the journey; so I may calculate on being at Calhoun, which I suppose will be your head quarters, by the

20th of August; however, be assured, I shall be there as early as possible. As you will have the entire control of the departure of the emigrating parties, I must request you will so arrange it as to keep me with you in the nation as long as possible, even as late in the winter as the last party may depart, as I suppose you must always have a disbursing agent with you, and, unless you have one whom you would prefer, I should like to be until the time mentioned. I shall attend to your suggestions, relative to my allowances, as physician, being left with you, relying on your being, at least, as liberal as they would be here in such matters.

I remain, very respectfully,

Your friend and obedient servant,
B. KING.

Major B. F. CURREY,
Calhoun, Tennessee.

WASHINGTON CITY, *October 1, 1836.*

DEAR SIR: When I wrote to you in July, I expected to be with you by the latter part of August; but, owing to the demand for surgeons in the Creek nation, Doctor Randall could not relieve me in my duties here until this time. I would have written you earlier, but delayed doing so until I could say, *positively*, when I should be able to join you; and now have to state that, having been this day relieved, I shall take up my march about the 10th, and shall proceed as rapidly as the stages will convey me, and calculate on joining you about the 20th instant.

I remain, respectfully,

Your obedient servant,
B. KING.

Major B. F. CURREY,
Calhoun, Tennessee.

B.

EMIGRATION OF INDIANS,
Office Comm'ry Gen'l of Subsistence,
Washington, October 1, 1836.

SIR: Doctor Benjamin King, assistant surgeon of the United States army, has been appointed disbursing agent Cherokee removals. He has this day been furnished with a letter of instructions upon the subject; and for your further information I herewith send a copy of those instructions.

Very respectfully,

Your obedient servant,
GEORGE GIBSON,
Commissary General of Subsistence.

BENJAMIN F. CURREY, Esq.,
Superintendent Cherokee Removals,
Calhoun, Tennessee.

C.

ATHENS, TENNESSEE,
August 2, 1836.

SIR: I have not, as yet, had the pleasure of receiving detailed instructions, nor the blanks which I thought I had reason to expect would be sent me from your office, before this time, to Calhoun, East Tennessee.

The Indians appear to be much in the spirit of removing in most parts of the nation. In order to avoid all blame which might be attempted to be thrown upon the Government, should there not be a general emigration this season, it appears to me the valuation of their property should be done in the shortest possible time consistent with economy. Until I receive my instructions and the blanks which I spoke for, this duty cannot even be commenced.

Most respectfully,
I have the honor to be
Your very obedient servant,
BEN. F. CURREY.

To General GEO. GIBSON,
Com. Gen. Subsistence, Washington city.

D.

ATHENS, TENNESSEE,
August 2, 1836.

SIR: I have not as yet had the satisfaction of receiving the detailed instructions either from your office or the emigration office, which I had expected would reach the agency before this time.

The Indians appear generally to be in the spirit of removing next fall or early in the winter. In order that the fault may not be properly charged to the Government, if they do not go so soon, it is considered proper that a sufficient number of valuing agents shall be employed to complete the valuations by the 1st of December next. In this opinion Governor Lumpkin agrees with me.

I am now making such selections for that service as I flatter myself will prove both useful and satisfactory to the department.

I hope if my instructions have not already been forwarded, they will be sent on at the earliest possible period, as I cannot move without them.

Most respectfully,
I have the honor to be
Your most obedient servant,
BEN. F. CURREY.

E.

CHEROKEE AGENCY,
September 14, 1836.

SIR: The expenditures for the next quarter may be regarded as somewhat uncertain. I would, however, on account of valuation agents, and their interpreters, estimate:

Eighteen agents, at \$4 per day, ninety days each	-	\$6,480 00
Nine interpreters, at \$2,50 per day, each	-	2,025 00
One interpreter for supt'ent. back pay &c., per quarter	-	275 00
One clerk to superintend, at \$3 per day	-	270 00
One supt. Cherokee removals	-	500 00
Removal of 5,000 Cherokees, at \$20 each	-	10,000 00
Contingencies	-	300 00
Advances necessary to be made by the commissioners to intelligent class of Cherokees, on their improvements, to enable them to buy wagons, teams, pay debts, &c.	-	150,000 00
Six removing agents, at \$4 per day, ninety days	-	1,960 00
Six interpreters at \$2,50 per day, ninety days	-	1,350 00
Six physicians, salary, and expenses, estimated at \$6 per day, 60 days,	-	2,160 00
		\$265,320 00

I would suggest as a check and safeguard, while at the same time the public convenience is consulted, that the draft of the disbursing agent, endorsed by the commissioners, be necessary to draw this sum from the deposit bank, which should be drawn out in quantities and at times to suit the emergency. This large estimate is made to avoid the danger of undertaking the demands which might add to the uncertainty of Indian movements on a sudden. As I have before said, the number of emigrants going off this season, depends much upon the latitude given to Mr. Ross in his measures of opposition to the treaty.

Most respectfully,

Your very obedient servant,

BEN. F. CURREY.

To Gen. GEO. GIBSON,
Com. Gen. Subsistence, Washington city.

HEAD QUARTERS ARMY, C. N.,
New Echota, Geo., November, 23, 1836.

SIR: I have the honor, herewith, to transmit a copy of regulations for the government of such agents as I may appoint, agreeably to the instructions of the War Department, to issue rations and clothing to the poor Cherokees. The clothing which I ordered, purchased in New York, has in part arrived, and all will be here in the course of the present week. The purchases appear to be well made, and will save to the Cherokees at least \$10,000. Every article purchased is sold here at from fifty to one hundred per cent. above cost and charges. On inquiry, I find no one has purchased as low by from 5 to 10 per cent. I have, however, understood recently, that it has been represented by some person to the War Department, that I sent to purchase those goods for the purpose of speculating out of the Indians. It is unnecessary to say to the Secretary of War, if such representations have been made, that I am incapable of the thought, much less to engage in the act. The commissioners have not yet arrived at this place. We, however, have

heard that Governor Lumpkin is at Spring Place, but we have not yet heard of Mr. Kennedy.

Mr. John Ridge, one of the committee named in the late treaty, to manage Cherokee affairs, has been several times, during the summer past, dispossessed of a ferry which he claims, on the Coosa river, in Alabama, by General Garrett, who resides in that country. I have afforded military protection to Mr. Ridge, until recently. After receiving the instructions of the War Department, of the 12th of October, which required that each State should be defended by its own troops, I withdrew the Tennessee volunteers from that part of the country, and, consequently, Garrett again took possession of the ferry, who pretends to claim it, by virtue of a license issued by himself to another person, while judge of the county, who has since transferred it to him. It is understood that this land still belongs to the United States. Under these circumstances, in the absence of the commissioners, I would ask whether this man cannot be removed from the country, with a view that Ridge may enjoy the use of his ferry, to which he says he is entitled, until the time arrives for his removal from this country, under the late treaty.

I would also inform the Secretary of War that two Indians of Wills valley, Alabama, have been recently severely wounded with fire arms, and two horses shot by a white man residing in that section of the country. It is also understood that this land belongs to the United States. I would ask, in order to give protection to the Cherokees, whether the white people residing in that section of country cannot be removed therefrom.

I have the honor to be

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

Hon. B. F. BUTLER,

Secretary of War.

P. S.—Please to direct your answer to Athens, Tennessee. It is three weeks since the mail has arrived at this place. W.

HEAD QUARTERS ARMY, C. N.,
New Echota, Geo., November 22, 1836.

The following regulations, will hereafter govern the agents appointed to issue subsistence and clothing to the poor and needy of the Cherokee Indians, viz :

1st. Issues will be made only to the poorer classes of the Cherokee people, referred to in the 10th article of the late treaty, entered into with the nation, upon the recommendation of the committee, or some one of the committee, appointed under the 12th article of said treaty, or by agents regularly appointed by them, and approved by the Commanding General.

2d. No issues shall be made for a longer period than three days at a time, to any one person or family.

3d. Provision returns will be drawn for each family, stating the number of men, women, and children. On the back of the return, the name of the head of the family will be endorsed. The return will exhibit the

number of days for which rations have been issued, and the commencement and termination of the period for which the issue is made.

4th. The abstract of issues will be accompanied by the roll exhibiting the number and names of the heads of families, to which issues have been made, and also showing the number of rations issued to each family.

5th. The ration will consist of one pound of fresh beef, or three-fourths of a pound of salt pork or bacon, and of three-fourths of a quart of corn or corn meal, or of one pound of wheat flower to each grown person, and four quarts of salt to every one hundred grown persons over the age of 14, and for persons under 14, one-half the amount allowed to grown persons.

6th. When the age of the person cannot be ascertained, the issuing agent shall be the judge, and issue accordingly.

7th. No blankets, clothing, or articles for clothing, will be issued except upon the recommendation of the committee, or some one of the committee, or agent appointed by the committee, as authorized in the first paragraph of these regulations.

8th. The recommendations will state the causes which render the issues necessary, the number of persons to whom issues are to be made, making a distinction between grown persons and children, with the name of the head of the family, and the articles that may be required.

9th. Upon these recommendations, a return will be made exhibiting the number of persons, making a distinction between men and women, and girls, with the names and number of the articles required; upon the back of which the name of the head of the family will be endorsed.

10th. *No clothes, or articles of clothing will be delivered, except to the person or persons for whom they were intended.*

11th. *No issues will be made to persons, who are addicted to intemperance, or who would be likely to sell the rations or articles of clothing, which they might draw, and agents will not fail to make it known to all those who may draw either rations or articles of clothing, that should they sell either, they will not be allowed again to draw either.*

12th. The abstract of issues for clothing, will be accompanied with a roll containing the names of every person of each family, to whom clothing or articles may have been issued, also showing the articles and the cost of each.

JOHN E. WOOL,
Brig. Gen. Com. Cherokee country.

ATHENS, TENNESSEE,
November 24, 1836.

SIR: On my way from New Echota to this place, where I was coming to transact business, I was met at Spring Place, Georgia, by an express from Major Currey, the superintendent of Cherokee removals, who delivered me the following communication:

CHEROKEE AGENCY,
November 21, 1836.

SIR: You are requested to report to me at the Cherokee agency, forthwith.

BENJ. F. CURREY,
Superintendent Cherokee Removals.

Dr. P. MINIS.
A true copy :

PHIL. MINIS, U. S. A.
Dis. Agent, Indian Department.

As the agency was in my route to this place, I called on Major Currey, and stated to him that I considered the tone and style of his communication, discourteous and disrespectful in the extreme; furthermore, I would not suffer him to address me any such communications in future, and that I did not acknowledge his authority to give me an order to attend his beck and call. After some conversation on the subject, he apologised for his ungentlemanly behavior, and stated his reasons for writing the communication were, that from the information he had received from the department, I was ordered to report to him at the agency, and that he had the authority to order me to any point in the Cherokee nation he thought proper; that as he had heard of my being at New Echota for some time past, he supposed that I had been detained there by the influence of General Wool. I replied to him that I had nothing to do with the feuds of that officer and himself; that I had come to the country to do my duty as an agent of the Government, independently, without being influenced by any other motive than a sense of what was due to the Government and myself; that I would most cheerfully co-operate in facilitating the views of the Government; at the same time I would not suffer my own feelings or rights to be infringed for an instant.

He expressed himself perfectly satisfied with the explanation that resulted from our conversation, and stated that the difference between us had originated in a mistake, on his part; that he was not aware of my having been instructed by you to proceed to New Echota and report to the commissioners, and that the want of civility in his style of writing me, did not proceed from any intention on his part to wound my feelings. I expressed myself satisfied at this explanation, and we parted on perfectly friendly terms, with the remark by him, that as we now understood each other, he hoped in future we would get on amicably together. My reply was that I concurred with him in that wish, and that nothing on my part should occur to destroy the apparent harmony that existed between us.

I wish you distinctly to understand that this communication is not made with any unfriendly feelings to Major Currey, nor even as a complaint against him, but with a view to counteract any statement that he might make on the subject of our conversation, should he think proper to do so, as I am informed he is in the habit of reporting officers of the army.

I think it not improbable, Major Currey may make an application to the department to have me placed under his orders. I must request leave to dissent from any such arrangement; for, if such an order is issued, the moment I receive it my duties as disbursing agent must cease; for should I be placed in that relation to an individual who wantonly outraged my feelings before we had ever met, or any communication on business had taken place

between us, personal difficulty must ensue, and I have no wish for such a result.

You must be aware that, from the very responsible situation I am placed in, without receiving any compensation for it, is sufficient for the present, without being placed in a situation that would subject me to private difficulties.

At present, Major Currey and myself perfectly understand each other; our duties are distinctly and separately pointed out, and I think that, in future, there will be no difficulty between us, provided we remain in our present situation to each other.

Very respectfully,

Your obedient servant,

PHIL. MINIS, U. S. A.,

Dis. Agent, Indian Department.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

HEAD QUARTERS ARMY, C. N.,
New Echota, Georgia, November 28, 1836.

SIR: Herewith, I have the honor to enclose the Athens Republic, of the 23d instant. Under the editorial head will be found the following observations, viz:

"The inference deducible from the various propositions taken by the writer, (An Observer,) induced the superintendent of Cherokee removals to call on us while in this place, last week, when he showed us a communication from the War Department, instructing him to give publicity to the views of the President of the United States, as contained in the copy of a letter from the acting Secretary of War to General Wool, dated October 12, 1836, in which this language is employed: 'I am instructed to express the surprise of the President that you permitted the council of the Cherokees to remain in session one moment after it became apparent that it was determined to declare the treaty void. This was the contingency contemplated in the letter of the department, of September 3, in which you were instructed to interfere and disperse such assemblage.'"

I cannot believe the War Department has adopted this new and extraordinary mode of giving publicity to the censures of the President of the United States against an officer of the army. Still, it comes in such a shape that I am constrained to ask the Secretary of War if a communication was transmitted from the department to the superintendent of Cherokee removals, instructing him to give publicity to the views of the President of the United States, as contained in the copy of a letter from the acting Secretary of War to General Wool, dated October 12, 1836. If such instructions had been given, it appears to me that my instructions and the correspondence between the President, the Secretary of War, and myself, on the subject, would have been transmitted with them. To order the publicity of the one without the other, especially through a civil officer, would be no less unjust than it would deprive me of the only mode left of defending myself, and of vindicating my honor and the course I have pursued since I commanded in

this country. Surely the President does not intend to condemn me unheard, nor without affording me an opportunity of showing that I am innocent.

I can not only prove that I am wholly guiltless, but that I have not, in a single instance, lost sight of the objects I was sent to accomplish in this country. Nay, more, I will prove that I have not, in a single instance, nor for a single moment, neglected my duties, nor the interests of my country.

I have the honor to be

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in Cherokee nation.

To the Hon. B. F. BUTLER,
Secretary of War.

CHEROKEE AGENCY November 28, 1836.

SIR: I have the honor, after a few days' confinement by sickness, to acknowledge the receipt of your letter of the 12th instant, in reply to mine of the 28th ultimo, on the subject of a family who borrowed the means of transportation and set out for the west about that time.

In order to secure the Government against impositions, bonds are required of those receiving the commutation, of the tenor of the enclosed blank. The views and suggestions of Captain Jacob Brown, referred to in the last paragraph of your letter, have been read by me with attention, and submitted to Governor Lumpkin, who concurs with me in the opinion that these views are directly in contravention of the understanding of the parties at the time of signing the treaty, which was that they should, under certain circumstances, receive, in advance, the commutation; and to undertake to act upon the views of Captain Brown in opposition to this understanding, would very justly forfeit that full confidence which it is so necessary to preserve, in carrying into effect the various provisions of the treaty. Besides, the late arrival of the disbursing agent and the still later period of reporting himself to me, with the continued absence of one of the commissioners, and the great uncertainty as to the time at which he will be here, to act conjointly with Governor Lumpkin, upon the various claims of Indians for spoiliations, nearly all of whom have claims which they wish disposed of before their departure, makes it very uncertain whether, after these claims are acted upon, a detachment sufficient to warrant the expense and trouble of extensive preparation can be made up. In case this cannot be done, there are some who I know wish to be removed or remove themselves in time to build and prepare for tillage, &c., next season. They have not the means of doing so, within themselves, and depend upon a compliance with the understanding that an advance of 20 dollars per head shall be made to such persons as are supposed capable of removing themselves, and who can give bond, with security, accompanied by such forfeitures as are contemplated in the face of the enclosed blank bond, and, which will, it is believed, insure a strict compliance therewith.

General Gibson, in a communication of 17th October, announcing the appointment of Dr. P. Minis in the place of Dr. King, says: "Dr. P. Minis has been appointed," &c; "his instructions are the same with those prepared

for Doctor King." Doctor King was instructed, on the 1st of October, by that department, to report to me at the Cherokee agency, Calhoun, Tennessee. On Doctor Minis reporting himself here, I find he was instructed to report to me at New Echota, which is sixty or seventy miles distant from the Cherokee agency, the place at which the Indians have expected to transact their business with me. This slight mistake has been the means of preventing me from postponing other business, and going to that point for the purpose of being reported to, and was, probably, the cause of the Doctor's unaccountable delay in making report at this place, on his arrival, and until preremptorily called on to do so. The money to pay assessing agents, I find, is to be drawn from Augusta, a distance of 280 miles from the agency. The warrants on the Branch Bank at Athens, have been received by the cashier. But he has no funds, nor can he supply them, on account of emigration, to any amount, without first sending to the mother bank at Nashville. The early arrival of the cashier's communications at that point depends upon the certainty of the mails, which are tardy in their passage.

Doctor Minis is under the impression he is to be stationed at New Echota. I admit the disbursing agent for the commissioners should be so, as far as they require it; but the superintendent should have a disbursing agent subject to his requisitions, at any time, and at all points, where, in his opinion, the presence of that functionary would expedite the public business, and facilitate the removal of the tribe.

Most respectfully,

I have the honor to be

Your very obedient servant

BENJ. F. CURREY.

P. S.—Enclosed, I have the honor to forward to you, the copy of a requisition made on Doctor Minis, yesterday. The uncertainty with which our business is surrounded here would not admit of a more definite request. Doctor Lillybridge reported himself for service to-day, and I have no doubt of his capacity to fulfil the objects of his appointment.

Most respectfully,

Your obedient servant,

B. F. CURREY.

CHEROKEE AGENCY EAST,
November 28, 1836.

SIR: There were many Cherokee families reported to be in readiness to remove west of the Mississippi, on or before the 1st instant. Most of them expressed a wish to be removed by land. Indeed, this mode of transportation appears to be the only practicable one, during the fall and early part of the winter season.

The number reported are sufficient to warrant the necessary preparations for an expedition by land.

Owing, however, to the lateness of the season, it is apprehended that some of those who reported to go the 1st of November, have declined doing so for the present; yet, as a suitable supply of clothing for the needy has been received for distribution amongst the emigrants, to protect them against the

severity of the weather, many who have not reported may, on seeing their neighbors and friends about to set out, resolve to join the detachment.

Owing to the late period of the arrival of the disbursing agent, and the probability of an immediate demand for wagon transportation on his arrival, I had a register opened, from which the enclosed is a transcript, containing the names, affixed to which will be found the residence and number of wagons proposed to be furnished by each person.

By the regulations received from the Commissary General's office, it is considered most proper that contracts be made after advertising. I must, therefore, request that you advertise for a number of wagons sufficient to transport from three hundred to three thousand emigrants from their residence to any given point on the banks of the Mississippi, as contemplated by the twenty-seventh paragraph of a memorandum, directing the mode of removals, subject, however, to be continued at the discretion of the superintendent of the detachment, from said point to their homes west of the Mississippi.

In order to promote economy, it would appear the department expects contracts to be made with the lowest bidder; but, for the purpose of insuring a faithful performance on the part of said contractors, it is recommended that adequate security be required in all cases.

If those whose names are found on the enclosed transcript will undertake, on as reasonable terms as others, the circular of 28th February, 1835, relating to transportation, &c., will authorize a preference to be given them in the order in which they stand on the roll, and this preference, it is requested, shall be given, should their wagons and teams pass the necessary inspection.

Captain J. P. Grant, of Bradley county, has been selected as wagon master for the first detachment of emigrants, whose services you will please call for when it shall become necessary. The other selections and evidence of emigrants will be communicated to you at proper intervals, before the detachment commences assembling.

Where so great an uncertainty exists, as does at present, on account of the absence of Mr. Kennedy, and the want of funds immediately at hand, as well as on account of the uncertainty of an Indian fulfilling his promise, I would suggest that all contracts for the present be conditional.

Most respectfully,

Your very obedient servant,

BENJ. F. CURREY.

Dr. PHILIP MINIS,
U. S. Disbursing Agent,
at Lewis Ross's.

Dr. Minis is informed that bonds need not be executed until the service is called for from persons proposing to furnish wagons, provided they should be.

CHEROKEE AGENCY EAST,
November 28, 1836.

SIR: Having been advised that the business of the Indian department has been transferred to your management, I have the honor to communi-

cate that I arrived, this day, at the agency, and have reported for duty, to Major Benjamin F. Currey, according to my instructions from the department.

I have the honor to be

Your most obedient servant,

C. LILLYBRIDGE

The Hon. C. A. HARRIS,

Commissioner Indian Affairs.

HEAD QUARTERS ARMY, C. N.,
New Echota, Geo., December 1, 1836.

SIR: Herewith, I have the honor to transmit to you copies of two letters, one from Wilson Lumpkin, Esq., one of the commissioners to the Cherokee treaty, dated the 30th ultimo, with my reply of the same date.

I am wholly unable to account for this strange procedure of Governor Lumpkin. On the receipt of the instructions of the War Department, of the 12th of October, I consulted Governor Lumpkin on the subject of the amount of force which I thought necessary under the circumstances to call for from the State of Georgia. I suggested that a battalion should be organized, and to call for two companies, immediately, to be commanded by a field officer, and to be stationed at New Echota, which arrangement he appeared to be much pleased with. Indeed, there was nothing suggested on my part that he was not apparently well pleased with, and so expressed himself at the time. I mentioned to him all my arrangements, not only in regard to the force necessary to be kept during the winter, but the points of location, and the means I had adopted with regard to supplying them, and placing them in winter quarters, with all which he appeared not only to be perfectly well pleased, but paid me the compliment to say that he did not believe that another officer could have managed better, if as well, and to have conducted the whole with so much economy.

Immediately after, I left here to visit my command at Calhoun and Valley river, under the impression that all was well and all satisfied with my conduct and the course I was pursuing. I returned to this place on the 13th ultimo, to attend to the receiving of the Georgia volunteers called for, and the reception of Indian clothing, which have all arrived safe, &c. I found Governor Lumpkin had left for his home in Georgia, and did not hear of his return to the Cherokee country until within a few days past. He has neither communicated with me officially or unofficially until I received his order of yesterday, which, as you perceive, I have returned to him, as I shall all similar communications.

It would have only been necessary for Governor Lumpkin to have stated to me that he wished an escort to guard the public money, and it would have been granted immediately; or, as I have stated to him in my reply, if he would name the number of men which he deemed necessary to guard the money, I would comply immediately with his wishes. Although he has not thought proper to do so, I shall send such an escort forthwith, as I think will be sufficient to guard the public money intended for this place. Again, it would only have been necessary for Dr. Minis to have informed me that he was about to transport money to New Echota, and he should have the number of men necessary to guard it. I have only to add, that I

should have sent an escort last evening, but at the moment I received the letter of Governor Lumpkin, the Georgia volunteers arrived, and the Tennessee troops were preparing to leave for Gunter's landing; not, however, because Governor Lumpkin ordered it, but because it was public money. An intimation that it was coming was all sufficient for me to send an escort. I have made these observations in order to convince the Secretary of War that no treatment, however improper, shall induce me to neglect the public interest while I remain in the country.

In conclusion, I assure the Secretary that I have, in no instance, neglected the great objects for which I was sent to this country. Of this, I can assure him he will be convinced in due time. I fear no representations which may have a tendency to impair the confidence of those who administer the affairs of the Government. All I ask is an opportunity of defending myself, when I will convince the people of the United States that I have been honest, faithful, and just, and such will be the award of the people of Tennessee, of Georgia, and the Cherokee nation.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding.

To the Hon. B. F. BUTLER,
Secretary of War.

SPRING PLACE,
November 30, 1836.

SIR: You will please to furnish Dr. Philip Minis, United States disbursing agent Indian Department, with a sufficient military escort, to secure the safe transportation of a large amount of funds from Athens, Tennessee, to New Echota.

The escort will, with all practicable despatch, report to Dr. Minis at the Cherokee agency, Calhoun, Tennessee.

Please give me an answer by the express.

I have the honor to be,

Very respectfully,

Your obedient servant,

WILSON LUMPKIN,

United States Commissioner Cherokee treaty.

Brigadier Gen. WOOL.

HEAD QUARTERS, ARMY C. N.,
New Echota, Ga., November 30, 1836.

SIR: I return to you the enclosed letter and order to furnish Dr. Minis, at the agency, with an escort, &c. I am not aware that I am, in any respect whatever, subject to your authority; until I am apprized of the fact, I must beg leave to return all orders emanating from yourself.

I would inform you, however, your being one of the commissioners,

that I shall always, as hitherto, be most happy to co-operate with you, or to comply with any request that you may make, calculated, in the least degree, to promote the objects of the Government, or to execute the late treaty made with the Cherokees. Therefore, if you will inform me by the return express, the number of men that you may deem necessary for the protection of the money in the possession of Dr. Minis, to be transported to this place, I will, if practicable, furnish the requisite number without delay.

With considerations of the highest respect,

I have the honor to be, yours, &c.,

JOHN E. WOOL.

To WILSON LUMPKIN,

One of the Commissioners to the Cherokee treaty.

WESTPORT, JACKSON COUNTY, Mo.,

December 2, 1836.

SIR: On the 19th September last, I gave a draft on the Secretary of War for five hundred dollars, to William W. Kavenaugh & Co. The first was forwarded, and the drawer fears that it did not reach you, and this day the second of the same tenor and date has been forwarded. This is merely to give notice that both the *first* and the *second* of the — are now out, only one of which should be paid.

Respectfully, sir,

Your obedient servant,

ISAAC McCOY,

Surveyor of Cherokee lands, &c.

HON. MR. BUTLER,

Acting Secretary of War.

CHEROKEE AGENCY, EAST,

December 2, 1836.

SIR: I have the honor to acknowledge the receipt of your communications of the 2d and 4th ultimo.

My return to New Echota has been delayed in consequence of the want of funds in the bank at Athens, Tennessee; the Treasury warrants had been received by the cashier of the bank, but he had to send them to the mother bank at Nashville, in order to procure funds; the delay caused by this circumstance is a matter of no importance, as Mr. Kennedy has not yet arrived in the Cherokee country.

Major Currey, in a requisition upon me for wagons to be in readiness to convey a detachment of Cherokees as soon as they can be got ready, says, that "Capt. G. P. Grant, of Bradley county, has been appointed wagon master for the first detachment, whose services you will please call for when it becomes necessary." I wish to be instructed by you whether this appointment is to be made by the superintendent. The circular of "February 28, 1834, directs the attention of the superintendent and disbursing agent to any agents whom they are authorized to appoint." It would appear to me the wagon-master is one of those agents to be appointed by the disbursing

agent, as he is directly responsible to him for the faithful discharge of his duties, and necessarily his situation would be one of much responsibility, as he will not only have charge of the wagons and teams, but will have to provide the forage for them in many instances. I have asked for this information, so as to avoid any misunderstandings with Major Currey.

I wish to be informed by you what agents are to be employed by the disbursing agent.

Should no officer of the army accompany the first detachment, will I be authorized by you to turn over the necessary funds to the conductor appointed by the superintendent, or will you state whether Major Currey's requisition for that purpose will be sufficient?

Very respectfully,

Your obedient servant,

PHILIP MINIS,

Disbursing Agent Cherokee Removal.

To C. A. HARRIS, Esq.,

Commissioner Indian Affairs, Washington.

CHEROKEE AGENCY,

December 4, 1836.

SIR: Having omitted to enclose the blank bond spoken of in the superintendent's letter of the 28th ultimo, I herewith enclose it, being the first opportunity that has offered since the mailing of that letter.

Most respectfully,

Your very obedient servant,

G. W. CURREY.

Hon. C. A. HARRIS,

Commissioner Indian Affairs.

We, the undersigned, Cherokee emigrants, are jointly and severally held and firmly bound unto _____, President of the United States, and his successors in office, in the penal sum of _____ dollars; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, &c.: to be void, nevertheless, if we transport ourselves and families to the Cherokee nation, west of the Mississippi river, by the _____ day of _____, 183____, and settle permanently there: otherwise, the above obligation to remain in full force and virtue; in which case, we also forfeit all our claims, as Cherokees, against the Government of the United States, either for improvements or occupancy in the Cherokee nation east.

Witness our hands and seals, this _____ day of _____, 183____.

HEAD QUARTERS, ARMY C. N.,

New Echota, Geo., December 6, 1836.

SIR: Whilst the Georgia battalion, under Major Nelson, was in service, it was employed in looking through the Cherokee country for Creek

refugees. Since the discharge of this battalion, owing to a difficulty which occurred between one of the Tennessee companies and Captain Bishop's company of Georgia volunteers, last summer, I have not deemed it prudent to employ any of the Tennessee troops on that service. One of the companies called for, under instructions of the War Department of the 12th ultimo, having arrived, it is my intention, so soon as it has completed its winter quarters, to employ a part of this force in collecting, as far as practicable, the Creeks which have taken refuge in Georgia. As it may be attended with considerable expense, such as hiring interpreters and other incidental expenses, and in feeding the Creeks, will you be pleased, as soon as convenient, to inform me out of what fund I shall pay those expenses?

Hitherto, I have had no instructions on the subject. The Creeks seem to be scattered, in small parties, throughout this country. They are estimated at from one hundred to five hundred.

I have to request that you will also inform me out of what fund I shall pay the incidental expenses of escorts to the disbursing agent, under the treaty. I sent an escort, a few days since, to report to Doctor Minis, who is disbursing agent. I have not since heard of the escort. I should not be surprised if it is living in taverns, instead of drawing rations as it should.

Please direct to Athens, Tennessee. We have not received a mail at this place for four or five weeks. The commissioners have not yet arrived. Governor Lumpkin, I understand, is at Spring Place.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding

To the Hon. B. F. BUTLER,

Secretary of War.

SPRING PLACE, GEORGIA,
December 7, 1836.

SIR: In order to procure payment for our services up to this date, I forward to your care and attention the certificates of Colonel William H. Jackson, secretary to the commissioners, and myself, in the form supposed to be required by my instructions.

We consider the draft of one thousand dollars, heretofore forwarded from the Treasury Department, as a fund for the payment of incidental expenses, incurred in the discharge of our official duty; and it will be thus applied and vouched for on settlement for that amount. As yet, we have expended but a small portion of that sum, and therefore do not deem it necessary to render the accounts chargeable to that fund at present.

For the strict and legal application of that fund I hold myself responsible to the proper department, as it has been placed by Colonel Jackson under my control and direction, as one of the commissioners. You will, therefore, please to procure from the proper department, and forward to Colonel William H. Jackson and myself, separate Treasury drafts, for the respective amounts set forth in our certificates, on the Bank of Augusta, Georgia:

the draft in my favor, addressed to me at Athens, Georgia, and the one in favor of Colonel Jackson, addressed to him at the same place.

Very respectfully,

Your obedient servant,

WILSON LUMPKIN,

U. S. Commissioner.

C. A. HARRIS, Esq.

SPRING PLACE, GEORGIA,

December 7, 1836.

SIR: I arrived here yesterday, where I had the pleasure to meet Governor Lumpkin. We are, to-day, engaged in examining the papers preparatory to our executing the duties assigned us by the Government. We expect to leave here in the morning for New Echota, the place of our destination.

I am exceedingly sorry to inform you of the extreme indisposition of Major Currey; he is confined in the rear of us, and his sickness will be a great drawback; and indeed I do not know how we shall get along without him. We hope, however, for his recovery, as we understand he has a good physician attending on him. We shall keep you constantly informed of every thing that transpires, of any moment, in this quarter.

I have the honor to be

Your most obedient servant,

JOHN KENNEDY.

The Hon. C. A. HARRIS, Esq.

HEAD QUARTERS, ARMY C. N.,

New Echota, Georgia, December 8, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo. I am happy to find that the course I have pursued in this country has met your high approbation. I am wholly unacquainted with the representations which induced the President to give the instructions as contained in the communications of the 12th and 17th October, placing me under the control of the commissioners; and I was the more surprised at this, as the commissioners themselves were not then in the country, and, of course, had not entered upon the discharge of their important duties. They both arrived, for the first time, yesterday, and both unequivocally declared to me that they did not desire the control of the military of the country, and both expressed their entire approbation of my conduct, and the course I had pursued throughout, since I have had command. At the same time, Governor Lumpkin disclaimed any intention, on his part, to give me any orders, or to control me in the slightest degree, in my military operations, and that he had expressed to the War Department his entire approbation of my conduct in this country. All which would make the course pursued towards me by the War Department appear still more unaccountable, because I can hardly suppose it possible that the President would have authorized the instructions of the 12th and 17th of October, unless some

representations had been made from some quarter, which must have produced the impression that they were necessary, lest the interests of the country might be compromised. I can only say that I have had no difficulties with any one. Mr. Currey, the emigrating agent, complained of Mr. Jarnigan, and Lieutenant Howe. Both of these complaints were of a personal character, and in no wise connected with the public service, and so I would have made it appear, if the acting Secretary had thought proper to call on me for an explanation. The subject of the complaints have now been referred by the department to the commissioners.

In conclusion, I could wish, whenever a complaint is made against me, that the department would allow me the opportunity of explanation, and I pledge myself that I will prove, to the satisfaction of the Secretary of War, that no man in this country, whether of the civil or military department has cause, in the slightest degree, to complain of myself; and I believe may assure you that the commissioners and myself will get along in our several stations without the slightest difficulty, and with the utmost harmony.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Com. in Cherokee country,

To the Hon. B. F. BUTLER,

Secretary of War.

NEW ECHOTA, *December 10, 1836.*

SIR: Herewith we enclose, for the consideration of the President of the United States, or such officer or officers of the Government as he may direct, a communication submitted to us by the committee of Cherokees, appointed under the treaty of December, 1835.

We are destitute of the means of forming an opinion, whether the committee are correct in the belief which they have expressed in relation to the funds, which they suppose to be now due to their tribe under former treaties. Of this matter, the Government, at Washington, is doubtless prepared to make a correct decision. Should it be found, on the proper examination, that a sum exceeding fourteen thousand dollars is now due the Cherokee nation, under former treaties, as the Cherokee committee suppose, we do not hesitate in uniting with the committee, who are now acting as the recognised representatives of the Cherokee people, in recommending to the Government of the United States that these funds may be used and directed, as to further the views of the Government, in aiding the faithful execution of the late treaty. Under every view of the subject, it will be necessary for the Government of the United States to be guarded against any attempt which Mr. John Ross and his party may make, to avail themselves of the funds of the Cherokee people, to enable him and them the more efficiently to keep up their mischievous opposition to the late treaty. Should Mr. Ross again present himself at Washington, in the character of principal chief of the Cherokee nation, the Government cannot recognise him as such, except at the hazard of casting censure on its own acts in the ratification of the late treaty with the Cherokees. Mr. Ross not only pronounces the treaty a cor-

rupt fraud, but has declared it *null and void*; (read his address to General Wool, at the close of his last council at Red Clay.) Many claims have and will be presented for the consideration and decision of the commissioners, the justice of which could be best decided, by reference to the official records of the Cherokee people, and by the testimony of Mr. John Ross himself, who has, for many years past, exercised all the essential and most important functions of the Government himself. He has, in reality, assumed to himself such powers as to make himself the Government of the Cherokee people.

In establishing a claim against the Cherokee nation, nothing more has, for several years past, been deemed necessary by claimants, but to have the authority and sanction of Mr. Ross. The commissioners feel the want of access to the Cherokee records, as well as information which can be obtained alone from Mr. Ross, on many claims predicated on services rendered the Cherokee nation, under the direction of Mr. Ross. But this individual keeps the records of his country closed from the inspection of every one who may not be disposed to coincide with his present views in opposition to the treaty. And as to Mr. Ross's giving information to the commissioners, his character is too well known to them to justify such an application.

We are clearly of opinion that the Indian committee, designated in the late treaty, are the only persons that can be properly recognised by the Government of the United States and its agents as the present legal representatives of the Cherokees east; and would, therefore, respectfully suggest the propriety of intrusting the committee with any funds which may be due the nation under former treaties, as set forth in their communication to us, herein before referred to. It is true, as they have represented, that many incidental expenses have been incurred by them, in the discharge of the official duties which devolved on them; and other expenses must necessarily occur hereafter of a similar character. Expenses, too, which would stand justly chargeable to the nation, whose interest they have been called to represent. All which is most respectfully submitted, by

Your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY,
Commissioners.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA,
December 9, 1836.

GENTLEMEN: At the last session of Congress, a certain amount of money was appropriated for the benefit of the Cherokees east of the Mississippi, viz: six thousand, six hundred and sixty-six dollars and sixty-six cents, as an annual stipend due the Cherokees from the United States, accruing under former treaties; and eight thousand dollars, being two-thirds of twelve thousand dollars, for interest upon an arrearage paid in 1824, under the treaty of 1804, being the proportion due this nation.

We understand that this sum, not being included in the provisions of the late treaty relating to the expenditures of two years' annuities, accruing under that treaty, will be paid to this nation separately. Not being informed

in what way it is the wish of the President of the United States, that it should be paid, we take the liberty to ask of the department, through you, that it may be paid to the committee, in whose hands are intrusted the interests of the Cherokee people.

We could produce various reasons to show the propriety, and perhaps necessity of this request.

The committee is called upon to act on matters of vital importance to the people; the treaty has made it the duty of the committee to attend to their interest. The committee find its inability, in many cases, to serve them with advantage, without pecuniary means at command. In prosecuting the business intrusted to the committee in the investigation of claims, &c., it is found that incidental expenses must necessarily accrue, and there being no fund provided for the purpose in the treaty, the committee can only request that the amount above stated, now due the nation, may be made accessible to the committee. But the committee need not enlarge; the propriety of these views will easily occur to you; but the committee would respectfully request that what has been advanced may be communicated to the department, with such suggestions and reasons as you, in your better judgment, may think proper.

We have the honor to be, gentlemen,

Your obedient servants,

JOHN RIDGE, *President.*

JOHN GUNTER,

L. W. BELL,

ANDREW ROSS,

ARCHILLAH SMITH, his x mark,

G. W. ADAIR,

JAMES STAIR, his x mark,

TURTLE FIELDS,

TESETASKE, his x mark.

JOHNSON ROGERS, *Secretary of the Committee.*

NEW ECHOTA, GEORGIA,
December 11, 1836

SIR: I have the honor to acknowledge the receipt of your communication of the 23d November. In my communication to the Second Auditor, I have acknowledged the receipt of the \$250,000 alluded to in your letter.

The funds applicable to the execution of the Cherokee treaty generally, have been drawn out of the bank by order of the commissioners, and are now here for the transaction of business.

The valuing agents who have completed their valuations, and presented their accounts, have been paid, also the salary of the superintendent.

From the multiplicity of accounts I have to pay, and the quantity of writing I have to do in answering and copying letters to the Indian Department, cashiers of banks, and others, making contracts for wagons, provisions, &c., I have found it impossible to do all this, and make out the abstracts, returns, estimates, &c., required of me, without the assistance of a clerk. I have, therefore, been compelled to employ one, and have to request your sanction for so doing; also, that you will state what compensation I shall

give him. I have told him that I supposed he would be allowed \$2,50 or \$3,00 per day.

When the Indians commence collecting for emigration, it will be impossible for me to be with them to attend to the issuing of provisions, &c., and also to disburse under order of the commissioners. You will please inform me if I shall employ an agent for the purpose mentioned, and what compensation he shall receive.

Mr. Wm. H. Guerrinear is the individual I have employed as a clerk.

I wish instructions upon the subject of paying money to individuals who are acting for others under power of attorney. There are some cases where Cherokees who have already emigrated, have left powers of attorney witnessed in presence of General Wool. I wish to know whether that is sufficient; also whether powers of attorney witnessed before one or both of the commissioners of claims, will be valid. Your early attention is requested to this subject, as there are some cases which are in the situation mentioned, which require immediate action.

I am, very respectfully,

Your obedient servant,

PHIL. MINIS,

Disbursing Agent, Cherokee Removal.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs, Washington city.

WESTPORT, JACKSON Co., MISSOURI,
December 15, 1836.

SIR: I am sorry to inform you that, with the utmost of my efforts, I have not been able to have the survey of the Cherokee lands completed. After giving my instructions, it was the 26th of July before I reached the Indian territory, which I did in Missouri. I lost no time in endeavoring to get a surveyor at work on the lines, and in procuring an escort for him. As the season for making the surveys was growing short, and as I believed it to be desirable to accomplish them this year, I even anticipated some measures to save time. Nevertheless, it was the 19th September before the surveyor and his party could leave this part of the territory, and it was the 1st of October before the dragoons, which were designed to complete the escort, passed this place on their way for Fort Leavenworth to Arkansas. Bad roads and high waters, occasioned by uncommon rains, rendered travelling so difficult, that it was the 14th of October before the surveyor could reach his beginning in Arkansas, and commence surveying.

The commanding officer at Fort Gibson then gave it as his opinion that it would be impracticable to complete the surveys, which extended west to the Mexican boundary, so late in the season. It was believed that, as they could not, in performance of their work, select the most suitable places for grazing, their horses could not be subsisted, and that before the work could possibly be performed, the naked prairies would be frozen, and surveying rendered impracticable. The surveyor nevertheless proceeded to make the trial. He accomplished between sixty and seventy miles of the surveys, when he discovered that he should not be able to make the tour to the west on account of the approaching season. Add to this that he was attacked with intermittent fever. He then made an effort to make some surveys

which were required on Arkansas, Virdigris, and Neosho, but was prevented by his continued indisposition. From necessity, therefore, the further prosecution of the surveying must be suspended until next spring. The surveyor will be on the lines as early in the spring as there will be grass for the subsistence of the horses, and the work will be completed as soon as possible. According to the 2d article of the treaty with the Cherokees of the 29th December, 1835, if the Quapaw lands should cover any part of a tract of 50 miles by 25, lying between the Osage reservation and the State of Missouri and which, by the same treaty, is ceded to the Cherokees for a specific sum of money, a "pro rata reduction" shall be made in the price to be allowed to the United States for the same by the Cherokees. This being a matter which affects, in a pecuniary point of view, the fulfilment of the stipulations of that treaty, I ask leave to report the fact of the case as early as practicable.

By examination of surveys made in that country under my direction in 1831-2, and those recently made under the direction of Col. Armstrong for the Senecas, Shawanees, and Quapaws, it appears that the tract recently ceded to the Cherokees, will not be disturbed by the Quapaw lands.

In my final report I shall be able to state the amount of an appropriate land between the Cherokee tract, under consideration, and the Quapaw lands.

For the present it may be assumed that, unless inaccuracies have occurred in the surveys from which I have made my calculations, which I believe has not been the case, the Cherokees will obtain the full quantity of land stipulated for.

I have the honor, to be

Respectfully,

Your obedient servant,

ISAAC McCOY.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

OFFICE OF THE COMMISSIONERS,

New Echota, December 16, 1836.

SIR: With a view of keeping you advised correctly of the state of affairs connected with our official duties generally, we submit the following: For the first time both of the commissioners entered upon business at this place on the 8th instant, and have since been assiduously engaged in variegated duties with which they are charged by the Government.

The valuations of the improvements of the Cherokees are chiefly completed by the agents appointed for that purpose, and the books have been returned to Major Currey, the superintendent, and most of them have been transcribed, and one-half of them are now before the commissioners; but, unfortunately for the public service, Major Currey has, for the last two weeks, been closely confined to his bed by severe and serious indisposition, which deprives us entirely at this important moment, of the valuable services of this vigilant, able, and most useful officer; occupying, as he does, the most important office at this time, to render us efficient aid in making progress in the most desirable branches of our public trust. As Major Currey is wholly unable to examine and certify the books of the appraising

agents, we shall, as far as practicable, supersede that necessity by our personal examination and scrutiny.

We are still receiving, registering, and attending to claims for spoliations, claims against the nation, and claims against individuals of the same, as provided for under the treaty. We have had transported to this place sufficient funds to enter upon the various necessary payments which the treaty provides for, and Dr. Minis, the disbursing agent, is here, performing the duties of his office. We find, however, upon an actual approach to the door of making payments, that emigration and making payments must be simultaneous; they must go hand in hand. And, therefore, we are the more seriously impeded on account of the indisposition of Major Currey, the emigrating agent. No other individual, at this moment, can supply the place of Major Currey to advantage; he is intimately acquainted with every branch of his official duty, able, persevering, and untiring. We have thus been retarded in preparing our most important books. The general register or book from which payments will be made, cannot be prepared faster than we procure the material, to wit: proper returns of the valuing agents, claims against the nation, spoliation claims, and claims against individuals of the nation.

Many of the Cherokees are anxious to emigrate immediately, and are still hanging on us, and begging for subsistence. We shall do all that can be done by us to hasten their emigration; and but for the indisposition of Major Currey, you would very soon have heard of a detachment being off. The complicated difficulties attendant on the management of this business, can scarcely be conceived of by any one at a distance, but we are not disposed to indulge in any apprehension of ultimate success. Under our present powers and instructions from the Government, we are sanguine of the best success that the nature of things will admit.

Under the 9th article of the treaty, the Indians are to "be furnished, at the discretion of the President of the United States, with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes." We suppose the commissioners are authorized to exercise this discretion, which will be done with great caution, and due consideration of all the bearings on the subject. All the intelligent Cherokees, as well as those who assume to be such, are desirous of obtaining their dues as soon as possible. Therefore we are fully aware of the necessity of our being more guarded in the exercise of this discretion, and shall extend it to none but with a view to their individual benefit, and of furthering a faithful execution of the treaty.

We have the honor to be,

Respectfully, your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.,

*Commissioner of Indian Affairs,
War Department.*

ASHVILLE, December 16, 1836.

DEAR SIR: We have completed the duties assigned us, appraising agents, and got home last night. I found the business both troublesome

and difficult, but I believe we have got on with as little difficulty as any other company, and our returns are complete and satisfactory to the natives and superintendent. Returns are complete from Alabama and Tennessee; Georgia and North Carolina are not yet completed. The valuation in Alabama is \$287,900. It is supposed that the whole will not exceed one and one-fourth million of dollars, which will greatly surprise a large majority of the natives. They were inclined to believe that the money paid them for their land would not pay them for their improvements.

The commissioners had arrived at New Echota before I left, and were preparing for business; but, owing to the ill health of Major Currey, there was but little doing. I have been solicited by the committee on the part of the Cherokees to accept the appointment of emigrating agent, and have been recommended to the commissioners by them, as a suitable person to accompany the Indians west. The commissioners have said to the committee that they will appoint on their recommendation; but, to insure their confidence, I would be pleased to have your recommendations before them. I became personally acquainted with the commissioners, and I am much pleased with them.

If you should feel a freedom in dropping a line in my favor to the commissioners, please do so on the receipt of this letter; at the same time please drop me a line, so that I may know at what time the commissioners will receive yours. Shortly after you left Mr. Rawlings, the Hon. W. B. Martin informed me that he should become a candidate at the next election for Congress, (that will be fine sport;) if you should be alarmed, let P. Naylor at him. There are no white men in this country now. I should be pleased to accompany the Indians west, and then make a trip southwest, and home by the way of New Orleans.

Yours, very respectfully,
G. S. MASSEY.

HEAD QUARTERS, ARMY C. N.,
Fort Cass, Tennessee, December 16, 1836.

SIR: I would communicate to you the unpleasant intelligence that Major Currey, the emigrating agent, is no more. He died this afternoon about four o'clock.

I here avail myself of the occasion, (knowing that there will be many applicants for the office of emigrating agent,) to recommend for that situation Lieutenant C. S. Howe, of the United States army. If a high-minded, honorable, energetic, and in all respects efficient agent is desired, I am confident no one could be selected, who would unite the qualifications in a higher degree than Lieutenant Howe.

I have the honor to be,

With considerations of the highest respect,

Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To the Hon. B. F. BUTLER,
Secretary of War.

CALHOUN, McMINN COUNTY, E. T.,
December 17, 1836.

DEAR SIR: On Friday evening last, Benjamin F. Currey paid the debt of nature, and was buried on the 18th instant.

From this circumstance, some suitable man must now be appointed to fill his place. Major Currey has always been offensive to the Cherokees, and they have often said to me that they would suffer death rather than do anything with him, as agent of the Government, touching the treaty, and any other business that they might have with the Government. But I can say of a truth, that Major Currey has performed the duties assigned him here, so far as I can possibly judge, better than any officer has ever done here before. The Government has sustained a loss in his death.

I am very anxious to fill his place, and will rigidly obey instructions to complete what he would have done. One reason why I am induced to look for the office is, that the Indians are very friendly with me, except John Ross; and as they will go away dissatisfied with the treaty, unless some considerable pains are taken by an agent, unknown in places to them, they will shed blood on account of it. Thus, I have no doubt, I can effect a general good-will between them and the United States, as I expect the appointment will now have to be made through Congress, through the nomination of the President. I think I shall have nothing to fear from our delegation in Congress; most of them are acquainted with me. Your aid in my behalf will be regarded as a great favor.

Yours, with due respect,

A. R. TURK.

Hon. L. CASS.

CHEROKEE AGENCY EAST,
December 17, 1836.

SIR: The recent afflicting dispensation of Providence in vacating the office of superintendent of Cherokee removals, by the death of Major B. F. Currey, has filled the minds of those interested in the removal of the Cherokee Indians, with deep solicitude in regard to a successor in office. The policy and measures of Major Currey were such as were approved by those who were most acquainted with them, and inspired a confidence in those most interested in the ultimate and honorable accomplishment of the objects of the treaty.

We, the undersigned, therefore, being acquainted with George W. Currey, Esq., brother of the late worthy superintendent, who has acted as clerk in the office of the agency during the whole term of service of Major Currey, and, therefore, is fully acquainted with every department of the business, as well as the views and designs of the late incumbent, believe him to be better qualified to carry out the measures and policy that has been begun, and so far advanced, than any other person within our knowledge. We therefore pray your excellency to appoint George W. Currey, Esq., to the office of superintendent of Cherokee removals, vice Benjamin Currey, deceased.

Joel Yancey,
John Rice,
Henry McCoy,
Hiram Turk,

Wm J. Johnson,
 Wm. W. Cowan,
 G. R. Hambright,
 E. Spriggs,
 John McLelland,
 Wm. McCarty,
 Pleasant J. R. Edwards,
 John L. McCarty,
 Valuing Agents,
 C. Lillybridge,

Physician to the emigration of Cherokee Indians.

To the PRESIDENT of the United States.

NEW ECHOTA, SUNDAY EVENING,
 December 18, 1831

SIR: We have this hour received by express the painful intelligence that Major B. F. Currey departed this life on the 16th instant, after a severe and painful illness of several weeks. In the death of Major Currey, the Government has lost one of its most faithful and valuable agents, and his loss occurs at a time, and under circumstances, which makes it in some respects irreparable. His intimate knowledge of the Cherokee affairs, as connected with his official station, cannot be imparted to another.

But his vacancy must be filled with the least possible delay. The present posture of the Cherokee affairs, as communicated to the War Department a few days ago, produces, at this time, the greatest and most important press of business on the office held by Major Currey, that ever did, or ever can again occur. We are greatly at a loss to fix upon, and recommend a suitable person for this important vacancy, at this time. We therefore ask of the President, as a matter intimately connected with the discharge of the various duties assigned to us, that no person may be appointed to succeed Major Currey, who may not be acceptable to the commissioners. The duties to be discharged are too nearly allied, to be performed by conflicting materials. Under the powers already conferred on the commissioners, they will not hesitate to make immediate arrangements, not only for the safe keeping of the records of Major Currey's office, but for the transaction of business, until we are advised from the President.

The duties of the vacant office require a gentleman of talents, of industry, of business habits, of condition to undergo labor and fatigue, and above all, sound judgment and fidelity of character.

We have the greatest confidence in the judgment of the President, but we would greatly prefer that the office should be temporarily filled, rather than hazard any man, not personally known to the President.

We are, with the highest

Regard of consideration,

Your obedient servants,

WILSON LUMPKIN,
 JOHN KENNEDY,

Commissioners.

To the PRESIDENT of the United States,

CHEROKEE AGENCY EAST,
December 18, 1836.

DEAR FRIEND: I have the melancholy duty to announce to you that five minutes before five o'clock, on the 16th instant, Major B. F. Currey, Superintendent of Cherokee removals, departed this life. It is known to me, and acknowledged by all our friends acquainted with him, that he was a most zealous and indefatigable agent; he is, my friend, well known to you, and any encomiums on his memory and character would be superfluous. He, you know, was a gentleman and patriot, and I do verily believe that his uncommon exertions in the business he was engaged, were literally the cause of his death; his enemies and your enemies are glad, no doubt, and will rejoice; and I am extremely sorry to say that General Wool did, as I was told by a highly respectable character, the day before our dear friend was buried, speak in highly disrespectful terms of our friend. This between us. I have with great pleasure signed a paper recommending G. W. Currey, brother to Major Currey, as his successor. You know that he has been engaged here with his brother, and as I think I know him well, consider him in every way highly qualified.

The reason that more valuing agents' names are not to this recommendation is, that no more were here, or else I have no doubt they would have unanimously signed it. I sincerely hope that you have recovered; I most cordially congratulate you on the election of a democratic President to succeed you, also a genuine democrat as Vice President.

JOEL YANCEY.

To the PRESIDENT of the *United States*.

HEAD QUARTERS, ARMY C. N.,
Fort Cass, December 19, 1836.

SIR: Allow me again to call your attention to the appointment of an agent in the place of B. F. Currey, deceased. I am informed that a petition has been sent to the President in behalf of his brother, Geo. W. Currey. To say nothing of the character and standing of the applicant, I would inform you that if you would have the affairs of the Cherokees conducted with efficiency, at the same time with satisfaction to Government and the people who are so deeply interested, I would entreat you to appoint some other person. Give them some one who will have no violent prejudices to encounter; one who can exert a moral influence over them. To effect this, some one must be selected who has had no agency in the formation of the late treaty, which is exceedingly obnoxious to a majority of the nation, and the name of Currey is equally as offensive. Permit me to say that something is now due to the feelings of these people. There is more necessity for mild and conciliatory, than for coercive measures at this time, on the part of the civil officers. The more determined and decided course should alone be pursued by the military.

The agent, at least the emigrating agent, should be an honorable, efficient, and a business man. Unless you have such a man to superintend the removal of these people, we may expect not only difficulties but disturbances. It is now nearly six months since I arrived in this country, and yet nothing

has been done. The valuation of improvements has not yet been completed. Many Cherokees have been prepared to emigrate, for two months or more, and yet cannot get off. No wagons are prepared, and no depot of provisions established, and, finally, no Indian will be emigrated for four or five weeks to come.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN E. WOOD,

Brig. Gen. Commanding.

Hon. B. F. BUTLER,
Secretary of War.

MADISONVILLE,

December 20, 1836.

DEAR SIR: General Smith, of McMinn county, Tennessee, I am informed, is an applicant for the appointment of superintendent of Cherokee removals, to fill the vacancy occasioned by the late decease of Major Currey. General Smith has uniformly supported the policy of the administration in promoting emigrations of the Cherokees west of the Mississippi. His vicinity to, and intercourse with, the Indians for some years past, has enabled him to become well acquainted with the Cherokee character. He has an extensive acquaintance with, and, I am informed, he is very popular among the Indians. His conciliatory manners, his unbending integrity, his mild, but determined purpose, eminently qualify him for the faithful discharge of the duties of the office. His appointment, I am well assured, would give much satisfaction to a large portion of the Indians, as well as of the white community in this part of the State. General Smith, an officer severely wounded during the late war with Great Britain, should your excellency believe the policy of the Government would be promoted by his appointment, would receive such a token of respect from the Executive, with feelings of the profoundest veneration and gratitude, and prove a faithful, and, as I would hope, a successful agent in discharge of the trust reposed in him.

Yours, most respectfully,

JOHN F. GILLESPIE.

CHEROKEE AGENCY,

December 20, 1836.

SIR: It becomes my duty to inform your department, and through it the President of the United States, of the death of my brother, Benjamin F. Currey, the superintendent of Cherokee removals. He departed this life on Friday, 16th instant.

Having been, heretofore, in the absence of the superintendent, intrusted with the duties of the office generally, I shall feel it my duty to conduct the business so far as lies in my power, in the way that will, in my opinion, most effectually promote the views of the Government, until a successor is appointed by your department or the United States commissioners.

You will please, as early as practicable, furnish me with instructions with regard to the office and papers, as may be by you deemed most proper, and they shall be punctually complied with.

Enclosed, herewith, is the copy of a communication of the 19th instant, from myself to the United States commissioners, in relation to the death of the superintendent, and the appointment of a successor.

Most respectfully,

I have the honor to be

Your very obedient servant,

G. W. CURREY,

Clerk to Supt. Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs, Washington city.

CHEROKEE AGENCY,

December 19, 1836.

GENTLEMEN: I feel it my duty (unpleasant as it is) to inform you of the death of my brother, the superintendent of Cherokee removals. He departed this life on Friday, the 16th instant, and was buried on yesterday.

I have, heretofore, in the absence of the superintendent, been charged with the duties of the office, as well as that of emigration, and shall conceive it to be my duty to act in the same capacity until you shall appoint some person to take charge of the business.

I will thank you (as early as practicable) for such advice and instructions as may, in your opinion, be deemed most proper with regard to the course to be pursued by me, until relieved by a successor; and, so far as I am capable, they will be faithfully complied with.

Most respectfully,

I have the honor to be

Your very obedient servant,

G. W. CURREY,

Clerk to Supt. Cherokee Removal.

Hon. WILSON LUMPKIN, and

J. KENNEDY, Esq.,

United States Commissioners, New Echota, Georgia.

ATHENS, TENNESSEE,

December 21, 1836.

MY DEAR MAJOR: The death of Mr. Currey, the Cherokee agent, creates a vacancy for which General Smith, of this neighborhood, has been strongly recommended. May I ask your influence in his behalf, and that you will mention his claims to our friends, General Gibson and Mr. Harris?

General Smith commanded a regiment of volunteers in the Cherokee Nation, recently, and gained the esteem of General Wool, and all the officers of the command, as a soldier, and a gentleman of honor and excellent judgment. He, moreover, as a private gentleman, stands as high in the community as any person belonging to it.

I expected to have left this, before this time, for Washington; but a recent letter from General Towson apprized me that I must remain to make another payment. When that is completed, I hope to make a speedy retreat to my domicil, where I hope to meet you and other friends, as usual.

Please to present my regard to all friends.

Hastily,

Your obedient friend,

MARCUS C. BUCK.

Major J. H. Hook,
United States army.

ATHENS, TENNESSEE,

December 21, 1836.

DEAR SIR: I have great pleasure in recommending General Smith, of this neighborhood, as agent for the Cherokee nation. General Smith has commanded a regiment of volunteers in the Cherokee nation, and acquired the esteem and approbation of General Wool and all the officers of his command. He is a soldier, a gentleman of honor, of unexceptionable principles, and of sound judgment. He has had much to do with Indian affairs, and is deservedly popular with the nation. As a private gentleman, no man is more popular or is more esteemed.

I have the honor to be,

Very respectfully,

Your obedient servant,

MARCUS C. BUCK.

C. A. HARRIS, Esq.,
Washington, D. C.

HALL OF REPRESENTATIVES,

December 21, 1836.

SIR: Mr. Bell informs me that his committee cannot act upon the case of Buckingham and Huntington, without proof of the facts. Will you be so kind as to direct such evidence as your department may have, to be forwarded to him?

With the highest esteem,

F. GRANGER.

The SECRETARY OF WAR.

The undersigned, residing in Athens and its vicinity, are well acquainted with George W. Currey, brother of the late lamented Major B. F. Currey, deceased, the late superintendent of Cherokee removals, do unequivocally say that we consider the said George W. Currey well, and, in fact, eminently, qualified to be the successor, as superintendent for the removal of the Cherokee Indians, and of that most zealous, faithful, efficient, and indefatigable officer, his brother, Major B. F. Currey, deceased, who has

recently been taken from amongst us by a dispensation in which we resign to acquiesce in: but his loss is most distressing to us indeed; and as his brother, George W. Currey, aforesaid, has been associated with him, as clerk and assistant, almost during the whole time of his superintendency, and has thereby had a full opportunity of being acquainted with said business and his brother's views, we think that his appointment as his brother's successor would be peculiarly appropriate and useful to the public service; and, as stated before, residing in the vicinity of George W. Currey, and in the country circumjacent, have had a good opportunity, for a very considerable time past, to be well acquainted with his character, and do with pleasure testify to its being every way amiable and unexceptionable, and do most earnestly and respectfully solicit the President of the United States to appoint him superintendent, as aforesaid, as successor to our lamented friend, his brother, Major B. F. Currey, deceased.

Given under our hands, this 21st December, 1836.

John S. Young, of McMinnville, Tenn.,
(one of the appraising agents,
Cherokee nation.)

J. W. Blackwell, of Athens, Tenn.

John M. Gibbs,

H. D. Thorp,

Henry Hemringer,

A. B. Brown,

James M. Forreswald,

A. N. Gordon,

J. W. Norwood,

Jeremiah McCosland,

William McCarty,

John James,

J. B. Carr,

W. M. Tehorn,

M. W. Formosatt,

John Lamberty,

Stephen K. Purder,

Samuel Workman,

Thomas J. Turk,

Benjamin Raysdale,

James Duke,

Enoch Owen,

A. Stover,

John Crawford,

John L. McCarty, of Calhoun, Tenn.

William Brittain,

James Walker,

E. C. Edwards,

John R. Farmer.

CHEROKEE AGENCY, *December 22 1836.*

SIR: Permit me to call your attention to a subject in which I feel much interested. About the 1st of August last, my brother appointed Doctor John

S. Young, of McMinnville, Tennessee, as one of the agents to assess the value of Indian improvements, under the treaty with the Cherokees of 29th December, 1835. He was induced to do this, not only from his own knowledge of the character and standing of the Doctor, but from various recommendations from his friends; one of which was from Colonel J. K. Polk, all representing and testifying to his worth. Since Doctor Young entered upon the duties of his appointment, he has labored incessantly. His services have been equal to that of almost any other two agents acting in the same capacity; and I feel confident that the Government would, should his services be dispensed with, lose one of its most indefatigable and best agents, and leave him unrewarded for his past valuable services, and seriously embarrass him in his pecuniary concerns. This gentleman's capacity and perseverance in business gained for himself the entire confidence of my brother, the superintendent of the Cherokee removals; and in consequence of which, it was his intention to have given him constant employment in the service. He had selected him as emigrating agent, to accompany the first detachment of emigrants removing west, in the place of Mr. Miller, who declined accepting the appointment.

Doctor Young desires a confirmation of the appointment by your department, which was verbally promised and intended for him by my brother. My situation in this service has given me an opportunity of becoming acquainted with the capacity, qualifications, experience, and business habits of all connected with it, and I know of no man better qualified to fill the appointment alluded to than himself, and to confer it would be an act of justice not only to himself, but to the Government.

Allow me to remark, before closing, that at the suggestion of the superintendent, Doctor Young brought his family to this country at considerable expense and sacrifice, that he might be more convenient to business, having laid aside all his private business for the service.

Most respectfully,

I have the honor to be

Your very obedient servant,

G. W. CURREY,

Clerk to Supt. Cherokee Removals

Hon. C. A. HARRIS,

Commissioner of Indian Affairs,

Washington city.

CHEROKEE AGENCY, *December 24, 1836.*

DEAR SIR: I am now at this place, about to finish my duties as valuing agent, on appointments which I received by your recommendation. Major B. F. Currey, the superintendent, died on the 16th instant, and it is the wish of the agents and the people generally that his brother, Mr. G. W. Currey, should be appointed to fill the vacancy. Mr. George W. Currey has been the assistant of his brother for several years, and has a thorough acquaintance with the business, and there is not a doubt but that he would be infinitely better suited to the discharge of his duties than any other man.

I would be pleased if you would use some influence in the behalf of Mr. Carrey.

Very sincerely yours, &c.,
HENRY McCOY.

To Hon. R. C. CHAPMAN,
Member of Congress.

Extract of a letter from Montfort Stokes to the Commissioner of Indian Affairs, dated December 27, 1836.

"The chiefs and leading men of the Cherokee nation are not satisfied with the manner in which you have accounted for the \$12,600 appropriated in conformity with the last Cherokee treaty. The proportion coming to the Cherokees west is, as you state, \$4,200. They allege that this sum was due to them on the ratification of the treaty. They admit the payment of \$3,333 33 to James Rogers, William S. Coody, and John Smith. But they contend that this was their annuity, due to them before the treaty was ratified; and ought not to have been deducted from the \$4,200 secured to them by the said treaty. If the chiefs and men are correct in their construction of the treaties, then the \$4,200 is still due to them as their proportion of the \$12,600, stipulated in the last Cherokee treaty, except the sum of \$866 67 committed to Captain Brown, as per your statement. I know of no authority to afford them redress, but the Secretary of War, to whom you appeal."

FORT GIBSON, WEST OF ARKANSAS,
December 27, 1836.

SIR: My accounts for disbursements, as disbursing agent for several tribes, and as subsisting Indian agent for the Senecas and Shawnees, remain unsettled for three or four years past. I have desired a settlement, and a speedy settlement was promised me.

It would much gratify me to be present to assist and explain, should this be desired. For this purpose, I have most respectfully to request that, so soon as I may be able to disburse the annuities in my possession, and complete the issue of the year's allowance of provisions to the party of Seminoles in my charge, I may be allowed to visit Washington city.

It does not seem probable that an emigration of Cherokees will take place before I would be able to return, when I might accompany a part of these or some other emigrant Indians to this country. My services here could readily be dispensed with in the mean time, inasmuch as the few Cherokee emigrants now here decline receiving provisions in kind, as I informed the Commissary General in mine of 23d August last, thinking that, by the late treaty, they are entitled to \$33 33 each, in lieu of the year's subsistence.

I hope I do not presume too far when I add that several years' residence, on duty, among different tribes of Indians has enabled me to observe practices which should not exist, and much wrong done to misguided tribes. It pains me that I am still obliged to be a witness of these evils, without

being able to remedy them, or, with safety and propriety, make them known to those who have the power to apply the remedy.

There are several matters, also, connected with my duties as disbursing agent in the subsistence of Indians, about which I would be glad to confer with you.

With great respect,

Your obedient, humble servant,

J. VAN HORNE,

Lieut. 3d Infantry, Disbursing Agent I. R.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

WASHINGTON CITY,

December 28, 1836.

SIR: I have this day been informed of the death of Major Benjamin F. Currey, late superintendent of Indian removals, &c. in the Cherokee nation. Supposing that the public interest will require that his place should be filled at as early a period as practicable, I therefore take the liberty, without his knowledge, of recommending David Campbell, Esq., of Knoxville, East Tennessee, as a fit and proper person to perform all the duties appertaining to said appointment. I have known him personally for the last twenty-five years, and can say, with confidence, that there is no man who stands higher for integrity than does Mr. Campbell, and but few, if any, for talents.

For further information, I beg leave to refer you to Colonel John Campbell, Treasurer of the United States.

I have the honor to be,

Very respectfully,

Your obedient servant,

LUKE LEA.

To the Hon. B. F. BUTLER,

Secretary of War.

MILLEDGEVILLE, *December 29, 1836.*

SIR: I have just learned that Major Benjamin F. Currey, United States agent for the Cherokees, has departed this life, and that, consequently, a vacancy in that office has occurred. It is important that it should be immediately filled; and I ask leave, respectfully, to recommend to you Colonel William N. A. Bishop, of Murray county, in this State, for that office. He is highly qualified in all respects, and deserves the office. If you can, with propriety, confer the appointment on him, you will lay me under obligations for the favor.

I have the honor to be,

Very respectfully,

Your obedient servant,

WILLIAM SCHLEY.

Hon. B. F. BUTLER,

Acting Secretary of War, Washington.

JONESBOROUGH, *December 30, 1836.*

SIR: By yesterday's mail, intelligence was received here from C. A. Harris, that the acceptance of Mr. Kennedy to the appointment you conferred on him, had not reached the department. I know that, on the day after he received his commission, he sent me a letter of acceptance to the Office of Indian Affairs, and another to you, but it appears that there has not been anything received from him. About a month ago there was a duplicate commission came to him after he had left here, requesting him to make it known whether he would accept or not. In his absence I answered for him, and also wrote to you the circumstances. I have forwarded all the communications to him, which I have no doubt he will promptly answer. He left this place for New Echota on the 25th ultimo, and has been there now one month.

With the greatest respect and esteem,
I remain your friend and obedient servant,

JOHN P. CHESTER.

General A. JACKSON.

JONESBOROUGH, *December 30, 1836.*

SIR: Your communication was received here yesterday, addressed to John Kennedy, Esq., informing him that his acceptance as commissioner of Indian affairs had not been received at Washington city. I can inform you that he sent on a letter of acceptance the day he received the appointment; that he repaired to New Echota on the 25th of last month.

There was a duplicate appointment came to this place after he had left, and I immediately wrote to you and the President, informing you of what I now again do, that he had gone to his post, both of which letters must have miscarried. I have informed Mr. Kennedy of all that has taken place, and have no doubt but that he will answer immediately.

Respectfully yours,

JOHN P. CHESTER.

C. A. HARRIS, Esq.

WASHINGTON, D. C.,
December 31, 1836.

DEAR SIR: By the death of Major Currey, the place of agent for the removal of the Cherokees has become vacant.

General Nathaniel Smith, of Athens, Tennessee, is an applicant for the agency; he is certainly well qualified; he is not only very intelligent, and of high standing with those who know him, but has a knowledge of Indian affairs which qualifies him in an eminent degree for the station.

I have letters from John F. Gillispie, Esq. and others, soliciting his appointment.

Yours, with great respect,

FELIX GRUNDY.

WASHINGTON CITY,
January 2, 1837.

DEAR SIR: I herewith inclose to you the account of my brother, R. G. Dunlap, against the United States.

This account was presented to the department, as will appear by the letter of the Secretary of War to the President, on the 5th of January, 1836. The account was not then paid, as appears by that letter, because there was no written instruction given to my brother by the President or Secretary.

The facts of the case are these: When the President was in Tennessee in the summer of 1834, meeting with my brother, and knowing his influence with the Cherokees, he requested that he would use that influence with them to make a treaty; and in December, 1834, my brother left Knoxville, Tennessee, and went into the Cherokee nation, and State of Georgia, and procured the nation to send on two persons, with instructions to the delegation, then at Washington city, to make a treaty; also he got the Indians to send Judge Underwood, of Georgia, who was their attorney, to Washington, he promising that the United States should pay the Judge's expenses, which was done, and his authority, as agent of the Government, thus far acknowledged.

My brother wrote all the facts to the President, and that he himself should come to the city, believing that he could have more influence with Ross and his party than any other person, and, with the influence of Underwood, that a treaty could be made. The President, on the arrival of my brother in this city, offered to give him a commission to treat with the Cherokees, which he believed he ought not to accept, because it might lessen his influence with Ross and his party. My brother staid here for many weeks, holding repeated conversations with the President, Secretary of War, and the Indians; and it was through his influence that John Ross agreed to take, for his country, whatever the Senate would allow. After the Senate had agreed to give the five millions, and John Ross refused to conclude the treaty, my brother desired to leave this for New York, where he had business, and notifying the President of his intention to leave, the President insisted that he should not leave as long as there was the slightest prospect of making a treaty. My brother remained here for some time afterwards, to the neglect of his own private business, and for no other purpose than to assist the Government to make the treaty with the Cherokees. I have no doubt that, when the claim was presented heretofore, from the multiplicity of business, the President did not recollect, at the moment, what services my brother had rendered. The President, no doubt, did not expect my brother's attendance at this place when he requested him to use his influence with the Indians, but he certainly did approve of his coming; and my brother's only object was to enable the President to make the treaty. My brother left his own business in Tennessee and Georgia, and came here to attend to the business of the Government; and I believe that, by every rule of justice, he ought to be paid. You will please examine the claim.

Very respectfully,
Your obedient servant,
W. C. DUNLAP.

HON. B. F. BUTLER.

The United States to R. G. Dunlap. . . . Dr.

For services rendered the Government in relation to a treaty with the Cherokees, from the 6th of December, 1834, until the 12th of March, 1835, being 96 days, at \$8 per day	\$768 00
This was done at the request of the President.	
For expenses from Knoxville, Tennessee, through the nation, and on to Washington and at Washington	350 00
	<u>\$1,118 00</u>

My expenses amounted to over five hundred dollars, but I deduct \$200, as the actual necessary expenses would not have amounted, with others, to more than \$350.

R. G. DUNLAP.

KNOXVILLE, *November 23, 1835.*

ROOM OF THE COMMITTEE ON INDIAN AFFAIRS,
January 2, 1837.

DEAR SIR : The nomination of John Kennedy, Esq., of Tennessee, to be a Commissioner under the late treaty with the Cherokee Indians, has been referred to the Committee on Indian Affairs, and that committee has instructed me, respectfully, to request the use of such recommendations as may have been made of Mr. Kennedy, for that office; and also to ask at what time Mr. Kennedy received the temporary appointment; what progress the Commissioners have made in discharge of their duties; and what is the probable amount of claims, which have been, or will be, submitted to the Commissioners for decision.

An early answer as your convenience will permit, is requested.

I am, most respectfully,

Your obedient servant,

H. L. WHITE.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

LITTLE WILLS VALLEY, C. N.,
State of Ala., DeKalb Co., Jan. 2, 1837.

We now address you as the only man we have to look to for protection, as it has been the will of Almighty God to take away our agent, Major Currey. We want you to appoint David L. Tarr, who lives in this nation in Little Wills valley; he is a pious man and a justice of the peace. S. C. Newman, David McBrier, and John Littlefield do recommend him. We believe he will do us and the Government justice; wherefore we do wish you

would appoint him for us, and in hopes the Great Spirit above will direct you for the better, we subscribe our names.

WM. LAPLEY,
C. WEST,
JOHN BAULDRIGE,
LEWIS GRIFFIN,
JOHN WAITY,

To Mr. CHAPMAN.

We wish David L. Tarr to be appointed for us.

WASHINGTON CITY,
January 3, 1837.

SIR: From the enclosed letters it appears that Major B. F. Currey, late superintendent of Cherokee removals, had, in his lifetime, promised to employ Dr. John S. Young as emigrating agent, to accompany the first detachment of emigrants removing west. I know Dr. Young personally, and am desirous that he should be appointed emigrating agent, to accompany the first detachment of the Cherokees in their removal west.

If the situation of the emigrating agent has been devolved on the new superintendent of Cherokee removals, subject to the approbation of the department, then I have to request that instructions may be given to the superintendent to appoint Dr. Young.

I am, very respectfully,

Your obedient servant,

JAMES K. POLK.

Hon. B. F. BUTLER,
Secretary of War,
Washington city.

CHEROKEE AGENCY,
December 20, 1836.

SIR: Although personally unknown to you, I beg leave to relate to you the circumstances connected with the appointment by the superintendent of Cherokee removals, of Dr. John S. Young, of McMinnville, Tennessee, as one of the agents to assess the value of Indian improvements, under the treaty of the 29th of December, 1835.

The superintendent's own knowledge of the character of Dr. Young, and the recommendation by yourself and several other warm friends, induced him to call the Doctor into the service, preparatory to the removal of the Cherokee tribe. Since his appointment, he has been one of the most indefatigable agents that has ever been in the service, and my brother was so well pleased with the capacity and perseverance of this gentleman in business, that I am well satisfied from his own expressions, that he intended to continue him in constant employment; in fact, I heard him say that he had selected Dr. Young as emigrating agent, to accompany the first detachment of emigrants removing to the west.

Dr. Young brought his family to this country, at the suggestion of the superintendent, that he might be more convenient to business. Since he en-

tered upon the duties of his appointment his services have been equal to that of almost any other two agents, acting in the same capacity; and I feel confident that the Government would lose one of its best agents should his services be dispensed with.

Dr. Young desires the appointment of emigrating agent from the department. I feel confident from his past valuable services, a better selection could not be made. My situation in this service gives me an opportunity of becoming intimately acquainted with the duties performed by the different agents, and their comparative merits; therefore, the appointment Dr. Young desires, is in justice due him for hard-earned merit, and to supersede him now, would be virtually giving his past services to the Government without compensation. I feel great pleasure in bearing testimony to the Doctor's merits, and feel assured, under the circumstances, you will promptly afford him your aid.

I have the honor to be,

Most respectfully,

Your very obedient servant,

G. W. CURREY,

Clerk, to Supt. Cherokee Removals.

Hon. J. K. POLK,

S. H. R., Washington city.

CHEROKEE AGENCY EAST,

December 20, 1836.

SIR: At the request of your friend, Dr. John S. Young, I make this communication, to advise you of what has come to my personal knowledge in regard to the views and feelings of our late worthy superintendent towards Dr. Young, and his designs in relation to him.

On my arrival at the agency, the latter part of November, Major Currey, while in his room with me alone, congratulated me on being associated in my journeyings with a gentleman of agreeable manners, correct habits, &c., and mentioned Dr. Young as the man, and said he had selected him for the office of conducting agent. He also expressed himself in the highest terms of Dr. Young's energy, perseverance, and fitness for the office. I frequently heard him speak of Dr. Young, as the conducting agent, as a matter perfectly decided.

I furthermore know that no valuing agent stood as high in the estimation of Major Currey, on account of his faithfulness and perseverance, as Dr. Young.

It appears that the afflicting death of Major Currey happened before the appointment of conducting agent was officially made, and Dr. Young is in suspense respecting his future destination.

I firmly believe, sir, that every gentleman connected with this emigration, would bear testimony of the fitness of Dr. Young for the office; and for myself, I can say, an acquaintance with the Doctor has fully confirmed the expressions given me by Major Currey, and it is my earnest wish that he should be appointed.

I have the honor to be, most respectfully,

Your most obedient servant,

C. LILLYBRIDGE,

Physician to Cherokee Emigration.

Hon. JAMES K. POLK,

CHEROKEE AGENCY,
December 20, 1836.

DEAR SIR: Having heretofore troubled you with matters which related to my own interest, I regret that it has become necessary for me to do so again, and the only apology I can offer for doing so is the peculiar attitude in which I am placed, and the painful circumstances which surround me. Major B. F. Currey, the superintendent of Cherokee removals, breathed his last on the 16th instant, at a time when I had nearly completed my duties as appraising agent, and had just received his assurance that my conduct and services had been such, as to give me a distinguished claim upon his confidence. Rather than dispense with my services a day, at his request I brought my family to this place, under the promise that I should be continued in the service, and receive the appointment of the first emigrating or conducting agent, in the place of Mr. Millard, who declined accepting.

This was not offered through favor, but in consideration for past services. The accompanying letter from his brother, will show what my services have been. Major Currey died without having it in his power to confirm his promise to me, and I now find myself here with my family in the midst of doubts and difficulties. Should I be forced to leave the service now, it would leave me worse off than when I entered, without receiving that which was offered as a reward for faithful services. To you I appeal, the Representative of my State, (I am sorry I cannot say from my immediate district,) for assistance, by visiting the department and asking for me the appointment of emigrating or conducting agent. There are recommending letters, no doubt, on file in the department, recommending me for agent west; and I do assure you, upon the honor of a gentleman, that had I time, I could afford proof that my services here far exceeded the most sanguine public expectation.

I am much indebted to you for past favors, and your aid is now asked in a matter which deeply concerns my own prosperity and that of my family; and the only tribute I can offer you is my lasting gratitude.

I am in doubt whether to leave the country or not, but will wait until I hear from you.

With great respect,

Your friend,

JOHN S. YOUNG.

HON. JAMES K. POLK.

P. S.—An application has been made by a number of citizens and most of the agents in favor of Mr. George W. Currey for the appointment of successor to his brother. He is a man of capacity, firmness, and business habits, and better acquainted with the business generally than any other man; and I feel assured the appointment would be both judicious and proper.

HEAD QUARTERS, FORT CASS, TENN.,
January 14, 1837.

SIR: Herewith, I have the honor to send a copy of a letter addressed to you on the 6th ultimo. As I have received no reply, I am apprehensive it may have miscarried. Wilson Lumpkin, Esq. has expressed a desire to

have the Creek Indians, who, during the last summer, took refuge in this country, sent out of it. I would again call your attention to the expenses of their apprehension, &c. I have no funds in my hands applicable to the incidental expenses, such as feeding the Creeks, paying interpreters, &c. I would also request your opinion upon the expenses of escorts to the disbursing agent under the treaty, whether that expense is to be paid by the commissioners, or by the Quartermaster's Department.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL,

Brig. Gen. Commanding in the Cherokee country.

To the Hon. B. F. BUTLER,
Secretary of War.

ATHENS, TENNESSEE,
January 16, 1837.

DEAR SIR: I this day have the honor to acknowledge the receipt of your letter of the 3d instant, appointing me superintendent of Cherokee migration, which appointment I accept, and will enter on the duties on the 4th instant.

I have the honor to be,

Very respectfully,

NATH. SMITH.

Hon. B. F. BUTLER,
Secretary of War.

HOUSE OF REPRESENTATIVES,
January 16, 1837.

SIR: I beg permission to submit the enclosed letter to you, and respectfully ask your kind consideration of the subject of complaint.

Pray give me such information as may be satisfactorily communicated to the party; and, at the same time, I respectfully ask that Mr. Hoyt's letter may be returned to me.

Very respectfully,

Your obedient servant,

WM. KEY BOND.

Hon. B. F. BUTLER,
Secretary of War.

NEW ECHOTA, GEORGIA,
January 20, 1837.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, apprizing me of the transmission of a warrant for \$50,000, to the cashier of the Bank of Augusta, to be deposited to my credit; also your letter of the 30th ultimo. In this you say I am not advised

of any necessity growing out of the nature of your duties, which consist in the mere payment of money upon requisitions of the superintendent and commissioners, which can justify the employment. By reference to the regulations for this service, you will perceive that there are many papers monthly and quarterly, which are required of me. If it were merely to pay out the money, and send on the vouchers with an account current quarterly, I would not ask for a clerk, but on referring to the regulations you will find that this is but a portion of the duties I have to perform; as regards the payment of the clerk employed, when I did it, it was with the knowledge of the fact that it would be at my own risk and consequent loss, if the employment of him was not sanctioned by you.

I have been so much engaged with going to the banks for funds, and the paying of them out, that I have not had time to make my quarterly returns, but shall finish and send them on to you in a day or two.

I wish to know whether I will be continued as the disbursing agent for the claims under the treaty, and if there is a prospect of my being permanently employed as such, or rather until the business is completed. My object in making this inquiry is, that should the information I receive from you on the subject warrant it, I wish to make arrangements for removing my family to this place.

Very respectfully,

Your most obedient servant,

PHIL. MINIS, U. S. A.

Dis. Agent, Cher. Rem.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs, Washington.

WESTPORT, JACKSON COUNTY, MISSOURI,

January 20, 1837.

SIR: My bill of exchange of this day, for thirteen hundred and sixty-three dollars, in favor of W. W. Kavanaugh & Co., is drawn agreeably to authority of C. A. Harris, Esq., Commissioner of Indian Affairs, dated July 5th, 1836, and is to enable me to fulfil instructions, which at that time he gave me, to cause the surveys of the Cherokees lands to be completed, &c.

Respectfully,

ISAAC McCOY.

Hon. B. F. BUTLER,

Acting Secretary of War.

HEAD QUARTERS, ARMY C. N.,

New Echota, Georgia, January 22, 1837.

SIR: I have the honor to transmit, herewith, my account of moneys received and expended, on account of the Cherokees, up to the 31st December, 1836.

You will perceive, on examination of my accounts, that I have charged the clothing of Messrs. Buckingham & Huntingdon, of New York, and given the United States credit for my draft for the same amount, although

not paid. I have done this, more with a view of keeping a proper record of the transaction than with the expectation of its being allowed, until the bill now before Congress becomes a law.

I have nearly expended the two thousand dollars which was placed in my hands, to subsist the Cherokees attending at this place, upon the requisitions of the commissioners, which will be accounted for in my next quarterly return.

Very respectfully,
Your obedient servant,
JOHN E. WOOL,
Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
January 23, 1837.

SIR: I have the honor to inform you that, in conformity with the wish of the President of the United States, as expressed through the honorable F. Grundy, and J. K. Polk, I have this day appointed Doctor John S. Young assistant superintendent of the Cherokee emigration, who is present and accepts, and will enter on the duties on the 25th instant, to whom I will give charge of the first detachment of Cherokees, which, I hope, we will be able to get off early in next month.

I am, very respectfully,
NATH. SMITH,
Superintendent Cherokee Emigration.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

NEW ECHOTA, *January 23, 1837.*

SIR: We have had the honor to receive your several communications of the 29th and 30th ultimo, and 3d and 6th of this instant. The cashier of the Augusta Bank has notified us of the reception of the \$250,000 referred to in your letter of the 29th ultimo, which will be drawn from the bank as it may be needed for making payments under the treaty. But for the affliction and death of Major Currey, several thousand of the Cherokees would, by this time, have been on their journey, or already in their new homes west. That circumstance, however, unavoidably put a total cessation to all preparations in that important department of the business for the last two months. During Major Currey's illness, for four weeks, uncertainty of the issue kept every thing stationary. After his death, we were apprized we could do nothing more than we did, have the office and papers taken care of, and have the returns and valuations completed, transcribed, &c. If we had placed a person in the general discharge of the duties of the office, it would only have increased confusion, and have lessened the responsibility of the permanently appointed agent, without hastening the desirable object of speedily emigrating the Indians. General Smith, the

newly appointed emigrating agent, has not reported himself to us; but we learn that he is at the agency, and we have directed Mr. G. W. Currey to turn over to General Smith all papers and records belonging to the office. We are ready and desirous to render every aid to the superintendent, and all other officers and agents engaged in this business, and shall do all that can be done, by our efforts, to promote the service in which we have embarked.

Your views of the necessity of concentrating all the officers connected with the execution of the treaty at *one point*, coincide most fully with our own, and the preparations already made at this place for winter quarters, and transacting the business of the nation, forbid any change from this place before the spring. Therefore, the office of the emigrating agent and the records of the Cherokee agency, ought to be removed to this place without delay. Towards the approach of summer we shall probably find it expedient to remove higher up the country, as we trust we shall, by that time, have gotten off most of the Indians who reside convenient to this place. We are gratified at the confirmation of Doctor Young's appointment, believing it to be a judicious selection.

The services of an additional disbursing officer are now necessary, as payments will this day commence to a considerable extent, to persons capable of emigrating themselves, and managing their own affairs with discretion. The persons alluded to have, for some time past, been anxious to depart.

We also have some hundreds of the poor and destitute now here, ready to depart this moment that comfortable means of transportation, and the necessary agents are ready to take charge of them. These poor emigrants must be accompanied by a physician and disbursing agent.

We have done, and are ready to do, all that we can do, to expedite every branch of this business. But we now have before us some thousand claims (yet undecided) arising under the treaty, and while we are engaged in personally attending to the duties confided to others, our first and legitimate business must, of necessity, stand still.

The contents of your letter of the 6th instant, on the subject of Cherokee funds, shall be communicated to the Cherokee committee.

We are, most respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners

C. A. HARRIS, Esq.,
Commissioner, &c.

CHEROKEE AGENCY, January 25, 1837.

SIR: I have the honor, herewith, to enclose you an account current (the United States with B. F. Currey, deceased) up to the 25th instant, which, I hope, will be satisfactory to your department.

The receipt of General Smith, herewith sent, marked A, I presume, will be a sufficient voucher for the credits of guns, blankets, and kettles. I also felt authorized, from a letter from Major W. B. Lewis to the honorable John P. King, of Georgia, a copy of which is herewith sent, marked B, to enter a credit for \$20, heretofore suspended by the Second Auditor.

Enclosed, also, I send you copies of two letters from the commissioners, marked C and D, authorizing and instructing me to do and perform all duties connected with the office heretofore held by my brother, as superintendent and acting Indian agent, which duties I have performed up to the date of General Smith's receipt.

I would be pleased to know how my brother's account stands with the various offices in the city, connected with Cherokee removals. Will you be so kind as to ascertain and inform me as early as convenient?

Most respectfully,

I have the honor to be

Your obedient servant,

G. W. CURREY.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs,
Washington city.

WASHINGTON, January 30, 1837.

SIR: I am informed by the Paymaster General that the Secretary of War has assigned to me certain duties connected with the Indian Department, and am directed by him to report myself to you for instructions relating thereto.

Very respectfully, sir,

Your obedient servant,

RICHARD BENNETT.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

NEW ECHOTA, January 30, 1837.

SIR: Under all the circumstances, we consider it due to ourselves, as well as to the Government in whose service we are engaged, to ask your attention to our present situation. The Cherokee treaty of 1835 assigns to us, as commissioners, the duty of deciding on all claims which may arise under the treaty. Our instructions from time to time, especially those of the 17th October last, have assigned to us greatly enlarged powers and duties; indeed, we seem to be clothed with plenary powers, to supervise and direct everything connected with the execution of the treaty.

We have certainly neither sought nor declined any service to which we have been called, connected with the execution of this treaty: incidental duties, however, assigned us in connexion with our legitimate duties as commissioners, we would gladly have waived, but for the ardent desire which we have felt to witness the consummation of a treaty so important, in its consequences, to all the various parties in interest. In attempting, however, in the most humble and modest manner, to avail ourselves of the services of the military, in the execution of civil duties, we have found ourselves repulsed and insulted at every attempt which we have made to obtain the co-operation of General Wool in the execution of our views. When we had politely requested, as we conceived and intended, an escort to guard public funds in their transportation from one place to

another, the communication has been sent back in contempt, accompanied by a written insult to ourselves and the President of the United States. When we have advised General Wool of our views in relation to the disbursement of the public funds placed in his hands for the subsistence and clothing of the poor classes of the Cherokees, and respectfully asked of him information in regard to the disbursements made by him in this behalf, the information has been withheld; instead of answers to our communications, we have received letters on trivial subjects, relating to the mode of issuing rations, and calculated to produce a controversy on subjects of no importance to the public interest. The truth of all of which can be sustained by the correspondence itself, and the copy of a part of which was forwarded by one of the undersigned to the President of the United States, and to which no answer has ever been received from Washington. The only object which we have in view, in calling your attention to the foregoing facts, is to justify us in asking that we may be wholly relieved from the responsibility of the military operations in this country, and the discharge of the duties of the emigrating agent, or let it be distinctly understood that the officers and the agents of the Government referred to are not to be permitted to treat with insult and contempt our official efforts to discharge duties with which we have been charged by the President of the United States.

We cannot, and will not, consent to hold ourselves responsible for the acts of those over whom we have no control. We would prefer, after the 4th of March next, for it to be distinctly understood that our duties are restricted to what seems to be assigned to the commissioners under the treaty. Under any circumstances, whether we are private citizens or agents of the Government, we shall use our best efforts to have this treaty faithfully executed, keeping constantly in view the obligations of the Government to the Cherokees, as well as the honor of the Federal Government, and the deep interest which the people of the several States feel, in whose limits the Eastern Cherokees now reside. This communication is not made in a spirit of unkindness to any one, but from a sense of duty. And we are by no means singular in falling under the displeasure of General Wool, as it is well known here that, from his entrance on public duty here, he has constantly complained of every officer of the Government from the President down, who has had the misfortune to have to advise or instruct him in his operations.

He seems never to understand anything in the light in which it was intended, except when he happens to be complimented.

Very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.

P. S.—Nothing in the foregoing letter is intended as censure against General Smith.

THE COMMISSIONERS.

COMMISSIONERS' OFFICE, NEW ECHOTA,
January 30, 1837.

SIR: In your letter of the 10th of October last, you state that the President has decided that the Indian committee, under the 12th article of the treaty of 1835, may be paid such a sum as the commissioners may fix, not exceeding four dollars a day for every day of actual service, the necessity for which will be certified by the commissioners, or one of them, upon the accounts.

The committee, having gotten through with a great portion of the services assigned them under the treaty, are now in great need of their compensation, and request that some arrangement may be made for their receiving their dues here. The expense of paying the committee, including contingencies, will probably amount to four or five thousand dollars.

We also enclose you a paper, addressed to us by the committee, on the subject of the expenses attending the execution of the treaty, which we submit for the purpose of obtaining information, without remark or comment.

A great number of the most intelligent and wealthy men of the Cherokee tribe have reported themselves as persons ready for emigration, and have requested the privilege of emigrating themselves and families, amounting, perhaps, to several hundred souls. The good character and standing of these persons evidently entitle them to the privilege which they have sought under the treaty, and consequently could not be denied. We have not, therefore, hesitated to make to them prudent advances to enable them to emigrate themselves and families comfortably. A large portion of these applicants are among the most influential men of the tribe, and of both parties. Many of the most respectable friends and former adherents of Ross are among the number. There are, also, now at this place about three hundred souls, of the common Indians, under the charge of the superintendent, and ready for their departure west; and many more in different parts of the country, we entertain no doubt, may be readily collected and brought to join this first emigrating party under the late treaty.

General Smith, the superintendent, is now here, and we have held frequent conferences with him, and endeavored to put him in full possession of all our views and information connected with his present office. We shall continue to give him our views and opinions whenever they may be sought. Payments have already been made, under the treaty, to an amount exceeding one hundred thousand dollars, and will, for some time to come, continue to be heavy. Therefore, a disbursing agent, to accompany the emigrants, is now wanted, and we trust will be shortly sent.

We have assured the emigrants, who are now about to leave for their new homes, the agents of the Government west would be ready to receive them, take them by the hand, and discharge every duty incurred by the Government under the stipulations of the late treaty. We trust, in this, we may not be disappointed, as much of our future success will depend upon the fidelity of the Government in this matter. All the men of intelligence, character, and property, who are now about leaving for the west, have been very anxious to get every dollar they could, here, from the consideration, alone, that they may be delayed in getting their dues after their arrival west. We have assured them that their apprehensions were groundless.

The present company is composed of many wealthy men; and we

shall, at as early a day as practicable, furnish you with an estimate of the amount which will be due the present party on their arrival west.

Very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners,

C. A. HARRIS, Esq.

FORT GIBSON, *January 31, 1837.*

SIR: About sixty Cherokee emigrants have lately arrived here, who claim the commutation allowance for transportation and the year's subsistence, as allowed by the late treaty. As I have, as yet, received no instructions to be governed by its stipulations, I submit their case for your instructions.

I observe in the report of the Secretary of War, that he concurs with you in recommending the allowance of a commission on the amount disbursed by the disbursing agents in the Indian Department. I have not seen your report, and am, therefore, ignorant of its details. I beg you will excuse the freedom I use in presenting some circumstances which may not have presented themselves to your mind, tending to show why the allowance of a commission on disbursements may, under existing arrangements here, benefit unequally those for whose good it is intended. It may not have occurred to you that probably the greater part of the disbursements of annuities, treaty stipulations, current expenses, &c., have been made by the local disbursing agents here, although they were required to take vouchers for these disbursements in the name of the principal disbursing agent. So, also, of payments for transporting Indian goods to the agencies, for furnishing treaty articles, in fact for most of the disbursements made, notwithstanding the letter of the Commissioner of Indian Affairs of November 10, 1834, on this subject.

If these disbursing agents are to receive a commission on the sums thus disbursed by them, then well. But by the system alluded to, one or two officers would seem, from the accounts rendered to your office, to have made very heavy disbursements, while others, on exposed and arduous duties, because required to make disbursements in the name of another, or because all payments for the supplies he sees furnished, or the services he sees rendered, are required to be made by another, his disbursements are (in appearance at least) so small that the commission would be trifling in amount. At the same time one class of those officers may be as serviceable, and, at any rate, discharge duties as arduous and unpleasant as the other.

I feel much delicacy in alluding to this, but confidently believe you will be glad to have every light to enable you fairly to apportion among disbursing agents any allowance that may be granted.

Very respectfully,

Sir, your obedient, humble servant,

J. VAN HORNE,

Lieut. U. S. A., Dis. Agent. I R.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

SCOTT'S CREEK P. O., N. CAROLINA,
January '31, 1837.

DEAR SIR: I attended at Washington as agent or attorney for a portion of Cherokees residing in said State, to represent their views respecting, and interest in, the late treaty made with that nation; accordingly, on the 4th July, 1836, submitted the investigation of their claims to your department, which has been satisfactorily attended to. During my stay in Washington, I was informed of their distressed situation for want of provisions, and communicated the same to Mr. Schermerhorn, commissioner. He advised me to furnish them until those promised by the United States could be forwarded; for the correctness of this, I refer you to his letter, directed to your department, of the above date. In accordance therewith, I furnished a considerable number of clothes and provisions. When the latter became so scarce I could not obtain them in the section where they lived, I furnished them with money to purchase supplies from the adjacent part of Tennessee. On the 25th instant, I presented my claim to the commissioners appointed to adjudicate those arising under the treaty. They approved its payment. I also procured the certificate of a number of the Indian committee, certifying those I had furnished were entitled to receive their proportionate share of the seventy-five thousand dollars provided for the poorer class in the 18th article. I then presented the claim to General Wool for payment, who, on examination of his instructions, concluded he was not authorized to pay it. If, on examination of the above, the department should be of opinion I am entitled to the amount expended, on facts appearing as above stated, you will please inform me as soon as convenient; direct your communication to New Echota, Georgia. I expect to be there on the 20th February, and remain until my claims are disposed of in some way.

Your obedient servant,
WM. H. THOMAS.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

NEW ECHOTA, February 2, 1837.

SIR: The enclosed is the communication from the Indian committee, referred to in the letter of the commissioners of the 30th, omitted to be sent by inadvertence.

Very respectfully,
Your obedient servants,
WILSON LUMPKIN,
JOHN KENNEDY.

C. A. HARRIS, Esq.

NEW ECHOTA, January 28, 1837.

GENTLEMEN: It has been stated to one of the members of the committee by the disbursing agent, Dr. Minis, that he knew of no funds out of which the late valuing agents have been paid, except the five million one hundred thousand dollars due the nation under the late treaty.

The committee feel it to be their duty to inquire through you of the honorable Secretary of War, for information on this subject. In doing this they cannot forbear to say, they are greatly surprised by this information of Dr. Menis.

It never once occurred to them, that any portion of the funds of the nation was set apart for this purpose. They have always been and are now of opinion, that the Government is bound to pay out of its own proper funds the salaries of all the agents, which by the treaty it is bound to employ to carry out its several provisions.

The committee entertain this opinion, because it was the understanding of the parties who concluded the treaty; secondly, because the treaty sets apart no portion of the five millions, &c. for this purpose; and thirdly, because justice forbids the idea, that the nation ought to pay for the performance of duties clearly obligatory upon the United States.

We are your friends,

JOHN RIDGE,

President of Committee.

JOHNSON ROGERS,

Clerk to Committee.

To Gov. WILSON LUMPKIN, and

Col. JOHN KENNEDY,

Commissioners, &c.

CHOCTAW AGENCY,

February 3, 1837.

SIR: In relation to John Ross, and the delegation of Eastern Cherokees who have lately visited the Cherokees west, and succeeded in getting up a delegation from that nation to accompany him to Washington, I beg leave to state, that upon receipt of your letter to arrest Ross and delegation, if they should proceed to the Cherokee country west, with a view to incite opposition to the late treaty, or attempt an alteration of it, I wrote to Governor Stokes, and gave him a copy of your letter, and at the same time requested him to observe the movements of Ross and his delegation; and in the event of his attempting an interference with the treaty, to communicate the fact to me. Governor Stokes states to me, that Ross visited him and conversed friendly, without disclosing the object of his visit. I was at Gibson myself during the time that Ross was there, but did not see him, being much engaged with the Creeks. I did not learn the object of his visit, but have since been advised by Governor Stokes, that a delegation of three have accompanied Ross on; what their business is, he does not know.

I also addressed a joint letter with Governor Stokes, to the Cherokee chiefs, warning them from any interference with the treaty or connexion with Ross. I saw and conversed with Major Brown, one of the chiefs; he is quite a gentlemanly and intelligent man, who stated to me that he did not wish to have anything to do with Ross.

I called upon General Arbuckle, and stated to him my determination to execute the order, if I could find out that Ross was attempting to incite opposition to the treaty. The General was extremely solicitous that as there was such a small force at Fort Gibson, and a time of such peculiar excitement, that it would not be necessary to call on the military for aid.

About this time, I received the decision of the district judge of Arkansas, by which decision an Osage Indian, in jail at Little Rock, committed for murder, was discharged for want of jurisdiction; and I therefore concluded that if I should discover that Ross was attempting to incite opposition to the treaty, he also would be released. I however set out for Red river, and was not apprized of the delegation going on until my return. I have been thus particular, in order that you may see why Mr. Ross was not arrested. Having received your order to do so, I should certainly have executed it, had I been apprized of the fact of Ross getting up an excitement against the treaty. From what I could discover in the Cherokee nation, there appeared to be no feeling about the treaty. I enclose you an extract of Governor Stokes's letter, from which you will see the character of the delegation; and that their particular object in visiting Washington was not known.

Respectfully, sir,

Your obedient servant,

WILLIAM ARMSTRONG,

Acting Superintendent Western Tennessee.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

Extract from Governor Stokes's letter.

"Three of the delegation have gone on. Neither of them are men of business. John Loony is a chief, but of moderate capacity, and limited influence. Aaron Price is a good man, of no great influence or capacity; and you know the character of Dutch. It is that of a brave, determined warrior. Neither of them were ever at Washington, and curiosity, as much as any thing else, has, in my opinion, prompted these delegates to go on.

"It is probable, also, that they may wish to visit the places of their former residence."

CHEROKEE AGENCY EAST,

February 8, 1837.

SIR: On the receipt of my appointment as superintendent of Cherokee removals, I repaired to this place, and entered upon the duties of the office; and, on the 24th ultimo, I reported myself in person to the commissioners, at New Echota. I found about three hundred and sixty Cherokees there, who were prepared (and had been for some time previous) to remove west, whenever they could get their business arranged. They were receiving rations from the Government, and were supplied, as I was informed by General Wool and the commissioners, from the fund set apart to subsist the poor, while attending to their business at that place, which fund was nearly exhausted. I, therefore, determined to remove them, with as little delay as possible, to this place, Ross's and Gunter's landings, where they can be subsisted for one-third less than at New Echota, and are at points convenient for embarking in steamboats for the west. I have ordered depots of

provisions to be established at each of these places, and appointed E. S. Currey, a brother of the late superintendent, to enrol and issue rations to them at Gunter's, and Major B. B. Camron, at Ross's landing. Colonel Massey, formerly one of the valuing agents, is appointed to collect those prepared to remove, at the stations above mentioned, and Colonel J. McCullough to aid and assist in collecting and enrolling them here. There are already about two hundred at this place prepared to remove, and the number is daily increasing. I hope to be able to get off a detachment of from eight hundred to one thousand in steamboats by the 25th of the present month, and from two to three hundred by land, who will remove themselves.

I find great inconvenience in collecting the Indians at New Echota. It is situated sixty miles south of this place, fifty miles southeast of Ross's landing, and about one hundred east from Gunter's, as will be perceived by reference to the map. The country in the vicinity is very poor, and provisions and forage, in consequence, very scarce and high. If the Indians are to be collected at that station, I cannot get efficient officers to aid me at the salaries now given them, as it costs them \$1 75 per day for man and horse, throughout all that section of the Cherokee country. And when they are collected at New Echota, it will cost quite as much to remove them to either of the landings, as it would to remove them from their homes in the first place.

I have ceased issuing rations at New Echota, as I find that so long as the Indians can procure them there, they will not repair to any of the depots.

I have appointed Andrew Ross interpreter, at Gunter's landing; J. Starr, at Ross's landing; A. McCoy, interpreter to the conducting agent, and Charles Reese to the physician, Doctor Lillybridge.

I have the honor to be,

Very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

February 8, 1837.

SIR: In reply to your communication of the 18th ultimo, I have the honor to state that the commissioners have selected Colonel Shaw, of Georgia, and Colonel McMillan, of Tennessee, as agents for the valuation of Cherokee improvements. The agents appointed by my predecessor valued all the improvements, of which they had any knowledge; and it is believed that but few remain to be appraised.

I am, sir, very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

WASHINGTON, D. C., February 8, 1837.

SIR: The surveyor of Cherokee lands, under my superintendence, agreeably to instructions, which I received from you the 5th July, 1836, will resume his labors as soon in the spring as there will be grass on the prairies for the subsistence of his horses: say in the latter part of April, or the first of May. He will then need an escort of thirty dragoons.

This is respectfully to request that measures be taken to have the escort in readiness. I would also respectfully remind you that Fort Gibson is much nearer the place at which it will be desirable for the escort to join the surveyor than Fort Leavenworth.

So soon as I ascertain from what post the escort will be furnished, and whom it would be proper for me to address, I will take measures to inform the proper officer of the precise time and place at which the escort will be wanted.

With great respect, sir,
Your obedient servant,

ISAAC McCOY.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

NEW ECHOTA, February 13, 1837.

SIR: I herewith transmit to you a small account for expenses while engaged in extra service. The facts in relation to the case are briefly as follows:

After the death of Major Currey, I was advised by Mr. Kennedy, (commissioner,) that my services would probably be wanted at New Echota, in about three weeks, as the Indians disposed to emigrate have been invited to come to this place preparatory to emigration. I at once made inquiry for medicines, and found there were none in the region; and, on informing Mr. Kennedy of the fact, he advised that I should, with all convenient despatch, procure them from Knoxville, on my individual responsibility. My instructions from the department required me to "submit an estimate of the requisite medicines to the superintendent, who would draw a requisition for the same upon the disbursing officer." But now there was no superintendent, and the disbursing officer was absent; and the public interest required immediate action, in order to be prepared in season for the collecting of the Indians. Mr. Kennedy assured me my expenses would be paid.

The disbursing agent has scruples, however, about his being authorized to allow the account, on the ground that my *per diem* covers my expenses in all cases while in the nation, or waiting for a detachment for emigration. But it will be seen that I was employed out of my regular province, and sent a distance of one hundred and thirty miles from my place of operations, and to perform an extra service. Had I failed to find the medicines at Knoxville, and it had been found necessary to send to Baltimore for them, with the same propriety could I be required to go there at my own expense as to Knoxville. It is mutually agreed between the disbursing agent and myself to submit the case to your decision. I therefore hope you will see the

propriety of ordering the account paid. I would remark the account meets the approbation of both commissioners and the superintendent,

I have the honor to be,

Sir, your most obedient servant,

C. LILLYBRIDGE,

Physician to Cher. Emigrants.

Honorable C. A. HARRIS,
Commissioner of Indian Affairs.

NEW ECHOTA, *February 13, 1837.*

SIR: We have received your letter of the 20th ultimo, accompanied by the papers therein referred to.

You request that we will investigate the claims to which these papers relate, and report the facts, with our opinions, for the information of the War Department, and remind us that no expense must be incurred in the performance of the proposed duty.

As we have more than once stated to you, we are not disposed to shrink from any labor or duty which will promote the objects of the Government in a final adjustment of all Cherokee affairs east of the Mississippi. Nevertheless, your present request affords a proper occasion for us to state to you that our duties have already been increased to an extent far beyond the means which have been afforded us by the Government, to execute its requisitions with justice to ourselves. We feel confident, if our labors and duties were fully understood at Washington, it would at once be admitted that the Government was laboring under great misapprehension upon the subject.

First: The whole of the valuations under the treaty, after being examined and supervised by the commissioners, have to be placed on the register of payments; then follow the claims of individual Cherokees; for spoliations, ferries, and other claims against the nation. After crediting each individual of the whole tribe with whatever may be coming to him under the treaty, the labor then commences of examining and adjusting the claims which have, or may be presented against each individual. Then a book account of debtor and creditor is opened with each individual of the nation; and this register of payments, which will exhibit at one view the exact standing of the affairs of each individual, has not only to be collected from data spread over a number of different books, but each item of every entry has necessarily to undergo the examination of the commissioners. And the adjudication of many of these items will necessarily cost the commissioners great labor, research, and investigation.

When we take into view the great mass of intricate and difficult claims presented, for spoliations, reservations, services rendered the nation, as well as individual litigation and debts, the parallel of the duties which devolve on the commissioners can be found no where else under this Government. All this, too, we have been required to perform with the aid of a single secretary. The copying of our correspondence, decisions, and other official writings alone, would employ an active and competent clerk most laboriously.

Our additional labors and efforts, to aid and assist the other agents of the Government in performing their duty, have occupied much of our time and reflection. Yet, from causes beyond our control, we have not been able to have our views respected and executed. We have entire confidence that this difficult and troublesome business, of executing the Cherokee treaty, would succeed, if the instructions of the President of the United States were implicitly obeyed and respected by the officers and agents of the Government, who have been sent here to aid in executing the treaty. But it is well known to you this has not been the case. The commanding officer of the army has, from the beginning, complained and dissented from the instructions of his superiors; and, therefore, instead of carrying into effect the views of the Government, the military command here has obviously had the effect to weaken the efficiency of the civil administration in executing the treaty. Even the disbursing agent sent here, as you well know, will not obey the instructions from Washington, or elsewhere, any further than may suit his own notions.

Your instructions, that the views of Mr. Lumpkin, in regard to the mode of procuring funds through the banks of Georgia, should be respected, were communicated to Doctor Minis, upon which he promptly said that he would enter into no such arrangements, and the money on hand here being exhausted, he has recently left, as he states, for Augusta, Georgia, after public funds, when they might have been as easily obtained at Athens, Georgia, by going less than half the distance; and funds equally and we believe more suitable for making payments under the treaty. Therefore, at this time, we have no disbursing agent here, and shall not be surprised if Doctor Minis should be absent for several weeks. We entertain the opinion that the public funds could be as safely brought here by other trustworthy hands, as that of the disbursing agent. But according to his views, every time an additional supply of funds are wanting, an entire suspension in the pay department must occur, as he declares none but himself shall be trusted to carry funds from the banks to this place.

While upon the subject of our burdens, we would further state, that the place selected for transacting this business (although the best selection to suit the convenience of the Indians) has not afforded us the reasonable facilities for transacting such business. We are cut off from the ordinary facilities of mail communication; our letters to and from Washington are often from 20 to 30 days in their passage. We have never been able to procure the ordinary comforts of board, lodging, and house-room, to transact our business. We have often been under the necessity, for many days together, of transacting business in a crowded and uncomfortable room. If it be said we might exclude the crowd and form better regulations, the reply is that the nature of our business, administering the affairs of thousands of people, who have individual and separate interests, to which it is our duty to attend, we are in justice forced to grant them great indulgence. The peculiar situation of the Cherokees, and the nature of our duties towards them, require the most untiring patience and forbearance.

We have adjudicated some thousands of cases; thousands yet remain for adjudication. And many new cases are daily presented; and, from the nature of the business, new cases will continue to arise, as long as a Cherokee remains in the country. We see no prospect of an abatement of our labors. It requires unabating watchfulness, reflection, and forecast, to discharge the duties to which we have been called; and no compensation in

dollars and cents could induce us to remain here a single day. But we owe it to the country and to ourselves to persevere in our undertaking; and, if sustained by the Government at Washington, we shall succeed in carrying the treaty into complete effect.

This communication is submitted as a mere brief of the historical facts connected with our official exertions at this place; and from which the Government may form some just estimate of the onerous duties which devolve on us.

The small compensation to which we are entitled for the onerous duties in which we are engaged, we would desire might, in some way, be remitted to us quarterly.

We have been under the necessity, in having the necessary registers made up, to employ some additional clerk here, which, if not paid by the Government, must be paid by ourselves.

Very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs,

War Department.

WASHINGTON CITY,

February 13, 1837.

SIR: The undersigned, delegates duly authorized, and representing the Cherokee nation east and west of the Mississippi, present their compliments to the honorable Secretary, and beg leave through his department to notify the Government of their arrival in the city, on business relative to the interests of the whole Cherokee people, and will be happy to do themselves the honor of paying their personal respects to the honorable Secretary, and his excellency the President, at such time as may be convenient, and their pleasure to designate.

Very respectfully, your obedient servants,

JOHN ROSS,

JOHN LOONEY, his x mark.

R. TAYLOR,

AARON PRICE, his x mark.

JAMES BROWN,

DUTCH, his x mark.

SAML. GUNTER, his x mark.

JOHN BENGE, his x mark.

GEORGE SANDERS, his x mark.

W. S. COODEY.

HON. B. F. BUTLER,

Secretary of War.

NEW ECHOTA, GEORGIA,
February 16, 1837.

SIR: I have the honor to inform you that after the necessary notice, an election was opened and held at this place, to ascertain to whom the annuities due the Cherokees east, from the United States, should be paid.

I attended in person, and appointed Dr. J. W. Lide, of Tennessee, Thomas C. Lyon, aid to General Wool, and Elijah Hicks, a native Cherokee, judges of said election, and Lovely Rogers, clerk to the Cherokee committee, and Spencer Jarnigan, Esq., clerks. The election was fairly conducted, and the enclosed certificate shows the result.

I received a note from George Lowry, requesting to be informed when and where he should apply for the annuities due. An answer cannot be given, till further advice from the War Department.

I have the honor to be, sir,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

To C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA.

We, the undersigned, do hereby certify, that, pursuant to public notice given by Nathaniel Smith, superintendent of Cherokee removals, an election was opened and held at New Echota, on the 15th day of February, 1837, to ascertain to whom the annuities due the Cherokees east of the Mississippi should be paid, at which election we were appointed judges, and Spencer Jarnigan, and Lovely Rogers, clerks. We opened and conducted said election under the direction of said superintendent of Cherokee removals. We do further certify, that the votes of the Cherokees assembled were regularly taken, and there were for paying said annuities to George Lowry, second principal chief, twelve hundred and sixty-nine votes, and for paying the same to the committee appointed under the late Cherokee treaty, ninety-six votes; so said George Lowry was appointed to receive said annuities.

Given under our hands and seals, this 15th day of February, 1837.

J. W. LIDE, [L. s.]
ELIJAH HICKS, [L. s.]
THOS. C. LYON, [L. s.]

Lovely Rogers and Spencer Jarnigan, clerks. To so much things as relates to the 1,269 votes for Lowry.

[EXTRACT.]

Special order No. 8.

ADJUTANT GENERAL'S OFFICE,
Washington, February 17, 1837.

1. On the requisition of Mr. McCoy, employed to run certain Indian boundary lines west of the Mississippi, an escort of thirty dragoons, armed

and equipped for the protection of the surveying party, will be detailed and ordered upon this duty, by the commanding officer at Fort Gibson.

By order of Major General Macomb.

R. JONES,
Adjutant General

COMMISSIONER OF INDIAN AFFAIRS.

WASHINGTON, February 17, 1837.

SIR: I am informed by gentlemen of high respectability in my district, that the troops now stationed in the western part of the State of North Carolina, among the Cherokee Indians, will be removed from that service in July next. And as there is much dissatisfaction among the Indians, it is apprehended by the white people in that quarter that they may and probably will commit some violent outrages whenever the troops are withdrawn.

I therefore respectfully propose, and ask you to issue an order by which a portion of the militia of the western part of North Carolina may be called into public service in July next, and stationed among the Cherokee Indians, in the limits of the State of North Carolina, to guard and protect the rights of the white people in that section of country; and thereby check in the bud all and every appearance of hostile indications until the Indians are removed. Such action on the part of the General Government would give confidence and security to the white inhabitants in that part of the State, prevent bloodshed, and certainly assist in removing the Cherokee Indians according to the terms of the treaty. No one knows better than yourself how many false prophets and false patriots are always clandestinely at work to excite and induce this savage race to unsheath the scalping knife, and crimson the tomahawk in the blood of innocent victims.

Very respectfully, yours,

JAMES GRAHAM,
North Carolina.

To his Ex. the PRESIDENT of the United States.

CHEROKEE AGENCY EAST,
February 18, 1837.

SIR: I have the honor to acknowledge the receipt of your letter, informing me of the appointment of Major Richard Bennett, as disbursing agent. I understand he has arrived at Athens, but he has not yet reported himself to me.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

TALLADEGA, *February 20, 1837.*

DEAR SIR: After my highest respects to you, I have to inform you that I want to know what disposition will be made with the subsisting contract of the Cherokees, as I desire that contract. I have made some arrangements with some gentlemen in the State of Illinois, to furnish me with as much provisions as I want for that purpose. So I want you to assist me in getting that contract, and you shall be none the loser by it. I will subsist them at the price stipulated in the treaty with said Indians; it will lay in your power to make this contract, or cause it to be made. You may notice a recommendation that I sent to the department in 1833, as I think, to carry off a part of the Creek Indians, and then if you want any more recommendations, please inform me of it, and I will furnish you with as many as you want, or if my presence will be of any service, please inform me, as I would like to take a trip to Washington city. I am poor, and I hope as your political and personal friend, you will assist me in getting this contract, or some person will get the benefit of it. I will give a bond and security in any amount you may say, for my performance in that matter. Please write to me, and you will much oblige your devoted friend.

I am, very respectfully,

Your obedient servant,

LEVI R. LAWLER.

To his excellency M. VAN BUREN.

CHEROKEE AGENCY EAST,
February 20, 1837.

SIR: I have the honor to inform you, that I have given the temporary appointment of clerk to Dr. J. Newton Hetzel, (of Pennsylvania,) which appointment I hope you will confirm; and at the suggestion of General Wool, and Messrs. Lumpkin and Kennedy, United States commissioners, I have given the temporary appointment of medical director, and resident physician, to Dr. John W. Lide, which I also hope you will confirm. It is important medicines and hospital stores should be provided for the detachment at this place, now ready to be off, so soon as the boats can be procured.

I am, very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

The Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
February 21, 1837.

SIR: I have the honor to inform you that I have appointed Dr. James Hunter, physician, since the 6th instant, to the detachment of Cherokees now here. In addition to \$2 50 which General Wool allows him for attending the regulars quartered at the agency, I allow him \$3 50 per day. I have

also appointed Mr. Orr, formerly a sergeant in the United States army, issuing commissary, at \$1 00 per day. The pay I allow Dr. J. W. Lide, as medical director, is \$6 00 per day, and that of Dr. J. N. Hetzel, as clerk, \$3 00 per day, which I neglected to state when I notified you of their appointments, in my letter of the 20th instant.

Very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, February, 21, 1837.

SIR: In the performance of our duty as commissioners for settling claims under the Cherokee treaty of 1835, we wish to avail ourselves of your opinion of the true and fair constructions of those provisions of the treaty which provide for claims of citizens of the United States, for services rendered the Cherokee nation.

We are not able to perceive any provision, whatever, for the payment of claims of the above description, except what is contained in the 10th article of the treaty, and which limits the amount which may be thus allowed to the sum of *sixty thousand dollars*.

Between ourselves we have had no difficulty on the subject. But the difficulty which your advice may aid us in disposing of, has arisen from the following facts: Attorneys at law, claiming to have rendered legal services to the Cherokee nation, have already presented claims against the Cherokee nation to an amount greatly exceeding sixty thousand dollars, (none of which have yet been allowed and paid,) and urge that no limit less than three hundred and sixty thousand dollars, is set apart in the treaty, subject to their demands, and give Mr. Schermerhorn, who negotiated the treaty, as authority for their construction of the instrument. We ask not your opinion, because of a doubt upon our own minds upon this subject, but we ask it because those who controvert our construction, will yield to yours as the highest authority.

While upon the subject, we would request that you would carefully examine the treaty in reference to this particular class of claims, and suggest to us your views. First, what constitutes a just claim (under the late treaty) against the Cherokee nation, for legal services rendered the nation? And secondly, to constitute such a claim, is it necessary that the claimant should have been employed by the authority of the nation?

We have been surprised at the number and complexion of the claims of the class now under consideration. Sixteen attorneys at law have already presented claims, as attorneys for the Cherokee nation, varying in the amounts from one to thirty thousand dollars per claim. We are not alarmed at this unreasonable and unjustifiable attempt to defraud the Cher-

kees out of the national patrimony, and mention it alone to place you on your guard in making up your opinion on the subject.

We have the honor to be,

Very respectfully,

Your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY.

Commissioners.

Hon. B. F. BUTLER.

WASHINGTON CITY,
February 22, 1837.

SIR: The undersigned, a delegation duly authorized by, and representing, the Cherokee nation on the east and the west of the Mississippi, did themselves the honor, on their arrival at this city, to apprise you of the circumstance, in the same manner that they have been accustomed to do. To their note of the 13th inst. they have not yet received an answer. May we be again permitted to bring the matter to your notice, and to inform you, that in addition to other matters to which their powers extend, and which are very apprehensive, they are especially charged with the subject of the money payable to the nation.

We have the honor to be, sir,

Very respectfully,

Your obedient servants,

JOHN ROSS,

JOHN LOONEY,

his x mark.

R. TAYLOR,

AARON PRICE,

his x mark.

JAMES BROWN,

DUTCH,

his x mark.

JOHN BERGE,

his x mark.

GEORGE SANDERS,

his x mark.

W. S. COODEY.

Hon B. F. BUTLER,

Secretary of War ad interim.

SENATE, February 22, 1837.

SIR: I had the honor, some time past, of recommending my acquaintance, Doctor Joseph Roberts, of Frankfort, Kentucky, to your favorable consideration for appointment to an Indian agency, and particularly to that which I represented to have been lately vacated by the death of Mr. Wm. Davis, of Kentucky. You made a note of my application at the time, and were good enough to say, that you would make inquiry as to any vacancies that existed, and inform me on the subject.

I have not since had the pleasure of hearing from you, and my object now is simply to recall the subject to your attention, and to solicit an answer to my application.

Doctor Roberts's respectability of character appears to me to be far above that of the appointment he desires; and I have no doubt but that Col. R. M. Johnson (whose personal and political friend Dr. Roberts is) will unite in his recommendation. It would be gratifying to me if you could bestow on him the vacancy occasioned by the death of Mr. Davis, or any office of the like description.

Very respectfully,

Your obedient servant,

J. J. CRITTENDEN.

Hon. B. F. BUTLER.

WASHINGTON, D. C.,
February 25, 1837.

SIR: My bill of exchange of this day, for five hundred dollars, made payable to my order, is to enable me to proceed with the surveys of the Cherokee lands, &c., and is drawn agreeably to authority of honorable C. A. Harris, Commissioner of Indian Affairs, dated July 5, 1836.

ISAAC McCOY.

Hon. B. F. BUTLER,

Acting Secretary of War.

DEAR GENERAL: I perceive that John Ross and company have arrived in the city. It is of the utmost importance that they should receive no recognition nor countenance by the Government. That such will be the case I cannot doubt, yet I take the liberty of requesting your attention to this matter, as any acknowledgement of them as a delegation for any purpose, would produce the most serious mischiefs in the Cherokee nation.

With the highest respect,

I am your obedient servant,

WILLIAM R. KING.

Gen. ANDREW JACKSON.

WASHINGTON, February 28, 1837.

SIR: We had the honor yesterday to receive your communication under date of the 24th instant. We are filled with surprise at learning that as the President does not recognise us in the official character described in our communications, an interview with us is declined by the executive. From the earliest periods of our mutual history, the Cherokee nation has been accustomed to transact its business with the Government of the United States, through the medium of delegations. Some of us have long been known to the executive, as having constituted parts of those delegations, and this is the first instance in which such an interview as was asked has been declined.

We are utterly unable, ourselves, to conjecture, and shall be equally at a loss to inform our nation upon our return, what has led to this determination.

of the President. It surely must originate in some misapprehension, on the one side or the other.

We cannot believe, without the most explicit declaration to that effect, that the executive has resolved to receive no further communications from, or to transact no further business with, our nation. It is difficult to believe, without similar assurances, that the mode of communication for so long a period sanctioned by both parties, is to be changed without some other channel of intercourse being substituted. Nor can we believe that the executive can have declined the interview on account of any deficiency or irregularity in our powers. All is in conformity with our long established usages; all is in accordance with the practice which has so long prevailed.

May we therefore hope, that you will be pleased to apprise us of the objections which exist to our recognition, that if any misapprehension as to facts exists, it may be rectified; if any irregularity on our side has been committed, it may be cured; and that we may be enabled to inform our people on our return of the true nature and extent of the difficulties which interrupt their accustomed friendly intercourse with the President.

Your last suggestion, of a disposition to see us at the department in our individual character, has been considered.

Our nation has protested against the interference of unauthorized individuals between them and the Government of the United States. They regard this as the fruitful source of the evils under which they now suffer; and guided by their instructions, and anxious to conform to their wishes, we are compelled reluctantly to decline any other than an official interview with the department.

Very respectfully,

Your obedient servants,

JOHN ROSS,	
JOHN LOONEY,	his x mark.
R. TAYLOR,	
JAMES BROWN,	
SAMUEL GUNTER,	his x mark.
JOHN BENGE,	his x mark.
GEORGE SANDERS,	his x mark.
AARON PRICE,	his x mark.
WM. DUTCH,	his x mark.
W. S. COODEY.	

Hon. B. F. BUTLER,
Secretary of War ad interim.

HOUSE OF REPRESENTATIVES,
February, 1837.

Please read the within, and give me your answer, that I may forward it.
Your friend,
R. M. JOHNSON.

WASHINGTON CITY,
March 2, 1837.

SIR: In obedience to general order No. 5, assigning me to duty in the Indian Department, I have the honor to report myself for your instructions.

Very respectfully,

Your obedient servant,

JOHN C. REYNOLDS,

Ast. Surgeon, U. S. A.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, March 3, 1837.

SIR: I had the honor to receive your letter of the 18th ultimo, enclosing a copy of one from Wm. H. Thomas, last evening.

In reply to yours, as well as so much of Mr. Thomas's letter as relates to his claim for "provisions and clothing" furnished poor Cherokees, I would observe, that I have no idea that he has a just claim of the kind, and the commissioners, I believe, are of the same opinion; at least they think that the account which they have examined and approved, ought not to be paid without further investigation. When he first arrived at New Echota, he did not pretend that he had a just claim for either provisions or clothing furnished the Cherokees; after remaining a day or two, he stated he had an account for money advanced to them, but not for provisions, but could not make it out without returning to his home or residence in North Carolina; and yet the next day he presented an account for, I think, \$750, approved by the commissioners, for money advanced the Cherokees residing in the State of North Carolina, and without the bounds of the Cherokee nation, and who, according to his own statement, have no idea of removing to the west. He expressly stated that the account was for "hard money" advanced to them, averaging three dollars a head, for those residing in North Carolina, under his particular charge, and without any allusion whatever to his having furnished, as stated in his letter, either clothing or provisions. It is possible Mr. Thomas may have furnished three dollars to each individual, as stated in his account, but no one believes it who is acquainted with him or his conduct in relation to the Indians whom he claims to have charge of.

Finally, I have no hesitation to say, that I think the claim altogether an unjust one, and ought not to be paid. I will, however, ascertain, as it is my intention to visit that section of country in the course of the spring, when if he is justly entitled to his account, I will apprize you accordingly.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL.

Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

WASHINGTON CITY,
March 5, 1837.

SIR: I enclosed the within letter to the Secretary of the Treasury, with a joint recommendation by myself and Mr. Cuthbert that the application might be successful. The Secretary returned it, stating that the matter was properly referable to your department. I will only here say, in behalf of myself and colleague, that no bank in the State is safer than the one alluded to, and none other, perhaps, so well officered and managed; and any favors extended to it will be very popular with the people of the State, as from the great number of farmers who are stockholders, it is emphatically the favorite of the people. If a depository in the neighborhood of its location should be necessary, therefore, the selection will confer on myself and colleague a favor, and be doubly acceptable to all concerned.

Your obedient servant,

JOHN. P. KING.

P. S.—The Georgia delegation have all left, or they would confirm.

OFFICE GEO. RAILROAD BANKING COMPANY,
February 20, 1837.

DEAR SIR: I had a letter from the honorable Wilson Lumpkin, dated New Echota, 13th of January, mentioning that he was desirous to make our Railroad Bank the depository for the sums necessary to carry out the treaty with the Cherokee nation, and would, by my leave, urge the Secretary of the Treasury to deposite the funds at this place. There are several reasons which would operate in favor of this measure. The first is that we are the nearest respectable strong bank to head quarters; the next is, that there are no funds which stand higher with that section of our State and Alabama than ours. We have stocks sold amounting to \$1,700,000, upwards of \$1,100,000 paid in. The third reason is, that our interest is identified with that section of country, and will become more so as we progress with our railroad. It is every way desirable with us that we have the deposits; and my object in writing to you is, to request you to use your influence with the Treasury Department, to carry out the views and wishes of Gov. Wilson Lumpkin.

I know that you will be gratified to learn the fact that our stock is now selling from 10 to 16 per cent. premium, and indeed there is none for sale at this period.

If you should require my aid in urging our claim with the Treasury Department, I beg that you will call in the influence of all my friends in Congress. It is not necessary to name them, as I regard them all such.

Yours, very respectfully,

WM. DEARNING.

HON. JOHN P. KING.

WASHINGTON, March 8, 1837.

SIR: Having occasion for more funds for expenses attending the surveys under the late Cherokee treaty, I have this day drawn in favor of George

Thomas, cashier, for four hundred dollars, which draft I hope will be paid, and charged to my account.

Your obedient servant,

ISAAC McCOY,

Surveyor under the Cherokee treaty.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

COMMISSIONERS' OFFICE, NEW ECHOTA,

March 9, 1837.

SIR: We have received your letter of the 14th ultimo, acknowledging the receipt of our three letters therein referred to.

General Smith, the superintendent of emigration, has not yet returned to this place from Tennessee river, where he has been engaged, for some time past, in providing for, and starting, emigrant Cherokees to the west. We are, therefore, unable, until we receive the report of the emigrating agent to give you a correct report of the emigrants who have actually left the country; and consequently cannot, at this time, make accurate estimates for the use of the War Department, or western agents, of the Cherokee until we have an accurate roll of the emigrants, and their families, who have departed for the west; we have, however, in a train of completion, the final settlement of all the business and claims of the emigrants which are to be adjudicated by us, which is already in such a state of preparation and forwardness, as will enable us to afford and forward the proper estimates at an early day after the return of the emigrating agent. As heretofore suggested to you, we are very desirous that the Government should promptly discharge its obligations to the emigrants, after their arrival at their new homes, and shall endeavor to discharge every duty which devolves on us, to effect that desirable object.

Doctor Minis did not arrive here until the 4th instant, which, we apprehend, will produce some embarrassment and expensive delay to the superintendent of emigration. On his arrival here with the \$250,000, as he reports verbally to us, from the Bank of Augusta, we requested him to place the public funds in the care of General Wool, after taking the necessary amount to meet the estimates of the emigrating agent, and proceed to Gunter's landing, on the Tennessee river, to the immediate relief of General Smith. To this arrangement he assented, and accordingly left here on the 6th instant. Captain Bennett has reported himself to us by letter, and we are daily expecting his arrival at this place. In his absence, General Wool has politely attended to such disbursements as were deemed absolutely necessary at this place, and will turn over the funds to Captain Bennett on his arrival. Upon the subject of our location at this place, it is only necessary to state that duty compels us to remain here for the present, and we are wholly unable to say, at this time, anything definite on the subject of a change. We now have the necessary records from the agency to enable us to progress with our business.

Since the late emigrants left here, we have a considerable calm; what our future success may be will greatly depend upon John Ross and his delegation, supposed to be now at Washington. If Ross, on his return,

advises immediate emigration, most of the Cherokees will agree to it: on the other hand, he has it in his power to retard emigration, and give the Government and its agents considerable trouble. We still entertain the belief, however, that the treaty may be executed, and the Cherokees removed, in the face of any opposition, and we trust without the effusion of human blood.

From the information we already have on the subject, we anticipate considerable difficulty in the adjudication of claims for compensation for reservations. Whatever aid can be obtained from the records of the War Department, going to establish the relinquishment of the claims of reservees, would be useful to us.

An heir of one reservee (Lewis Melton) has presented a large claim for the payment of a reservation, which you will find pointed out in the *Double-head treaty* of 1806, providing for Lewis Melton and Charles Hicks. Our present impression is that this claim is barred by the treaty of 1817. Whatever evidence the records at Washington can afford, to aid in coming to a just conclusion on the subject of reservations, we would gladly avail ourselves of, as a great effort will be made, by interested persons, to impose upon the Commissioners. We are, therefore, preparing at every point to meet the ex parte showings which will be urged upon our consideration.

We have, so far, postponed our decisions upon all claims for reservations, with a view of collecting all the information we can upon this important branch of our duty.

Any information on this subject, calculated to elucidate, will be acceptable to the commissioners.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.,
War Department.

WASHINGTON CITY,
March 10. 1837.

SIR: By the accompanying letter from the Second Auditor, you will perceive that two items in my accounts under the Cherokee treaty have been disallowed; the one for the expenses of Major B. F. Currey to Washington as an express, and the other for his services as secretary pro tem. to the commissioner at the council at Red Clay.

In explanation of the first, I have to state that I was authorized by the commissioner to employ expresses, and that this was one of the most urgent necessity. The Cherokees, influenced by Ross, in their October council, 1835, refused to enter into a treaty in the nation, under the pretence of going to Washington to make a treaty, and that after I had offered them the most liberal terms of a treaty. I notified them that they would not be received by the Government, and that the commissioner would meet the Cherokee nation in council, at New Echota, the 20th December. It was important that the Government should be informed of any proceedings, and that I should know whether they were thus far approved, and whether

I should be sustained in the grounds I had taken. I sent, therefore, Major Currey with private despatches, of a confidential nature, to the Secretary of War and the President, part of which was verbal, who returned with a private communication, and verbal assurances that I would be sustained, and must proceed, and which eventuated in a final treaty. The expenses of Major Currey were disallowed by the Auditor, because nothing of this nature appeared on the files of the office as stated by the commissioner, and the reason of this is above explained.

The second item disallowed is \$100 for twenty days' service as secretary to the commissioner. In explanation, I will state that the secretary of the commission was not present; I could not do without one; Major Currey performed the service, which was very arduous, as may be seen from the correspondence, a service which I could not command as the agent of the Government under those duties, and which I do not conceive is forbidden by the act of 1834, June 30, section 10, which intended to provide against cases that had occurred, as I am informed, where persons had received pay as resident agent and removing agent at the same time.

You will greatly oblige me by a decision of this case, which I consider a hard one that I should be held accountable for this amount.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN.

To the Hon. B. F. BUTLER,
Secretary of War.

TREASURY DEPARTMENT,
Second Auditor's Office, October 5, 1836.

SIR: You are charged on the books of this office with \$300, being the amount paid to Benjamin F. Currey by Lieutenant Batman, on your requisition, for expenses incurred in travelling from Red Clay council ground to Washington, and returning to the Cherokee agency; and for seventeen days' services, as your secretary, at \$5 per day. In relation to the travelling expenses, the Commissioner of Indian Affairs says that the records of his office furnish no evidence of authority having been given to Major Currey to visit Washington at the time stated, nor of any authority having been given to Mr. Schermerhorn to pay his expenses on that visit. And in relation to the payment for services as secretary, the law to provide for the organization of the Department of Indian Affairs says that no person shall "hold more than one office at the same time." You will please deposit the above sum of \$300 in the nearest bank of public deposit, to the credit of the Treasurer of the United States, and transmit the cashier's certificate to this office.

I am, respectfully,

Your obedient servant,

W. B. LEWIS.

J. F. SCHERMERHORN, Esq.

NEW ECHOTA, GEORGIA,
March 13, 1837.

SIR: We have the honor to acknowledge the receipt of your letter of the 20th ultimo, accompanied by a copy of your letter of the 9th January last, to General Wool. Your views, as expressed in your letter to General Wool, are precisely such as we understood to be the views of the President of the United States and Secretary of War, from all the communications heretofore made to us and General Wool, on the subjects to which they refer. Our views coincide fully with your own. The personal relations between General Wool and ourselves are harmonious, and we trust will continue to be so. Your letter to General Wool has doubtless had the desired effect; but we were not apprized of its contents until the reception of the copy just received.

We are duly sensible of the importance of harmonious action among all the agents and officers of the Government, engaged in the service of executing the Cherokee treaty. Therefore, we have done, and shall continue to do, all that ought to be done by us to conciliate, so far as such a course may tend to promote the service in which we are engaged. By profession and practice we are men of *peace*, and nothing but a deep sense of public duty will induce us to complain of others.

We disavow unkind feelings to any one; but duty compels us to report to the Government such facts as stand connected with the public interest.

Our official responsibility to the Government will necessarily compel us to report facts, which, if not known, may impede a successful issue to our labors.

The duty, however, of complaining of others, you may rest assured, is as painful to us as it can be unpleasant to the Government at Washington.

We are, sir, with great respect,

Your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY,

Commissioners.

Hon. B. F. BUTLER,

Secretary of War ad interim.

WASHINGTON, D. C., March 14, 1837.

SIR: I take great pleasure in transmitting to you the enclosed letter from William Y. Hansel, Esq., of Georgia, who was one the attorneys and counsel of the Cherokee nation, and who rendered me very essential service in bringing about the Cherokee treaty. He is just from New Echota, and what he states can be depended on as correct information. He has also stated to me that several of the most influential of the Cherekees, who were here with John Ross, last year, opposed to the treaty, are now well satisfied with it, and are, already, on their way to Arkansas, and others are making their arrangements to go soon. Among these were John Martin, treasurer of the Cherokees, Daniel McCoy, Joseph Vann, Alexander McCoy. He also says he was informed by Mr. McCoy, that Lewis Ross had come to the determination to remove, under the provisions of the treaty, and that Richard Taylor's family, who is now here with Ross, have actually removed. From all

the information I have received from the Cherokee country, and from what I know of their state, I have no doubt they will all remove without any serious difficulty, if they are only convinced that the United States are determined to carry the treaty into effect. But if Ross can succeed in any way to get the Government again to listen to any proposition from him, he will create as much difficulty among the people as may tend to answer his ends.

I have been informed that, as an ultimate resort, he intends to propose to the Government to enter into negotiations to sell to the United States the Cherokee country west of Arkansas, and to remove, with the Cherokees to California. I can easily imagine he will propose this or any scheme to gratify his stubborn obstinacy, and to defeat the views and plans of the Government, even to the ruin of this people. I know him and his coadjutors well, and if they are given to understand that no propositions will be listened to from him any further, and that they must all prepare for removal by the time limited for that purpose by the treaty, and which will certainly be carried into full effect, then they will, at last, go without much difficulty.

I am, with great respect,

Your obedient servant,

J. F. SCHERMERHORN.

To the HON. JOEL R. POINSETT,
Secretary of War.

GADSBY'S HOTEL, WASHINGTON,
March 13, 1837.

DEAR SIR: Believing that you feel a deep interest in the final execution of the treaty, which you, as commissioner on behalf of the United States, negotiated with the Cherokees east, in December, 1835, and which was ratified in May last, I take the liberty, while in this city, of communicating to you such information as has recently come within my own knowledge on that subject. I left New Echota on the 22d ultimo, and during a stay there of several days, sought every means of obtaining information, and particularly from several Cherokees of high standing, and on whom I could place the most implicit reliance, on this interesting subject. The commissioners on the part of the United States, for carrying into execution the treaty, are arduously and laboriously engaged in the discharge of their multifarious duties, and, so far as I could learn, discharging those duties to the almost entire satisfaction of the Cherokees. A partial suspension of enrolments for immediate removals under the treaty had taken place, in consequence of the absence of the disbursing agent, who had left to obtain a further supply of funds, and who was expected to return in a few days, with ample means to carry on the work vigorously. Of those who had drawn their subsistence and clothing, there were three encampments formed: one at the Cherokee agency, one at Ross's, and one at Gunter's landing, waiting only for a rise in the river to take their departure for their new homes in the west. The numbers expected to leave in this expedition were represented as ranging between 1,200 and 2,000. It was impracticable to ascertain their precise numbers, as every day added to their increase.

It was reported to me by intelligent Cherokees that all those in the encampments were well satisfied with their treatment, and only impatient to

be on their journey to their new homes. They express a general satisfaction at the fatherly treatment of the present superintendent of removals.

A few days before my arrival at New Echota, a meeting took place there of the Cherokee men or voters, for the purpose of determining, by popular vote, to whom the arrears of annuities under former treaties should be paid. The decision of a large majority was in favor of the payment being made to Mr. Lowry, the late *second chief* of the nation, for national purposes, some 1,400 or 1,500 voting for the measure, and less than 100 against it. With this decision all appeared to be satisfied; many of those who have availed themselves of the provisions of the late treaty, and who *now* express themselves well satisfied with it, voting with the majority. This movement, I understood, before I reached New Echota, had given alarm to some of the whites in the country, as evincing a disposition or determination on the part of the Cherokees not to accede to, or comply with, the stipulations of the late treaty. On this subject, (the disposition of the annuities,) you will remember the treaty is silent, and also you doubtless recollect the vote taken at Running-Waters, in July, 1835, (as you were there present,) on the *same question*, and decided by a vote of upwards of 2,200 to 124. That measure at *that time* was not considered or construed into a matter indicating hostilities on the part of the Cherokees, and neither should the late movement, as just stated, and particularly when taken in connexion with the information derived, both from the best informed Cherokees, and white men intimately acquainted with the Indians, their manners, customs, views, &c., and from such, my information has been derived.

The generally prevailing opinion is, that if the United States will proceed steadily through her commissioners, in carrying out the stipulations of the treaty, during the present year, (of which I cannot permit myself for a moment to doubt,) that, by the ensuing November or December, nine-tenths of the Cherokees east will be either at or on their way to their country west, without even threat, much less the employment of force to induce them to remove. I do not form these conclusions upon vain, vague, or idle speculations, but upon *solid* information, derived from sources upon which the utmost reliance may be placed. At the same time, I should deem it prudent that the Government should keep in that country an adequate military force, to insure safety as well to the white settlers as to the Cherokees themselves; for, in the event of any troubles or hostile movements in that country, the Cherokees will be in far more danger than the whites, and the Government is bound, by treaty, to protect the Indians.

You are well acquainted with the Cherokees. They are unlike the most of the tribes of Aborigines of this country: they are far advanced in civilization; have many men in all parts of their country of information and talents; and will not rush into a difficulty in which *they know* they must be the sufferers, without first counting up the cost, or chances of success. Any report, therefore, no matter from what source, which could induce in you a belief that these people intend any hostile opposition to carrying out the provisions of the treaty, according to the policy and views of the Government, and in good faith on their part, I view as idle speculation, and not warranted by existing facts.

I am, very respectfully,

Your most obedient servant,

WM. Y. HANSELL.

Rev. J. F. SCHERMERHORN.

NATIONAL HOTEL,
Washington city, March 16, 1837.

SIR: I crave permission, on behalf of my associates and myself, to lay before you, in a concise manner, a subject, to us, of most vital importance, and one to which I would most respectfully invite your earliest convenient attention.

Several years since Messrs. William H. Underwood, Samuel Rockwell, and myself, were retained as counsel and attorneys at law for the Cherokee nation of Indians residing east of the Mississippi river, and as such continued to act for the nation and its people for several years in Georgia, during which period our professional labors were almost exclusively confined to the business of these people, and to their great benefit, in retaining them in the possession of their occupant claims in Georgia. For the payment of our fees, the Cherokee nation stood pledged to us. In 1835-6, we used all our influence with the Cherokees, and contributed our aid to the agents of the Government, in bringing about a treaty with these people, the result of which would be greatly to their benefit. In doing this (which accorded with our early opinions on the subject) we were assured by the agents of the Government, that we should be paid for our services as counsel for the Cherokees. In accordance with the understanding and agreement between the Government agent and ourselves, we have made out and presented our accounts to the commissioners acting on the part of the United States, to carry into effect the provisions of the treaty with the Cherokees, and for the examination and adjudication of claims arising under the treaty.

The commissioners distinctly say to us, that they conceive themselves restricted in the payment of claims arising under this part of the treaty to the sum of \$60,000, as set apart in the 10th article, which sum falls very far short of the amount of a multitude of claims, of various descriptions, properly coming under that article; the broad expressions of which are, that "the United State also agree and stipulate to pay the just debts and claims against the Cherokee nation, held by the citizens of the same, and also the just claims of citizens of the United States for services rendered to the nation; and the sum of sixty thousand dollars is appropriated for this purpose," &c.

With great deference to the opinion of the commissioners on this point, we contend that they are mistaken in their construction of the treaty; that under the 17th article, it is their province to examine and adjudicate on all the claims arising under, or provided for in the several articles of the treaty, and to grant a certificate of the amount due the claimants; and that the payment of the amount is not restricted to any specific appropriation contained in the treaty, but should be paid out of the gross amount of the purchase money. If the restriction contained in the opinion of the commissioners be adhered to, it will drive us to the unjust alternation of either suffering a total loss of our just claims, or accepting in lieu of the full amount of our admitted demands, an inconsiderable *pro rata* allowance, with other claimants, of every description, on the same fund. For a course like this, we find no provision in the treaty to authorize.

On the 22d ultimo, the commissioners assured my associates any myself that they would immediately submit the question to the honorable Secretary of War, and the Attorney General of the United States, for their opinion

and instructions ; the communication of the commissioners on this subject, I hope has been received.

It is with no ordinary degree of satisfaction, that I find now in this city the reverend J. F. Schermerhorn, the late commissioner on the part of the United States, who negotiated the treaty, and with whom, as the agent of the Government, our understanding and agreement took place. To his knowledge on every point connected with this matter, I would most respectfully, but earnestly, beg leave to refer the department.

I am, very respectfully,

Your most obedient servant,

WILLIAM Y. HANSELL,

For self, and on behalf of Wm. H. Underwood and S. Rockwell.
To the HON. SECRETARY OF WAR.

WASHINGTON CITY,

March 16, 1837.

SIR : The undersigned, representatives of the Cherokee nation east and west of the Mississippi, beg leave herewith to lay before you their credentials, and also to submit through your department the enclosed communication for the consideration of the President of the United States ; trusting, from the importance of the subject, that a reply embracing the decision of the executive will be returned as soon as practicable.

With great respect,

We have the honor to be

Your most obedient servants,

JOHN ROSS,

R. TAYLOR,

JAMES BROWN,

SAMUEL GUNTER, his x mark.

JOHN BENGE, his x mark.

GEORGE SANDERS, his x mark.

JOHN LOONEY, his x mark.

AARON PRICE, his x mark.

WILLIAM DUTCH, his x mark.

WILLIAM S. COODY.

Hon. JOEL R. POINSETT,
Secretary of War.

RED CLAY COUNCIL GROUND, C. N. E.,

September 28, 1836.

WHEREAS, an instrument has been read and interpreted to us, purporting to be a treaty made at New Echota, on the 29th day of December, 1835, by the reverend John F. Schermerhorn, commissioner of the United States, and the chiefs, headmen, and people of the Cherokee tribe of Indians, ratified by the Senate and approved by the President of the United States ; and whereas, by the provisions of this instrument, all the lands of the Cherokees are ceded to the United States ; the private improvements and

possessions of individuals unjustly alienated from their rightful owners; the rights of the Cherokees as freemen wrested from the guardianship of their legitimate representatives, and the management of their affairs placed in the hands of individuals without responsibility, and under the control of officers of the United States Government: And whereas, the makers of said compact, who are represented as acting on the part of the Cherokees, and who assume the style of chiefs and headmen, hold no such title or designation from the Cherokees, nor have they received authority from the nation to form said instrument:

Resolved, therefore, by the chiefs, national committee and council, and the people of the Cherokee nation in general council assembled, That the said instrument is null and void, and can never, in justice, be enforced upon our nation. And we do hereby solemnly disclaim and utterly reject said instrument, in its principles and all its provisions.

Resolved, That a respectful memorial to the Government of the United States be prepared on behalf of the Cherokee people, praying that the said instrument be set aside, as a fraud upon the Government of the United States, and an act of oppression on the Cherokee people.

Resolved, That a delegation, consisting of John Ross, principal chief, Richard Taylor, Samuel Gunter, George Sanders, Walter S. Adair, John Benge, Stephen Foreman, and James Brown, be invested with full powers to represent the Cherokee people before the Government of the United States, and to enter into arrangements for the final adjustment of all their existing difficulties: *And be it further resolved,* That the said delegation be, and they are hereby, instructed to confer with the Cherokees west of the Mississippi, on the subject of their acting in concert with us, in our efforts to procure the rescinding of said instrument; which in its provision is calculated to affect injuriously the interests and happiness of both parts of the Cherokee family.

Resolved, That any irresponsible individuals, assuming to themselves the power to act in the name of our nation, without the authority of the same first legitimately obtained, will be deemed guilty of infringing the prerogatives of the Government, and violating the rights of the Cherokee people, who will assuredly never sanction such usurpation, nor acquiesce in the doings of such persons.

Resolved, That in the course we have adopted, in reference to the instrument in question, no departure from the most respectful and friendly feelings towards the President, the Government, and the people of the United States, is contemplated; but, on the contrary, our determination is, to maintain and to cultivate those friendly relations which have long subsisted between the Government and the people of the United States and our nation.

And be it further resolved by the committee and council aforesaid, with the concurrence of the people of the Cherokee nation in general council assembled, That, in compliance with a law of Congress, which directs that Indian annuities shall be paid to the chiefs, or such persons as the tribe shall appoint, the aforesaid delegation, consisting of John Ross, principal chief, Richard Taylor, Samuel Gunter, George Sanders, Walter S. Adair, John Benge, Stephen Foreman, and James Brown, be, and they are hereby, authorized, under the direction of John Martin, the treasurer of the Cherokee nation, to apply to the Government of the United States, or to the proper officers thereof, and to receive all sums of money due to said Chero-

kee nation east of the Mississippi from the United States, and to receipt for the same, for and on account of the said Cherokee nation.

Resolved, That the doings of the general council now assembled, render the meeting of the national committee and council, on the second Monday in October next, inexpedient. The said meeting is, therefore, hereby dispensed with.

To the honorable the Senate and House of Representatives of the United States of America :

MOST RESPECTFULLY, AND MOST HUMBLY SHOWETH :

That your memorialists, the chiefs, national committee and council, and people of the Cherokee nation in general council assembled, solicit permission to approach your honorable bodies, under circumstances peculiar in the history of nations; circumstances of distress and anxiety beyond our power to express. We earnestly bespeak your patience, therefore, while we lay before you a brief epitome of our griefs.

It is well known that for a number of years past we have been harassed by a series of vexations, which it is deemed unnecessary to recite in detail, but the evidence of which our delegation will be prepared to furnish. With a view to bringing our troubles to a close, a delegation was appointed on the 23d of October, 1835, by the general council of the nation, clothed with full powers to enter into arrangements with the Government of the United States, for the final adjustment of all our existing difficulties. The delegation failing to effect an arrangement with the United States commissioner, then in the nation, proceeded, agreeably to their instructions in that case, to Washington city, for the purpose of negotiating a treaty with the authorities of the United States.

After the departure of the delegation, a contract was made by the Rev. John F. Schermerhorn, and certain individual Cherokees, purporting to be a "treaty, concluded at New Echota, in the State of Georgia, on the 29th day of December, 1835, by General William Carroll and John F. Schermerhorn, commissioners on the part of the United States, and the chiefs, headmen, and people of the Cherokee tribes of Indians."

A spurious delegation, in violation of a special injunction of the general council of the nation, proceeded to Washington city with this pretended treaty, and by false and fraudulent representations, supplanted in the favor of the Government the legal and accredited delegation of the Cherokee people, and obtained for this instrument, after making *important alterations in its provisions*, the recognition of the United States Government. And now it is presented to us as a treaty, ratified by the Senate, and approved by the President, and our acquiescence in its requirements demanded, under the sanction of the displeasure of the United States, and the threat of summary compulsion, in case of refusal. It comes to us, not through our legitimate authorities, the known and usual medium of communication between the Government of the United States and our nation, but through the agency of a complication of powers, civil and military.

By the stipulations of this instrument, we are despoiled of our private possessions, the indefeasible property of individuals. We are stripped of every attribute of freedom and eligibility for legal self-defence. Our property may be plundered before our eyes; violence may be committed on

our persons ; even our lives may be taken away, and there is none to regard our complaints. We are denationalized ; we are disfranchised. We are deprived of membership in the human family ! We have neither land nor home, nor resting place that can be called our own. And this is effected by the provisions of a compact which assumes the venerated, the sacred appellation of treaty. We are overwhelmed ! Our hearts are sickened, our utterance is paralyzed, when we reflect on the condition in which we are placed, by the audacious practices of unprincipled men, who have managed their stratagems with so much dexterity as to impose on the Government of the United States, in the face of our earnest, solemn, and reiterated protestations.

The instrument in question is not the act of our nation ; we are not parties to its covenants ; it has not received the sanction of our people. The makers of it sustain no office nor appointment in our nation, under the designation of chiefs, headmen, or any other title, by which they hold, or could acquire, authority to assume the reins of Government, and to make bargain and sale of our rights, our possessions, and our common country. And we are constrained solemnly to declare, that we cannot but contemplate the enforcement of the stipulations of this instrument on us, against our consent, as an act of injustice and oppression, which, we are well persuaded, can never knowingly be countenanced by the Government and people of the United States ; nor can we believe it to be the design of those honorable and high-minded individuals, who stand at the head of the Government, to bind a whole nation, by the acts of a few unauthoritative individuals. And, therefore, we, the parties to be affected by the result, appeal with confidence to the justice, the magnanimity, the compassion, of your honorable bodies, against the enforcement, on us, of the provisions of a compact, in the formation of which we have had no agency.

In truth, our cause is your own ; it is the cause of liberty and of justice ; it is based upon your own principles, which we have learned from yourselves ; for we have gloried to count your Washington and your Jefferson our great teachers ; we have read their communications to us with veneration ; we have practised their precepts with success. And the result is manifest. The wildness of the forest has given place to comfortable dwellings and cultivated fields, stocked with the various domestic animals. Mental culture, industrious habits, and domestic enjoyments, have succeeded the rudeness of the savage state. We have learned your religion also. We have read your sacred books. Hundreds of our people have embraced their doctrines, practised the virtues they teach, cherished the hopes they awaken, and rejoiced in the consolations which they afford. To the spirit of your institutions, and your religion, which has been imbibed by our community, is mainly to be ascribed that patient endurance which has characterized the conduct of our people, under the laceration of their keenest woes. For assuredly, we are not ignorant of our condition ; we are not insensible to our sufferings. We feel them ! we groan under their pressure ! And anticipation crowds our breasts with sorrows yet to come.

We are, indeed, an afflicted people ! Our spirits are subdued ! Despair has well nigh seized upon our energies ! But we speak to the representatives of a christian country ; the friends of justice ; the patrons of the oppressed. And our hopes revive, and our prospects brighten, as we indulge the thought. On your sentence, our fate is suspended ; prosperity

or desolation depends on your word. To you, therefore, we look ! Before your august assembly we present ourselves, in the attitude of deprecation, and of entreaty. On your kindness, on your humanity, on your compassion, on your benevolence, we rest our hopes. To you we address our reiterated prayers. Spare our people ! Spare the wreck of our prosperity ! Let not our deserted homes become the monuments of our desolation ! But we forbear ! We suppress the agonies which wring our hearts, when we look at our wives, our children, and our venerable sires ! We restrain the forebodings of anguish and distress, of misery and devastation and death, which must be the attendants on the execution of this ruinous compact.

In conclusion, we commend to your confidence and favor, our well-beloved and trust-worthy brethren and fellow-citizens, John Ross, principal chief, Richard Taylor, Samuel Gunter, John Benge, George Sanders, Walter S. Adair, Stephen Foreman, and James Brown, who are clothed with full powers to adjust all our existing difficulties by treaty arrangements with the United States, by which our destruction may be averted, impediments to the advancement of our people removed, and our existence perpetuated as a living monument, to testify to posterity the honor, the magnanimity, the generosity of the United States.

And your memorialists, as in duty bound, will ever pray.

John Ross, *Principal Chief.*

Geo. Lowry, *Ass't Principal Chief.*

Edward Gunter, } *Executive Council.*

Lewis Ross, }

Rich'd. Taylor, *Pres't Nat. Committee.*

Samuel Gunter

Thomas Foreman

George Still

James Hawkins

Nah-hoo-lah

John F. Baldrige

Old Fields

Hair Comb

Tou-noo-lo-ho-ski

James D. Walford

Joseph Vann

George Hicks

S. Foreman, *Clerk of Committee.*

Going Snake, *Pres't Nat. Council.*

Arch Campbell

Bark

Money Crier Campbell

Sleeping Rabbit

Young Glass

Choo-no-ge

Soft Shell Turtle

Bean Stick

Walking Stick

John Watts

James Speers

Ta-quo

White Path
 John Otter Lifer
 Choo-wa-look-ee
 Charles, and 2,174 others.

To the President of the United States :

SIR : The people constituting the Cherokee nation beg leave to congratulate you on your accession to the lofty and dignified situation which you have been called upon by your countrymen to fill. That this event may prove, under the blessing of Providence, equally beneficial to those over whom you now preside, as honorable to the individual, upon whom so valued a trust has been reposed, is our most earnest and sincere prayer. Among those who have been placed under your protecting influences, may we not be permitted to number ourselves, and may we not be allowed, after the manner of our fathers, to address the President of the Union, as their guardian and their friend, as holding in his hands the equal scales of justice; and the power to enforce his decisions ?

It is in this character that the Cherokee nation venture to approach the executive to ask for a hearing, that their claims be investigated, and that such measure of justice be meted to them, as shall appear to be due. Beyond this, they have nothing to ask, within these limits they will not indulge an apprehension that they shall meet with a refusal.

The undersigned have been, in full council of the nation, appointed a delegation to confer with the executive ; they are clothed with powers to open negotiations, and to adjust, upon the most liberal terms, all the subjects in which the United States take an interest. The Government has been apprized, in part, of the insuperable objections to the acknowledgment, by the nation, of the so called treaty, submitted to the Senate for its ratification in 1836.

If you will listen to us, we will briefly refer to some of them, and we beg your excellency to understand us, in this matter, as speaking what we believe to be the feeling and language of more than nine-tenths of our nation.

The individuals who now address you as the representatives of the Cherokee nation, are, in a degree, the same who, under a similar authority, came to the seat of Government during the latter part of the year 1835, for the purpose of executing the same duties with which they are now charged. The circumstances which induced them thus to visit Washington, are detailed in their memorial to the Senate, during its then session. Subsequent to the annunciation of their plan of operations, an individual hastened on in advance of them, and returned, with great rapidity, the bearer of communications expressive of the wish of the executive that we should abandon this idea, and negotiate in the nation itself. Apprehensive of some misunderstanding on the subject, and finding it too late to institute a new plan of operations, we proceeded on our journey, and reached the seat of Government.

Our reception was kind, and we were acknowledged to be entitled to the character which we claimed to possess. Our credentials were exhibited, and in an official interview with the President we were informed by him that whenever we should present any proposition for the consideration of

the Government, through the War Department, it should be immediately attended to.

While engaged in preparing our communications, in pursuance of this proffer, we learned that intelligence had been received that a treaty had in fact been entered into at New Echota. It was from this period that our cables began to assume a more positive character. To this instrument, frequently received, and, after many most material changes in its substantial provisions, submitted to the Senate for its ratification, are we to attribute the distress under which our nation now labors, and the dangers which impend over us.

The Cherokee nation never authorized the formation of this spurious compact. They never conferred upon the individuals who signed it any authority to give it their assent. They have never recognised its validity, and never can. They have protested against it, as a fraud upon themselves and upon the United States. They have proffered themselves able to establish all these allegations, by the most abundant proof. They ask of you, sir, that these allegations be examined, fully and by impartial individuals, enjoying your entire confidence. By the results of such an investigation, by your own judgment upon the fairness, the justice, the legality of this act, and the proceedings connected with it, they must necessarily abide. Will the Government of the United States claim the right to enforce a contract thus assailed by the other nominal party to it? Will they refuse to examine into charges of such grave import? Will they act in matters so momentous, involving consequences so awful, without inquiry? The memorials we have so fondly cherished of the affectionate feelings, the pure virtue, the justice which has been exhibited towards our people, by Washington, by Jefferson, and others, your honored predecessors, the faith of the Government so repeatedly and so solemnly plighted to our fathers and ourselves, the sanctions of that holy religion which you have taught us, in which we have learned so to do unto others as we should wish them to do unto us, all forbid us to apprehend that the United States will knowingly and deliberately wrong those who have aided them in their hour of peril, who have leaned upon their protecting arm, who have confided in their friendship, who have trusted every thing to their honor and their justice. On such an occasion as the present, we shall not intrude upon your valuable time by presenting in detail all the circumstances upon which the Cherokee nation rest their objections to the paper called the treaty of New Echota. At the same time, we feel it a duty we owe to you as well as to ourselves, not to leave this matter resting upon generalities, however strong, without some degree of specification.

I. We aver that the Cherokee nation never authorized its formation.

In all negotiations with ourselves, and we believe every other Indian nation, the Government of the United States have conducted them with the regularly authorized agents of the other party. The internal arrangements of our nation, by which certain persons are clothed with powers to represent and act for the whole, have been long known and constantly recognised. No Government has ever claimed the right to pass by the regular representatives of another people, to carry on negotiations with any who may claim, without exhibiting full authority from those whom they profess to represent, and whom they undertake to bind.

In this instance, those who were regularly invested with this authority were at Washington. The initiatory steps had been taken to commence

negotiations. Were the powers which had been given, and which were then in the act of being exercised, ever revoked or superseded? We have never heard of any such proceeding. All that we have heard and all that we have seen negatives such an idea. The letter from Mr. Secretary Cass, of January 16th, 1836, which announces to us that Mr. Schermerhorn had reported the formation of the treaty, is addressed to us in our official character. The letter of the 13th February apprizes us for the first time that this official character cannot be recognised. If the proceedings at New Echota were not in fact the authoritative proceedings of the nation, they must be disregarded; as inadequate to operate a cancellation of our powers.

Admitting, however, for a moment that those proceedings were regular, the parties who came on as delegates, under the council of New Echota, on the 6th February, 1836, address a letter to the Cherokee delegation now in Washington city, in which they speak of "your constituents at home," and in which they assure us that "in doing what the people have done at New Echota, it was with no view to lay any obstacles in your way." In a subsequent passage they say: "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. Still further, we are instructed, in case that you have not already made or are able to make a better." And they conclude with a proffer of any assistance in their power to those whom they address.

It would be difficult to gather from this communication the fact that "our constituents" had revoked the powers which had been previously given. The continuance of them is expressly recognised.

The letter of E. Herring, of February 13, 1836, which first informs us that our official character is denied, places such denial upon the single ground of our having come on to Washington after being notified by the President that a delegation would not be received in Washington. We were, also, informed by the Secretary that Mr. Schermerhorn had contemplated bringing a delegation from the other Indians of the Cherokee nation, but that he had instructed him not to bring on a single person. To us, not very conversant with such matters, and to whom this species of difficulty was equally unknown and unexpected, it wore the appearance of singularity, that, notwithstanding the prohibition to Mr. Schermerhorn, he did in fact bring with him what purported to be a delegation, that they were received as such, and that, although Mr. Herring in his letter of the above date appears to draw a distinction between their case and our own, that they were sent on to effect a ratification and not to make a new treaty, yet, when by the absolute refusal of the President to recognise some of the most prominent provisions in that instrument, and in reference to which the council from which they received their authority had been so distinct in the expression of their views, and in which the commissioner did not appear to think he had transcended his powers, so that it became necessary in fact to make, substantially, a new arrangement, these objections were all permitted to sleep, so far as regards them. Even in relation to those who held the first authority, the ground was changed in the very same letter of Mr. Herring, who informed us that, provided we would sign the treaty as it then was, we also should be recognised. If, under all these circumstances, we have been unable distinctly to understand the views of the Government, or to reconcile all their proceedings with what appeared to us to be their language, the whole difficulty ought not to be attributed to any deficiency on our part.

In point of fact, however, the meeting at New Echota did not fully represent the Cherokee nation. Statements have been made from different sources showing the number there present. The largest number, including men, women, and children, Indians and negroes, does not exceed seven hundred; white highly respectable witnesses positively aver that not more than three hundred were assembled, and only seventy-nine approved of what was done. In determining whether such an instrument imposes on the Cherokee nation the obligation of performing its stipulations, surely it is important to understand by how many it was sanctioned, and by what authority they undertook to bind others who were not professed parties. The very manner in which these proceedings purport to be verified are so singular to our eyes, so different from what has been customary on similar occasions, that this circumstance alone is calculated to awaken suspicion and to strengthen our statements.

Sustained, however, as we are, we unhesitatingly assert the fact that less than one hundred individuals of the Cherokee nation, irregularly convened and acting irregularly, ever sanctioned this instrument, so far as even to assent to the appointment of the individuals by whom it was signed. This we consider as not only unjust to us but equally so to the United States. In the instructions given to the commissioners it is expressly stated that, although there can be no objection to a free interchange of opinion and a conditional arrangement on all disputed points between them and a committee, fairly and publicly chosen, should the Cherokees think it 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. "If there is any dispute as to the decision of the majority, an actual census will be taken of the persons present, exhibiting their names, and they will pass before the commissioners, and state whether they are in favor of or against the arrangement proposed; and this census, together with the result, will be certified by the commissioners, and transmitted with their other proceedings to the seat of Government." In a previous communication made by these same commissioners to one of the undersigned, as the *Principal Chief of the Cherokee nation*, it was distinctly asserted that "the commissioners, in their instructions, are required to obtain the consent of a majority of your headmen 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." In the address of the President, on the 16th March, 1835, to the nation, we were given to understand that with the nation at large rested the power of ultimately acceding to or not the proposed terms. It was the understanding of this delegation and of the nation that this course should be pursued; and the very notice under which the council at New Echota was convened called upon the individuals of the nation to act for themselves in the business, and implied the right of the nation, collectively, to assent to, or dissent from, the terms proposed. If, after all this public and mutual understanding, an instrument, which originated in a meeting where not one-twentieth part of the nation was convened, most essentially varied after having been submitted to their inspection, and ultimately approved only by the small number who actually affixed their signatures to it, can be considered obligatory upon the whole Cherokee nation, upon the same principles, another compact which we may choose to sign with any treaty citizens of the United States, holding no public station, authorized by no national act, might, had we the power, be enforced against

you to the extent of stripping every citizen of his home and of his property.

II. Nor can there be any foundation for the belief that the Cherokee nation have ever assented to the instrument in question, by any subsequent act which could be considered as a ratification. The whole nation had been led to believe, from the official language addressed them, that whatever might be done by any of their agents, would not be held obligatory until it had received the approbation of the nation. Not only has no such sanction ever been obtained, but it has never been asked at their hands. So far from this being the case, every means has been resorted to to stifle the expression of public opinion among them. A large body of troops has been stationed in the Cherokee nation, prepared to put down any meeting convened to deliberate upon the subject. The Commanding General, whose high character is a guaranty that he is acting in obedience to precise instruction, in his general order of November 3, 1836, has, in terms too plain and significant to be misunderstood, apprized us of the consequences which will follow any attempt to ascertain and concentrate the opinions of our people. Several instances have already occurred in which arrests have been made of individuals supposed to be inimical to the treaty, as it is called. In short, the whole weight and influence of the Government has been exerted to aid the small faction which has usurped the right to bind us, to alarm the timid, to overpower the resolute, to persuade the confiding, to compel the weak among us to give their sanction to this instrument, with what success the Government of the United States has been apprized. We hold in our hands a document showing that the great bulk of the people has repudiated the measure; that it denies it obligatory force; that it refuses to ratify the act. Within a few weeks, since the undersigned have been at the seat of Government, at the special meeting of the nation held at New Echota, convened by the agent, and held in the presence of the Commanding General, when the question was presented for their decision as to the disposition to be made of the money due the nation under former treaties, it was found that but 97 votes could be procured in favor of the individuals who had assumed to act as the agents and representatives of the nation, and of this small number no one voted in the regular way and upon the ground, while twelve hundred and sixty-nine gave their votes against this party; such, as we are informed, was the result of the meeting on the 15th ultimo.

These are, we submit to your excellency, manifestations not to be misunderstood, of the state of opinion and of feeling among us. We are aware that efforts have been made to injure us in the estimation of this Government; as individuals, our characters have been assailed, our motives misrepresented, our conduct and our acts distorted. We cannot, however, but believe that among the many high-minded and honorable men who know us, and who enjoy your confidence, some may be found who have done and will do us justice.

We do not arrogate to ourselves so high a standing in your estimation as to authorize us to ask that you rely implicitly upon our statements; but we have deceived ourselves most egregiously if we have not presented to the consideration of the Government sufficient grounds to induce hesitation and inquiry. You have at your command hundreds of individuals to whom you may confide the duty of making the investigation which we solicit. Select such as you can implicitly believe; associate with them but a single individual to be

pointed by us to direct to the sources of information, and if we fail to establish the truth of our allegations, we shall no longer ask you to delay exercising your power in the enforcement of your rights. Should it, however, appear from such investigation that this instrument has been made without authority, that it meets with the almost unanimous reprobation of our nature, that you have been deceived by false information, we cannot and we will not believe that under its color, and under the sanction of those principles of justice which impose an obligation faithfully to perform our compacts and our promises, we should be forced to submit to its iniquitous provisions. Sooner would we ask you to make no investigation, institute no inquiry. Satisfy yourselves, endeavor to satisfy mankind and your God, that all is right; assert the imperative duty of conforming to treaty stipulations; stand upon the high ground of power; employ your strength and drive to desperation, to exile, and to death, those whom you have called your children, and who have placed themselves under your protection. Our fate is in your hands. May the God of truth tear away every disguise and concealment from our case; may the God of justice guide your determination, and the God of mercy stay the hand of our brother, uplifted for our destruction.

During the recent session of Congress the undersigned addressed a memorial to that honorable body. The late period of the session, and the multiplied engagements which attend such a period, precluded any definitive action upon it. In the Senate it was merely ordered to lie upon the table, and in the House of Representatives no opportunity occurred to present it. At the ensuing session, it will be again submitted, should it, contrary to all our hopes, be then considered necessary. We have the honor of submitting a copy of that memorial to your excellency, and pray for that your most earnest consideration.

The documents we have with us, and which have been seen by the Commissioner of Indian Affairs and by the Secretary of War, show that we are now fully empowered, as we were in 1835, to negotiate upon all matters with the United States. We are prepared at once to enter upon such negotiation; and we believe that all difficulties may be arranged to the mutual satisfaction of all parties. In conclusion, we pray your excellency to understand our propositions as being specifically either

1. To enter into a negotiation with the undersigned, in reference to every matter mutually interesting to the United States and to the Cherokee nation.

2. To have a full and impartial examination of all sources of information, for the purpose of ascertaining whether the Cherokee nation, in conformity with its political institutions and forms long recognised by the United States, ever authorized the execution of the instrument signed at New Echota, and the additional articles signed at Washington, or ever gave to them their sanction and ratification; or,

3d. That the instrument in question be now submitted for approval or rejection to the full, free, and unbiassed choice of the Cherokee nation, in general council assembled.

We have the honor to be,

Sir, very respectfully,

Your most obedient servants,

JOHN ROSS,
R. TAYLOR,

JAMES BROWN,
 SAMUEL GUNTER, his x mark.
 JOHN BENGE, his x mark.
 GEORGE SANDERS, his x mark.

Representatives of the Eastern Cherokee

JOHN LOONEY, his x mark.
 AARON PRICE, his x mark.
 WILLIAM DUTCH, his x mark.
 W. S. COODY.

Delegates from the Western Cherokees.

WASHINGTON CITY, March 16, 1837.

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

The memorial and petition of the undersigned, a delegation appointed by the Cherokee nation, in full council,

RESPECTFULLY SHOWETH :

That the Cherokee nation, deeply sensible of the evils under which they are now laboring, and the still more frightful miseries which they have too much reason to apprehend, have, in the most formal and solemn manner known to them, assembled in general council, to deliberate upon their existing relations with the Government of the United States, and to lay their case, with respectful deference, before your honorable bodies.

Invested with full powers to conclude an arrangement upon all the matters which interest them, we have arrived at the seat of Government, and, in accordance with our usual forms of proceeding, notified the honorable the Secretary of War that we had reached this place, and, through him, solicited an interview with the Executive.

This request has not yet been granted, nor has it to this day received an official answer; but we have reason to apprehend, from circumstances which have reached us, that we shall be denied this application, and are thus compelled, in the discharge of our duty to our constituents, to submit to your honorable bodies the memorial of which we are the bearers.

On former occasions we have, in much detail, laid before you the prominent facts of our case. We have reminded you of our long and intimate connexion with the United States; of the scenes of peril and of difficulty which we have shared in common; of the friendship which had so long been generously proffered and affectionately and gratefully accepted; of the aids which were supplied us in promoting our advancement in the arts of civilized life; of the political principles which we had imbibed; of the religious faith we have been taught.

We have called your attention to the progress which, under your auspices, we have made; of the improvements which have marked our social and individual states; our lands brought into cultivation, our natural resources developed, our farms, workshops, and factories, approximating character and value to those of our brethren whose example we had gently imitated.

A smooth and beautiful prospect of future advancement was opened before us. Our people had abandoned the pursuits, the habits, and the tastes of the savage; and had put on the vestments of civilization, of intelligence, and of a pure religion. The progress we had made furnished us with the most assured hopes of continued improvement; and we indulged in the anticipation that the time was not far distant when we should be recognised, on the footing of equality, by the brethren from whom we had received all which we were now taught to prize.

This promise of golden sunshine is now overspread. Clouds and darkness have obscured its brilliancy. The winds are beginning to mutter their awful forebodings; the tempest is gathering thick and heavy over our heads, and threatens to burst upon us with terrific energy and overwhelming ruin.

In this season of calamity, where can we turn with hope or confidence? On all former occasions of peril or of doubt, the Government of the United States spread over us its broad and paternal shield. It invited us to seek an asylum and a protection under its mighty arm; it assisted us with its encouragement and advice; it soothed us with its consoling assurances; it inspired us with hope, and gave us a feeling of confidence and security.

But, alas! this, our long-cherished friend, seems now to be alienated from us: this, our father, has raised his arm to inflict the hostile blow: this strength, so long our protection, is now exerted against us; and on the wide scene of existence no human aid is left us. Unless you avert your arm we are destroyed; unless your feelings of affection and compassion are once more awakened towards your destitute and despairing children, our annihilation is complete.

It is a natural inquiry among all who commiserate our situation, what are the causes which have led to this disastrous revolution, to this entire change of relations? By what agency have such results been accomplished?

We have asked, and we reiterate the question, how have we offended? Show us in what manner we have, however unwittingly, inflicted upon you a wrong, you shall yourselves be the judges of the extent and manner of compensation. Show us the offence which has awakened your feelings of justice against us, and we will submit to that measure of punishment which you shall tell us we have merited. We cannot bring to our recollections anything we have done, or anything we have omitted, calculated to awaken your resentment against us.

But we are told a treaty has been made, and all that is required at our hands is to comply with its stipulations. Will the faithful historian, who shall hereafter record our lamentable fate, say: The Cherokee nation executed a treaty, by which they freely and absolutely ceded the country in which they were born and educated, the property they had been industriously accumulating and improving, and, abandoning the high road by which they had been advancing from savageism, had precipitated themselves into worse than their pristine degradation? Will not the reader of such a narrative require the most ample proof before he will credit such a story? Will he not inquire, where was the kind and parental guardian who had heretofore aided the weak, assisted the forlorn, instructed the ignorant, and elevated the depressed? Where was the Government of the United States, with its vigilant care over the Indian, when such a bargain was made? How will he be surprised at hearing that the United States

was a party to the transaction ; that the authority of that Government, and the Representatives of that people, which had for years been employed in leading the Cherokees from ignorance to light, from barbarism to civilization, from paganism to christianity, who had taught them new habits and new hopes, was the very party which was about to appropriate to itself the fruits of the Indian's industry, the birth-places of his children, and the graves of his ancestors ?

If such a recital could command credence, must it not be on the ground that experience had shown the utter failure of all the efforts, and the disappointment of all the hopes of the philanthropist and the christian ? That the natives of this favored spot of God's creation were incapable of improvement, and unsusceptible of education, and they, in wilful blindness, spurning the blessings which had been proffered and urged upon them, would pertinaciously prefer the degradation from which it had been attempted to lead them, and the barbarism from which it had been sought to elevate them ?

How will his astonishment be augmented when he learns that the Cherokee people, almost to a man, denied the existence and the obligation of the alleged compact ; that they proclaimed it to have been based in fraud and concocted in perfidy ; that no authority was ever given to those who undertook, in their names and on their behalf, to negotiate it ; that it was repudiated, with unexampled unanimity, when it was brought to their knowledge ; that they denied that it conferred any rights or imposed any obligations !

Yet such must be the story which the faithful historian must record. In the name of the whole Cherokee nation, we protest against this unallowed and unauthorized and unacknowledged compact. We deny its binding force. We recognise none of its stipulations. If, contrary to every principle of justice, it is to be enforced upon us, we shall at least be free from the disgrace of self-humiliation. We hold the solemn disavowal of its provisions by eighteen thousand of our people.

We, the regularly commissioned delegation of the Cherokee nation, in the face of Heaven, and appealing to the Searcher of all hearts for the truth of our statements, ask you to listen to our remonstrances. We implore you to examine into the truth of our allegations. We refer you to your own records, to your own agents, to men deservedly enjoying your esteem and confidence, as our witnesses ; and we proffer ourselves ready, if you will direct the inquiry, to establish the truth of what we aver. If we fail to substantiate our statements, overwhelm us with ignominy and disgrace ; cast us off from you forever. If, however, on the other hand, every allegation we make shall be sustained by the most convincing and abundant proof, need we make further or stronger appeals than the simple facts of the case will themselves furnish, to secure your friendship, your sympathy, and your justice ?

We will not and we cannot believe, after the long connexion that has subsisted between us, after all that has been done, and all that has been promised, that our whole nation will be forcibly ejected from their native land, and from their social hearths, without the pretence of crime, without charge, without evidence, without trial ; that we shall be exiled from all that we hold dear, and venerable, and sacred, and driven into a remote, a strange, and a sterile region, without even the imputation of guilt. We

will not believe that this will be done by our ancient allies, our friends, our brethren.

Yet between this and the abrogation to the pretended treaty there is no medium. Such an instrument, so obtained, so contaminated, cannot cover the real nature of the acts which it is invoked to sanction. If power is to be exerted, let it come unveiled. We shall but submit and die.

If, however, as our long experience has taught us to hope, we yet retain any hold upon your sympathies, any claims upon your justice, if, entertaining doubts as to the truth of our statements, you will investigate before you determine, and inquire before you decide such momentous questions, irrevocably and forever, we entreat delay until the subject shall be fully and fairly examined. You will constitute the inquiring power; you will be the tribunal to adjudicate upon the whole matter; you can at any time carry into execution your own decisions. Without the means of resistance, without the disposition in any way to injure you, we shall yield to what you shall ultimately determine to be a just and righteous judgment.

Should the result of your investigations sustain our assertions, and you should stay your hand already uplifted against us, we are clothed with full powers to make an arrangement of every subject of difference, and to negotiate a treaty obligatory upon our nation, and competent to secure the people of the United States all which their own sense of justice will lead them to require.

May we not indulge the competent assurance that, as you can sustain no injury by this delay, the present execution of the alleged treaty may at least be suspended; that, as investigation will tend only to elicit the whole truth it may be promptly and efficiently made; that, as a liberal justice has marked your intercourse with us, nothing will be required of us which is not thus sanctioned? If this be granted to us, the grateful prayers of a united and rescued nation will be daily presented before the throne of Divine mercy, invoking upon your heads the choicest blessings of Heaven, perpetuity upon your institutions, and every happiness upon your people.

JNO. ROSS

R. TAYLOR,

JAMES BROWN,

SAMUEL GUNTER, his x mark.

GEORGE SANDERS, his x mark.

JOHN BENGE, his x mark.

Delegation from the Eastern Cherokees.

JOHN LOONEY, his x mark.

AARON PRICE, his x mark.

WM. DUTCH, his x mark.

W. S. COODY.

Delegation from the Western Cherokees.

WASHINGTON CITY, Feb. 22, 1837.

BALTIMORE, March 16, 1837.

SIR: I take the liberty to introduce to you Dr. Granville Sharp Townsend, of Cecil county, Maryland, who is desirous of being employed as physician to the Indians emigrating to the west. Dr. Townsend is highly estimated as a physician and a gentleman, by those who have long had the

pleasure of his acquaintance, and I have no hesitation in recommending him as worthy of your best consideration; and I hope it may be in your power to make the appointment he desires to receive.

I am, with great respect,

Sir, your most obedient servant,

ISAAC McKIM.

To the Hon. J. R. POINSETT,
Secretary of War, Washington city.

BALTIMORE, March 16, 1837.

SIR: I beg permission to introduce to you Dr. Granville S. Townsend, of this State, who will visit Washington in order to obtain the situation of physician to the Indians about to be sent by the Government to the southwest. I have known the Doctor for several years, and very favorably; his reputation as a physician is excellent, and his character as a gentleman good. Believing him to be well qualified for the station he desires, I take the liberty of recommending him to your favorable consideration.

And am, sir,

With great respect,

Your obedient servant,

U. S. HEATH.

HON. SECRETARY OF WAR,
Washington.

BALTIMORE, March 16, 1837.

SIR: Having understood that Dr. Granville S. Townsend is an applicant for the situation of a physician to the emigrating Indians, I beg leave to add my testimonials to his character as a gentleman, and to his merit as a professional man. I am sure his appointment would be highly gratifying to his numerous friends in this State, and particularly so to that portion of it which he has represented in our State Legislature.

I have the honor to be,

Very respectfully, &c.,

HUGH McELDERY.

The Hon. JOEL R. POINSETT,
Secretary of War.

WASHINGTON, March 18, 1837.

I have the honor of acknowledging the receipt of your letter of this date, apprising me of my appointment as physician to the emigrating Cherokee Indians, and it affords me great pleasure to state that I accept the honor thus conferred.

With the greatest respect,

I am, your humble servant,

G. S. TOWNSEND.

To the Hon. C. A. HARRIS.

HEAD QUARTERS, ARMY C. N.,
New Echota, Georgia, Merch 18, 1837.

SIR: I had the honor to inform the Secretary of War that about five hundred Cherokees have embarked on board of steamboats, and about two hundred, perhaps three hundred, including slaves, have gone by land to Arkansas. Very few, if any, besides these, will set out for the west, before next fall. I need not repeat at this time what I have so often mentioned in my communications to the department, and more recently to the General-in-Chief, that a large majority, if not all that remain of the Cherokees, are opposed to the treaty, and averse to removing to the west. To induce them to get ready and go quietly and peaceably, by the proper time, efficient measures must be adopted to convince them that they have no hope of remaining in this country after the 25th May, 1838. This I shall shortly undertake.

The commissioners have informed me that they intend to retire a few weeks from their labors to visit their families. During this period, I propose to make a tour through the nation, and to convince the Cherokees, if practicable, of the necessity of preparing for emigration in the course of the next fall and winter. I have already had a talk with about 1,300, assembled at this place some weeks since, in order to dispose of some money due the nation under former treaties, when I informed them that they had but one summer more to plant corn in this country; after which, they would be required to remove to their new homes, and if they did not get ready and go voluntarily before the 25th May, 1838, they would then be compelled to go by the soldiers of the United States. I think my talk has produced a favorable impression; for I find many of the poor, who have never before asked for anything, now coming and applying for blankets, rations, and shoes, &c., it being understood that all those who receive such articles are to leave this country next fall or winter.

In the course of my tour, in order to induce them to come in and submit quietly to the terms of the treaty, I shall urge upon the poor, rations and clothing. If any impression can be made upon the poorer classes, and they can be induced to receive rations or clothing, our greatest difficulty will be overcome. It is not from the intelligent or the rich that we have anything to apprehend. On the contrary, all our troubles, difficulties, and dangers will originate with the ignorant and poorer classes. It is upon these that the designing part of the nation operate. I am confident, however, from the number that have, in the course of the last ten days, presented themselves for articles of clothing, that a change has taken place in the minds of many who, a few weeks since, were wholly opposed to the treaty.

This circumstance, together with the scarcity of corn, in consequence of the large amount purchased by officers of the Government of those who grow it in the nation, will cause a large number to apply for provisions in the course of the spring and summer. The greater the number, the better the prospect for removing them without trouble or difficulty. To be prepared to meet the demand through the nation, I have drawn, agreeably to my instructions of the 20th June last, a bill of exchange, in favor of Wil-

liam Clark, cashier of the bank at Athens, for twenty-five thousand dollars, which I hope will be honored.

I am, very respectfully,

Your obedient servant,
JOHN E. WOOL,
Brig. Gen. Commanding.

To the Hon. B. F. BUTLER,
Secretary of War ad interim.

COMMISSIONERS' OFFICE,
New Echota, March 20, 1837.

SIR: We have the honor to acknowledge the receipt of your letter of the 27th ultimo, in reply to our communication of the 13th of the same month.

It is only necessary for us to state, that your reply is entirely satisfactory, and if we have been under any misapprehension upon the subjects to which we have adverted, we now stand corrected.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY,
Commissioners.

C. A. HARRIS, Esq.,
War Department.

LEXINGTON, KENTUCKY,
March 20, 1837.

SIR: I have the honor to inform you that I have reached this place, on my way to the Cherokee agency, having adopted this route at the recommendation of the Surgeon General. But I have not, as yet, been able to ascertain in what manner I shall be able to proceed, as there are no stages running yet, and even if I were to go hence to Louisville and Nashville, the same difficulty awaits me there. If by remaining here a few days, I shall be able to go in a stage, I shall do so, rather than subject the United States to the great expense of procuring a private conveyance. If, however, the latter shall become necessary, I presume I shall be justified in so doing.

Very respectfully,

Your most obedient servant,

JNO. C. REYNOLDS,

Disbursing Agent of the Cherokees.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

*REPORT of the sick in the first detachment of emigrating Cherokees,
in 1837, from 2d to 22d March.*

	Influenza.	Gonorrhœa.	Whiskey colic.	Dysmennorrhœa.	Dysentery.	Wounded.	Measles.	Perepneumonia.	Pleurisy.	Consumption.	Diarrhœa.	Cured or relieved.	Remaining sick.
March 22	15	2	1	1	1	1	2	1	4	2	1	27	5

LITTLE-ROCK, ARKANSAS,
March 22, 1837.

SIR: I have the honor to present to you the above report of the health of the first detachment of emigrating Cherokees in 1837, from the time I joined it at Ross's landing, Tennessee.

I would take occasion to remark, that I have entered under the convenient name of influenza, all those cases, which, from common cold, required medical aid *more than a single prescription*, but without any local inflammation. Gonorrhœa, which is very extensive in the detachment, I have not entered in the register, unless the cure from inflammation, &c., required particular daily attention.

The cases *remaining sick* are: 2 of consumption, viz: Henry Clay (a Creek) and Stone, and three of pleurisy; of the latter, I entertain sanguine hopes of their speedy recovery. On the whole, I think the detachment has thus far been highly favored in regard to their health.

I have the honor to be,

Very respectfully,

Your obedient servant,

C. LILLYBRIDGE,

Physician to the Cherokee Emigration.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

COMMISSIONERS' OFFICE,

New Echota, March 23, 1837.

SIR: We now have the honor to submit the following report and estimates, as the nearest approach to accuracy which the *data* in our possession will enable us to make.

Under the superintendence of the emigrating agent, five hundred Cherokees embarked on board of suitable boats at the agency, on or about the 1st instant, for Arkansas.

The Indians were well provided for, and left in good health and spirits.

A large company of the most wealthy and intelligent of the Cherokee people have availed themselves of that provision of the treaty which au-

thorizes them to emigrate themselves and families; they set out a few weeks ago for Arkansas, by land. We estimate the number in this company at six hundred souls. The wealth of this company will satisfactorily explain the cause of our having made such large advances, to so small a number of persons. They are, too, persons of undoubted prudence and care, and in no instance, within our knowledge, have they made an indiscreet use of the money which has been advanced. The adjudication of the business and affairs of these emigrants has received our first attention, which has enabled us to complete (as far as practicable) their business, with the exception of a few cases of litigation. The affairs of these emigrants may, therefore, be considered settled.

From the time which has elapsed since we first invited creditors to present their demands against the Cherokees, we presume that nearly all the just demands against the emigrating Cherokees have been presented and adjudicated. The payment of individual debts, which have been allowed against the emigrating Cherokees, will be paid a few weeks hence. We can, therefore, with an approach to accuracy, estimate the amount of funds, which will be necessary to make the required payments under the treaty, to those who have actually emigrated. We deem it indispensable, however, to accuracy, that we should have prepared and forwarded to your department, as well as to the proper agent west, accurate duplicates from our register of payments, which will exhibit the true state and standing of each emigrant's affairs and accounts, properly certified and signed by us.

We are apprized that the mode which we suggested will give considerable additional labor to this office, but we deem it indispensable to the accomplishment of an object to which we continue to attach great importance, viz: the speedy payment of the emigrating Cherokees after their arrival in their new homes. In the winding up of this business it will be our duty (and we have made our arrangements accordingly) to furnish complete duplicates of our books to the War Department and western agents, which will exhibit at one view the credits and debits of each individual; what has been paid by us, and to whom; as well as the amount which remains to be paid west, to each individual. The money already disbursed under our direction, has been to the following objects:

1st. The largest portion has been advanced to persons deemed capable of emigrating themselves, a large portion of whom have already gone, and the balance are now making preparations for going in the course of the present year. This policy of making prudent advances to the wealthy and intelligent, has gone far to remove all opposition to the treaty, among this most influential class. The great body of the intelligent, who have been numbered with the opponents of the treaty, have become recipients under the treaty, and consequently their tone and temper in relation to that instrument have been wholly changed.

2d. We have made advances of one-half of the several dues to some forty or fifty persons, who have determined to become citizens of the United States, and the balance of their dues will have to be paid in a short time, according to the stipulations of the treaty in reference to such persons. These persons are generally in good circumstances, and consequently the payments to them consume funds pretty fast.

3d. We have adjudicated and paid a small amount of national debts.

4th. We have paid for some of the missionary establishments.

5th. The expenses of the Indian committee, and some portion of the expenses connected with our office have been paid.

The aggregate of all these advances amounts to about the sum of \$300,000, which leaves a balance of the \$400,000, subject to our order, now in hand, and subject to our disbursement hereafter, of \$100,000 only.

This sum, however, will every dollar be disbursed in a few weeks. It is applicable to the payment of \$100,000 of individual debts, which have undergone our adjudication, and now stands charged to the respective individuals against whom they have been allowed; moreover, we shall continue to make advances to such Cherokees as are capable of emigrating themselves, and who are actually preparing to go, as well as to those who may be allowed citizenship in the States.

Under the view of the subject herein presented, we would request that a further sum be without delay placed within our control, say \$400,000, by the middle of May next, at furthest, and we will continue to forward you our estimates, as time and circumstances may require.

It would greatly add to the facility and convenience of all who are concerned in these disbursements, if the funds could be placed, by the order of the Treasury Department, in the Georgia Railroad Bank, located at Athens, in the State of Georgia, and the Branch of the Planters' Bank of Tennessee, located at Athens, Tennessee. It is desirable that equal portions of the sums to be disbursed here should be placed in the above banks simultaneously. It is attended with great inconvenience to this service, to be under the necessity of drawing funds from Nashville, Tennessee, and Augusta, Georgia, on account of the great distance.

We would suggest the expediency of \$150,000 being ready in the west, to meet the necessary payments there, as soon as our abstracts, exhibiting the just dues to each emigrant, can reach the agents and officers west, charged with the duty of making payments.

The Indians are a tardy people to transact business with; but we still entertain the hope that the Cherokee treaty will be executed without a resort to those rigorous measures which have been found necessary elsewhere. A great deal depends, however, upon the course of John Ross, after his return from Washington. A short time now will develop his course. We shall keep a close watch over his movements, and shape our measures accordingly. We are moving on harmoniously here at present, and have concluded to avail ourselves of the present calm, to take a short vacation from our toils, and visit our families, and return to our labors, with but little loss of time.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs, War Department.

WASHINGTON, D. C., *March 23, 1837.*

SIR: Having been informed that the commissioners to settle the claims under the late Cherokee treaty of December, 1835, have some difficulties,

in reference to allowing the accounts, for professional services, of Messrs. William H. Underwood, Samuel Rockwell, and W. Y. Hansell, the legal counsel of the Cherokee nation in Georgia, and also understanding that this matter has been referred, by the commissioners, to the honorable Secretary of War for his decision, I feel it my duty to communicate to the department the following facts in reference to their case, and my views and understanding of the 10th article of the treaty, by which the intention was to make provision for the payment of their just claims against the Cherokee nation :

In the winter of 1835, I was informed that William H. Underwood, Esq., of Georgia, then in this city, with John Ross and his delegation of Cherokee Indians, was in favor of a treaty, and that he was endeavoring to bring Ross to accept the liberal overtures of the Government, and that he actually drew up, and obtained, the signatures of the delegation to the agreement to abide by the award of the Senate as to the price which the United States should allow them, in a treaty, for their lands, and which, indeed, was the first step towards securing a treaty with the Cherokees. Subsequently, when Ross would not abide by his agreement, and refused to submit the details of a treaty on the basis of the \$5,000,000 recommended by the Senate to be allowed for their lands, propositions for a treaty were agreed upon, upon this basis, with John Ridge and delegation from the Cherokee people in favor of emigration, but which was to be submitted to the Cherokee people for their assent and approbation. At this time, Mr. Underwood signified that he was in favor of the proposed treaty, and offered his services and influence to effect it, on condition that the payment of his claims, and that of his associate counsel, Messrs. Rockwell and Hansell, for professional services, against the Cherokee nation, were provided for in the treaty. Mr. Underwood was informed by the President that *their just claims* should be paid under the treaty.

When I arrived in the Cherokee country, in the summer of 1835, as one of the commissioners to treat with those Indians, I was informed by several influential Cherokees, and by B. F. Currey, the agent for the Cherokees, that it was all important to our success that the aid and influence of those gentlemen should be secured. I soon after met with them, and they assured me that they would render me every assistance in their power, if their claims for services against the Cherokee nation were secured to them by the treaty, and Mr. Underwood stated: "You know that the President said this should be done." I gave them those assurances; but in order to prevent imposition upon the Indians, while we did justice to them, I required that they should make out a *regular bill of costs* of all the suits in which they had been engaged as counsel for the Cherokees; and if no fees were fixed by law to tax their bills of costs, that then they should be governed, in making out their charges for the several suits, according to the usage and practice for similar services, in their courts, and which must be duly certified to be just and reasonable by some one of the judges and practising attorneys of their courts. This was the agreement and understanding between me, as the commissioner of the United States, and these gentlemen; and I must say that they rendered me the most active and essential service; and if they had not co-operated with me, and especially if we had had their influence against us, we could not have succeeded in effecting a treaty. Two of these gentlemen were also here in the winter of 1835 and 1836, and rendered essential service in securing the ratification of the treaty.

It was my intention, in the 10th article of the treaty, to make provision for the payment of the *just claims* of these gentlemen, although not named, for professional services rendered the Cherokee nation, and to my mind the language is sufficiently explicit :

Article 10. "The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation, held by citizens of the same, (*i. e.* of the Cherokee nation,) "and also *the just claims* of citizens of the United States, for services rendered to the nation, and the sum of \$60,000 is appropriated for that purpose ; but no claims against individual persons of the nation shall be allowed and paid by the nation."

In the original propositions of the treaty drawn up at Washington, D. C., 1835, the following language was used : "The United States also stipulate and agree to pay to the Cherokee counsel east sixty thousand dollars, (\$60,000,)" &c. &c. The intention of this was, as originally drawn, to let the Indians settle their own business in their own way for claims against them. But, in consequence of the agreement to pay these gentlemen their just claims, the article was altered to what it is, and as it now stands. But that it was *not the intention of the article, as understood by us at the time*, to limit the whole amount of claims, above provided for, to be liquidated for the gross sum of \$60,000, if they actually exceeded this sum, and, in such case, to make a pro-rata allowance for them to the several claimants, is evident from the next provision in this 10th article for spoliation claims against the United States : "The sum of \$300,000 is hereby set apart to *pay and liquidate* the just claims of the Cherokees upon the United States for spoliations of every kind." Here it was the intention to limit the amount to be allowed for spoliation claims to \$300,000, the amount provided for this purpose by the 1st article of the treaty, and therefore the word "liquidate" was used in reference to spoliation claims. But in no other part of the treaty is there any language used, or an allusion made, to any pro-rata allowance for any just claims, stipulated to be paid and allowed by the treaty, against the Cherokee nation. But the fair construction of the treaty, as a whole, is that, as there were funds enough belonging to the nation to pay all just claims against it, the spirit and intention of the treaty, as a whole, was that they should be paid, whether they amounted to \$60,000 or more or less. This may also be inferred from the 15th article : "It is expressly understood and agreed, between the parties to this treaty, that after deducting, &c. &c., *the debts and claims upon the Cherokee nation, &c. &c.*, provided for in the several articles of this treaty, *the balance, whatever it may be*, shall be equally divided," &c. This pre-supposes no pro-rata allowance, but that all just claims shall be paid, and the balance, whatever it may be, divided among the Cherokees east, &c.

It was suggested by Mr. Underwood, after the treaty was drawn up and about to be signed, that possibly the construction which has been suggested by the commissioners might be put upon the 10th article, providing for their claims. To this I replied there could be no difficulty ; because, if \$60,000 was not enough to pay the just claims against the Cherokee nation, the article did not stipulate that they should not exceed that amount, and that \$60,000 must, *at all events, liquidate them* ; and further, I replied, as their charges were for defending the Cherokees against the infractions of former treaties with the United States, and against the spoliations and trespasses of the citizens of Georgia, they would be entitled to be paid out of

the amount allowed by the United States to the Cherokees for spoliations, even should the whole \$60,000 be consumed in the payment of the claims of the Cherokees upon their nation. And this representation of the case satisfied him. It appears to me, also, that since, by the 3d article of the supplement, the pre-emption rights and reservations, and all claims against the United States, have been commuted for a gross sum, there is only one great fund provided by the treaty and belonging to the Cherokee nation, out of which every provision, claim, and debt, provided for in the treaty, must be satisfied.

I have also supposed that the duties of the commissioner, under the 17th article, *was simply to ascertain and decide upon the amount due the several claimants under this treaty, and certify to the same; and that upon this the claimants were to be paid by the United States.*

I will only add that to guard against claims to be brought against the Cherokee nation by our citizens, because they had been employed by any individual person or chief to defend themselves in any country, or for any services rendered to them, the clause was inserted in the 10th article: "*But no claims against individual persons of the nation shall be allowed and paid by the nation.*" Messrs. Underwood, Rockwell, and Hansell were, as far as I could learn, the only persons ever authorized and employed by the committee and counsel of the Cherokee nation, as their counsel, to defend the rights of the Cherokee nation.

I have taken the liberty to express my views and understanding of the treaty and agreement with those gentlemen, in justice to them and myself; and I have no doubt the faith of the Government, pledged through their commissioner, will be preserved and fulfilled. All which is respectfully submitted by

Your obedient servant,

J. F. SCHERMERHORN,

Late Comm'r under the Cherokee treaty.

To the Hon. C. A. HARRIS,
Commissioner, &c.

WASHINGTON CITY, *March 25, 1837.*

SIR: The Commissioner of Indian Affairs has placed in the hands of the Cherokee delegation an extract from a letter from himself to the honorable W. Lumpkin and John Kennedy, Esq., dated January 6, 1837, upon the subject of the annuities provided for by the old treaties between the United States and the Cherokee nation. In this letter the opinion of your predecessor is given upon the subject, and it is stated to be that these annuities terminated on the 1st August, 1836, when a sum of money was invested in stocks for the benefit of the Indians.

Being under the impression that, in making the calculations upon the basis of this opinion, an error has been committed, I respectfully ask your attention to it, and I trust you will be perfectly satisfied that the view which we have taken is the correct one.

The annuities have always been estimated to fall due on the recurrence of the dates of the treaty, though as the payments could not be made until the appropriation bills passed Congress, sometimes six months later, the money was not received until long after they had fallen due. Thus, it will

be found that the appropriation act of 1836 was not designed to provide for annuities which were to fall due the succeeding autumn, but for those which had occurred in 1835.

The apportionment then of the money so appropriated up to the 1st August, 1836, is based upon this error in fact. The whole annuity of 1835 is unpaid, and wholly unaffected by the views of the Secretary, as indicated by the above letter.

If you will please to devote a few minutes to the examination and consideration of the subject, you cannot fail, I think, to arrive at this result; and I hope you will be pleased to direct the payment of the whole of these arrears.

Very respectfully, your obedient servant,

JNO. ROSS,

In behalf of the Cherokee delegation east.

The Hon. J. R. POINSETT,
Secretary of War.

FORT COFFEE, *March 28, 1837.*

SIR: I have the honor to report to you the arrival at this place of the first detachment of emigrating Cherokees. They arrived in safety and good health, not a single death having occurred since their departure. They have dispersed in search of their places of residence, by direction of Captain Armstrong. The most of the emigrants have determined to settle in that part of the Cherokee nation opposite to this post; a few of them have gone higher up the river.

Very respectfully,

Your obedient servant,

PHIL. MINIS, *U. S. A.,*

Disbursing Agent Cherokee Removal.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

REPORT of the sick in the first detachment of emigrating Cherokees, while on their route westward, from March 2d, till the time of their discharge, March 28th.

Influenza.	Gonorrhœa.	Colic.	Dysmennorrhœa.	Dysentery.	Wounded.	Measles.	Peripneumonia.	Pleurisy.	Consumption.	Diarrhœa.	Remittent fever.	Total.	Cured.	Remaining sick.
16	2	1	1	1	1	5	1	5	2	1	5	41	29	12

STEAMBOAT REVENUE, ARKANSAS RIVER,
March 28, 1837.

SIR: Above you have my report of the health of the first detachment of emigrating Cherokees, in 1837, up to the time of their discharge. You will perceive we have been so fortunate as to accomplish the tour without losing any; a circumstance very gratifying to all, but more particularly to myself. The cases left sick were all convalescent, except the two cases of consumption, and they were in a far more comfortable condition than they were at the time of my former report, on the 22d instant.

My journal will be forwarded as soon as I have time to copy it, which, from ill health, I have not been able yet to do.

I have the honor to be,

Very respectfully,

Your obedient servant,

C. LILLYBRIDGE,

Physician to the Cherokee Emigrations

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

Journal of Occurrences, &c.

Had delivered to me at Tuscumbia, Alabama, on the 14th of March, 1837, a detachment of 466 emigrating Cherokee Indians, together with 5 Creeks; embarked the detachment same day on steamboat Newark, with two sixtyton keel-boats in tow; reached Little Rock on the evening of the 21st March, being seven days from Tuscumbia, without the occurrence of any circumstance worthy of notice, or cause of delay. On the evening of the 22d March, embarked the detachment on steamboat Revenue, with same keels in tow, with some difficulties in ascending the Arkansas river; passed the Cherokee line, at Fort Smith, on the evening of the 27th March; and two miles above, (many of the Indians unwilling to go further,) boat landed; more than two-thirds of the detachment disembarked, with a determination to make their election from that point, as to what part of the country they would settle in. The residue of the detachment brought up the river, and landed opposite Fort Coffee, according to their wishes. Reported the arrival of the detachment to Captain Armstrong. Most of the detachment commuted their subsistence before leaving their nation east. On the 28th March, 1837, landed the last of the detachment, and ceased issuing provisions.

JOHN S. YOUNG,

Con. Agent. Cherokee Removal.

MARCH 29, 1837.

CHEROKEE AGENCY EAST,
March 29, 1837.

SIR: On the 28th of February last, I left this place with 205 Cherokees collected here for emigration. Called at Ross's landing and got 198, and at Gunter's landing got about 60, making in all 466; put them on board of flat-boats, and accompanied them to the foot of Muscle shoals, in Alabama, about

240 miles, where we arrived on the 8th instant, all in good health and spirits. The number of this detachment falls about 300 short of what was calculated on by all concerned in the execution of the treaty, owing, the Indians say, to the absence of the disbursing agent, Doctor P. Minis, who left New Echota on the 6th February, for Augusta, Georgia, and did not return until the 6th or 7th instant, which put it out of the power of many of the Cherokees to remove, who were all ready but getting their money to pay off their debts, &c. I was assured by many of the leading men in the lower part of the nation, that at least 300 would be ready to go from that part and meet me at Gunter's landing; I made my arrangements accordingly, and on my arrival there I found few over 60, calculating to a certainty on 7 or 800 being ready by the 1st of March to emigrate. On the 8th or 9th of February, I despatched Doctor Young, conducting agent, to the foot of the Muscle shoals, to make a contract with some steamboat company, for the transporting that number to Fort Gibson, or as high up the Arkansas as he could.

He succeeded in making a contract with the owners of the steamboat Newark, to carry any number not exceeding 1,000 nor under 600; that the Cherokees and boat should be at the landing at Tuscumbia, by the 8th instant; if either failed, they should pay the other \$125 per day for every day they should be detained by such failure; and on the 24th, Doctor Young returned, and informed me of his contract. I set all hands to work, got in 30 days' rations for 700 Indians, put all on board on the 28th, and run day and night, and reached there on the evening of the 8th, and on the same day the boat reached, and on the 12th Doctor Minis reached, and on the 14th, put all on board of two large keels and the Newark, and they cut loose for Little Rock. The steam-boat company took advantage of the contract, and made Doctor Minis agree to pay five days' damage, and give \$13 per head for the number that went to Little Rock. This we were driven into, there being no other boats in when the contract was made. This determined me to carry the balance by land. I returned immediately, and have sent agents to different parts of the nation, to inform the Indians that I would like to take a detachment by land in May, and invite all to come in that are willing to go. When these agents return, I will notify you of the prospect for a second detachment.

You will find herewith enclosed the muster-roll of the first detachment; I believe about 500 Indians have gone by land, that moved themselves.

I cannot now enclose you my quarterly abstract of provisions issued, as the issuing agents went west with this detachment.

I am, very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

FORT COFFEE, ARKANSAS,

March 29, 1837.

SIR: I have the honor to report to you the arrival of 466 Cherokee Indians within the limits of the Cherokee country west. A part of them were

landed, according to their wishes, two miles above Fort Smith, and the remainder opposite this place.

The muster roll exhibiting a re-muster is herewith transmitted, by which it will appear that not a single change took place between the time of embarkation east, and the debarkation west; no death, birth, or elopement having occurred.

The detachment did not become my direct charge until after its arrival at Tuscumbia, Alabama, at which place the muster rolls were delivered to me by the superintendent, he having taken charge of the detachment to that point himself. Before the departure of the detachment from the eastern Cherokee nation, the superintendent had purchased the quantity of provisions presumed to be sufficient for the subsistence of the detachment between the two countries. Out of these provisions issues were made under the direction of the superintendent, up to the time the detachment was delivered to me at Tuscumbia, after which the superintendent did not think proper to charge me with any specific quantity of provisions, confiding to me the residue on hand to be issued to the Indians, which I found to be more than sufficient for the subsistence of the detachment on the way. For the above reasons, I have declined, or at least deferred, returning to your office the abstract of the issues made whilst the detachment was in my charge, believing it to be my duty, and the only course I can pursue, to account to the superintendent for the issues which were made by me.

In addition to the detachment of Cherokees, there were five Creeks transported and subsisted, as will appear by a roll herewith forwarded.

With proper respect,

I have the honor to be

Your obedient servant,

JNO. S. YOUNG,

Conducting Agent 1st Cher. Detachment.

HON. CAREY A. HARRIS,

Commissioner of Indian Affairs.

The facts upon which the claims of my associates and myself are founded, are briefly these :

By provisions contained in the treaties between the United States and the Cherokee nation of Indians previous to the treaty of 1835, the United States solemnly guarantied to the Cherokee nation all their lands forever.

The United States were unable to make good this guaranty without resorting to measures which might have been attended with the most serious, if not disastrous, consequences. Georgia, at an early period, asserted her right not only to jurisdiction over, but to the actual possession, by her citizens, of all the land within her chartered limits. The assertion of this right by Georgia had a tendency at once to impair the occupant rights of the Indians.

By an act of the Legislature of the State of Georgia, passed in December, 1829, the jurisdiction of the State courts was extended over the whole of her territory, included in the occupation of the Cherokees; and on the 1st of June, 1830, the laws, customs, and usages of the Cherokees were declared to be inoperative, null, and void within the limits of that State. In 1830, the Legislature provided by further enactment for the survey and distribution

of all her territory then in the occupancy of the Cherokees. It was thus that the United States was placed in the disagreeable position, either to suffer a violation of her repeated treaty stipulations with the Cherokees, or, on the other hand, to come into direct collision with the declared rights of one of the States. The United States permitted Georgia to pursue unmolested the course marked out by her Legislature, both as regarded her jurisdiction and occupation of the soil, she giving to her citizens the fee simple in the very soil the peaceable and quiet possession of which the United States had guaranteed to the Indians.

In this state of things the Cherokee nation were obliged to employ counsel and go into the State courts of Georgia and the Supreme Court of the United States, to defend and prosecute the rights of the Cherokee people.

As early as the year 1830, Wm. H. Underwood, Esq., one of my associates, was employed as counsel for the nation, and continued as such, *alone*, until the early part of the year 1833. At this time the business of the Cherokees had so increased, in consequence of the attempted enforcement of the laws of Georgia over their persons and property, that imperious necessity compelled the nation to seek for additional counsel to aid in the protection of their rights before the judicial tribunals of the country; accordingly, Col. Samuel Rockwell and myself, though residing at a remote distance from them, were sought for and employed by the authorities of the nation, as associated with Mr. Underwood, and retained in all cases on behalf of the nation and the Cherokee people. The cases have been numerous, important, and laborious; our exertions unremitting and arduous, consuming nearly our whole time, attended with heavy expenses in consequence of our remote residence, and no inconsiderable degree of personal danger and odium for having espoused the cause of these people. Our labors were crowned with equal success in the courts of Georgia, by retaining these people in the use and occupation of their farms and houses, until a late enactment of the Legislature of Georgia prohibited the courts of that State from holding jurisdiction in, or taking cognizance of, any case wherein a Cherokee was a party. Our advice to the principal men of the nation was, that but one course remained for the nation to pursue by which to relieve their people from oppression, and that was, to treat with the Government for all their country east of the Mississippi, and to go to the country west of the Arkansas, so soon as they could do so on reasonable terms. And in order to impress on them more strongly the necessity of pursuing this course, and to convince them of the dangers of delay on this important subject, one of our associates, Mr. Underwood, repaired to this city in January, 1835, for the purpose of using our influence in bringing about a treaty, and succeeded so far as to induce the delegation to give their consent to a submission to abide by the award of the Senate of the United States, as to the amount which they should receive for their lands and possessions, and which formed the basis of the treaty of December, 1835. It was at this time (January, 1835) that the late President of the United States assured Mr. Underwood that the just claims of himself and his associates should be provided for, and they paid for their services as Cherokee counsel. Similar assurances were subsequently made by the commissioner who negotiated the treaty, and on which we placed the utmost implicit reliance, as we viewed it in the light of a contract and agreement between the accredited agent of the Government, acting under authority and instructions, and ourselves, having for its basis a valuable consideration. On this part of the subject, as well as others,

I would beg permission to refer to the statements of the reverend Mr. Schermerhorn, who has politely promised to furnish his views with accompanying facts on this subject in writing.

I must crave pardon for this cursory statement of facts, and hope to obtain it, when it will be seen that without a view of our true position in this matter, that some difficulty might attend a correct understanding of the question on which, with due deference to the opinions of the honorable commissioners, we feel ourselves in justice compelled to interpose a dissent.

The question, as understood between the commissioners and ourselves, in their conversations with us, they appeared to consider as confined principally to a proper construction of a part or clause of the 10th article, in these words: "The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation, held by citizens of the same, and also, the just claims of citizens of the United States for services rendered to the nation, and the sum of sixty thousand dollars is appropriated for this purpose," &c.

This clause covers two distinct descriptions of claims: the first that of "just debts and claims against the nation held by citizens of the same," (meaning citizens of the Cherokee nation;) and, secondly, "the just claims of citizens of the United States for services rendered to the nation." Under the second class our claims most evidently come.

The commissioners say to us that they find no other fund out of which to pay the claims of both classes contained in this clause than the \$60,000, and the only practicable mode for them to adopt, will be to examine and credit all the various claims arising under this clause, and direct a *pro rata* division of that fund between all the claimants.

It will be readily seen that the first class of claims in this clause is distinctly subdivided into two descriptions, first: "*just debts*," and, secondly, "*claims*" against the Cherokee nation held by her own citizens. This first class in this subdivision "*debts*" would rest on bond, note, bill, or other *ascertained* written security. Suppose for a moment (and the supposition is not unreasonable) that these *ascertained debts* should amount in the aggregate to the sum of \$60,000, would it rest with the commissioners to say, we will compel you to accept a *pro rata* in common with all other claimants on open accounts, or on refusal to receive this proportion in satisfaction of your entire debt, you may go unpaid? A course like this would not only be deemed unreasonable but also unjust, and we do not permit ourselves for a moment to doubt either the correctness of intention, or the desire of the commissioners to do impartial justice to all concerned.

It was not in the power of the parties who negotiated the treaty, at that day, to ascertain or know what precise sum would be sufficient to pay the "just claims of the citizens of the United States, for services rendered the nation." These services were not all then *performed*, but were *performing* and progressively increasing. The rapid influx of the white population into the nation brought with it a concomitant portion of cupidity and avarice, and various means were resorted to by the whites not only to oust the Indian from the possession of his house and farm, but also to strip him of his personal property, by a multitude of devices, and but too often to violate even the safety of his person. A continuous course of this kind served to multiply the number of suits in the courts to which Indians were parties. On these cases, as well as all others not then disposed of, it was our bounden duty, as the counsel of the nation, to bestow our professional ser-

services, without being permitted to make any charge or receive any remuneration from any individual of the nation. Thus, our "just claims for services rendered to the nation" were continually increasing with time and service, consequently the amount could not be ascertained until the labor was finished. We had not agreed, at the time of our employment by the authorities of the nation, or at any other time, on any stipulated or certain sum for our services, but that we were to be liberally paid for the services we might perform.

We believe that the mere circumstance of setting apart a sum which may prove to be inadequate to meet all those "just claims," cannot impair our right as third persons, and not parties to the instrument, or extinguish the obligation on the part of the United States to comply with her treaty stipulations entered into with our debtor, and especially where an ample *unappropriated* fund remains in the possession of one of the contracting parties to discharge the debt of the other to a third person, *in terms of the agreement.*

In this belief we are surely sustained most strongly by the words, intent, and meaning of the 15th article (or, as we would term it, the *summing up* article) of the same instrument; whereby "it is *expressly understood and agreed* between the parties to this treaty, that, after *deducting* the amount which shall be actually expended for the payment of improvements, ferries, claims for spoliations, removals, subsistence, and *debts, and claims* upon the Cherokee nation, &c., provided for in the several articles of this treaty, the *balance*, whatever the same may be, shall be equally divided," &c. Here is a clear, plain, and direct recognition of the *intention* of the contracting parties, that *all* these variety of *debts and claims* shall be paid *before* the final distribution of the balance be made *per capita*.

This construction is again most strongly sustained by a reference to the 17th article, which declares the *duties* of the commissioners to carry into effect this treaty; which says, "all the claims arising under, or provided for in, the several articles of this treaty, shall be examined and adjudicated (audited) by such commissioners as shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, for that purpose, and their decision shall be final; and on their certificate of the *amount due* the several claimants, they shall be paid by the United States." Here again is a direct recognition of the agreement and stipulation on the part of the United States, that the just claims against the nation shall be paid by the United States. We acknowledge ourselves at a loss to conceive from whence it is that the honorable commissioners derive the power of *designating* or *prescribing* the *particular fund* out of which claims of a particular description shall be paid. We had believed (and that belief has not been changed) that these gentlemen would have discharged their duty, in accordance with a fair and liberal construction of the treaty, by a scrutinizing *examination* of, and a just *adjudication* on, our claims; to admit or reject the several items composing the amount of those claims, and to make a *final decision* on them according to their merits, and the evidence adduced by which they are sustained, and to grant their certificate of the amount due; and that *here* their arduous *duties* would close on these matters. The certificates, we believed, would be sufficient vouchers to a disbursing agent of the Government, to warrant him in their *payment*.

In justice to this subject, we should not omit a reference to the provis-

ions of the 3d supplemental article, which "allows the additional sum of six hundred thousand dollars, to include the expense of their removal, and *all claims, of every nature and description, against the Government of the United States not herein otherwise expressly provided for,*" &c. "And any surplus which may remain after removal and payment of the claims so ascertained, shall be," &c. It surely cannot be seriously contended for, that a just claim has been *expressly provided for*, by setting apart a sum, in itself entirely insufficient to cover the amount of the claim; and such, it would seem, has been the course of reasoning adopted by the honorable commissioners, in arriving at their recent conclusion. If the \$60,000 fund be exhausted by payments to others, are we then to go unpaid, or what is to be done? Or are we to give an unwilling and unjust consent to receive an inconsiderable *pro rata* portion of this fund, with all other claimants, at the rate of perhaps twenty or thirty cents in the dollar, and receipt our accounts in full? To sustain a course like this, we find no stipulation in the treaty. We are of opinion, that if the \$60,000 be not sufficient to discharge all the debts and claims, as recognised in the clause of the 10th article of the treaty, before referred to, that the measure of justice demands that those debts and claims be paid out of the general fund; and, in coming to this conclusion, we do not apprehend that any violence is done to a fair and impartial construction of the treaty in its various parts.

No one, we presume, will question the *right* which the Cherokee nation had, *as a nation*, to employ counsel, and contract to pay them when their ability, as a nation, would allow; and it would be still more difficult to reconcile the idea with the measure of justice, that they should make provision, in their bargain with the United States, that, out of the purchase-money for their country, these services should be paid for by the vendee, and as is agreed and stipulated shall be done, and then the United States turn round and say, we will discharge this obligation by a commutation of twenty cents in the dollar, and this, too, after a contract and agreement on the part of the United States, by her accredited agents, that these claims should be provided for and paid in good faith, there being a valuable consideration moving, on the part of the claimants.

We conceive that, should all other grounds, by possibility, be ruled against us, (which we do not apprehend,) that our claims would again be covered by the provisions made for the payment of spoliation claims; and to support this position, it requires by no means a strained construction. We have only to suppose that the Cherokee nation had the ability, and had actually paid us our fees for professional services, rendered the nation and its people in sustaining and keeping them in possession of their farms, houses, &c., for years; in defending their persons and property from unlawful confinement and seizure; and in prosecuting and defending their rights and claims under former treaties and the laws of the United States. By the 7th article of the treaty of the 2d July, 1791, "the United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded;" and by the 6th article of the treaty of the 2d October, 1798, the United States "continue the guaranty to the remainder of their country, *for ever,*" &c. This guaranty was continued through subsequent treaties, and existed even up to the time of making the late treaty of 1835. The United States suffered this guaranty to become dormant and inoperative, as well as the act of Congress of 1802. Georgia asserted her rights to the lands thus guarantied to the Indians. The assertion and attempted enforcement

of this right impaired the occupant rights of the Indians. This drove the Cherokees into the courts, to sustain those rights guaranteed to them by the United States in the several treaties. Then, the Cherokee nation have only done what the United States were bound, but failed to do; and for the expenses thus incurred by the Cherokee nation, the United States, in good conscience, would have been bound to respond to her, for spoliations thus suffered, had the nation paid those claims. Upon what principle is it, that the spoliation claims are recognised and settled, if it be not for the inability of the United States to comply with their previous stipulations? It would seem to us, that this is the only ground upon which the right to claim for spoliations is based. Then, as the Cherokee nation has not had the ability to pay our claims for services, the position is only changed, and with that is changed the responsibility of the United States.

It is with unfeigned regret that I have been compelled to trespass thus far on your valuable time; but a sense of justice to my associates and myself demands that we should not silently sit by and see the reward of our labors for many years pass from us without making some effort, however feeble and hasty, to arrest that which to us will prove an act of injustice, and exceedingly oppressive; and one, as we believe, not warranted by a legitimate construction of the treaty.

As early as your convenience will permit, I should be very thankful for the result of this matter.

I am, most respectfully,
Your obedient servant,

WM. Y. HANSELL,

For self, and on behalf of W. H. Underwood and Samuel Rockwell.

To the HON. COMMISSIONER OF INDIAN AFFAIRS,
Washington.

CAMP HUNTINGTON, N. C.,
April 1, 1837.

SIR: I have the honor herewith to apply for the situation of attending physician to the Cherokees, who are about to emigrate to the west of the Mississippi. As it may be considered necessary, by the department, that testimonials as to character and professional standing should be given by applicants for this situation, I would respectfully refer to Honorable A. Ward, representative from New York, to General N. Towson, United States army, Washington city, and to the professors of the University of Maryland, in Baltimore.

Very respectfully,
Your obedient servant,
CHARLES E. ISAACS,
Assistant Surgeon E. T. volunteers.

To the Hon. SECRETARY OF WAR.

P. S.—The term of service of the East Tennessee volunteers expires in July next.

HEAD QUARTERS, ARMY OF THE C. N.,
New Echota, Georgia, April 3, 1837.

SIR: In my letter of the 18th ultimo to the Secretary of War *ad interim*, I remarked that I had drawn a bill of exchange on the department, in favor of William Clark, cashier of the Athens Bank, Tennessee. I would now inform the Secretary of War that I drew the bill in favor of Thomas C. Lyon, instead of William Clark.

Since my communication of the 31st, it is currently reported that runners have passed through the Cherokee nation giving information that John Ross had had an interview with the "new President," and that "he was encouraged with the hope that he would be able to obtain a modification of the late treaty, at least so far as to obtain another year for the Cherokees to remain in this country, and another million of dollars." I have contradicted this rumor; still, it has had the effect to revive the hopes of many of the Cherokees, and to change their views and feelings in regard to emigration next fall and winter. A line from you on the subject, at the same time expressing the determination of the President with regard to the execution of the treaty, will no doubt have a favorable effect on the Cherokees, and especially in regard to emigration.

I have the honor to be,

With considerations of the highest respect,

Your most obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding

To the HON. JOEL R. POINSETT,
Secretary of War.

NOTE.—Please to direct to Athens, Tennessee.

J. E. W.

FORT COFFEE, April 7, 1837.

SIR: About the 1st instant, I received information at Fort Gibson, through Colonel Armstrong, superintendent, that the party of Cherokees conducted by Dr. J. S. Young had arrived. It seems they reached Fort Coffee about 27th or 28th March, and were immediately discharged and disbanded; the conductor and other agents dispersed also. I saw none of them. I immediately repaired to this place, in order to remuster and take charge of them. Agents as well as Indians were gone, with the exception a few families who were waiting for means of conveyance. It is a source of regret to me that I was thus prevented from mustering the party agreeably to regulations; and from obtaining any information from the officers in charge—information which would have been of much service to me.

I was not informed up to what time they had been subsisted, and some surplus provisions, instead of being issued to the party before they dispersed, were left with Colonel Armstrong, to be thrown upon my hands, either to be sold, for the few families remaining here refused to receive it, and told me that all of the party who had not received their commuted allowance for the year's subsistence east of Mississippi, had received from the Government agents a promise that they should be paid in cash on their arrival west.

Besides this, most of those entitled to receive were already scattered to a great distance.

Notwithstanding the language of the treaty confines those emigrants who are transported at the expense of Government to receiving provisions in kind, (and unfortunately gives to the provident the privilege of taking either,) about two-thirds of the party, agreeably to a roll handed me by Colonel Armstrong, were paid both the commuted allowance for transportation and subsistence east of the Mississippi, in violation of the plan for removal which you informed me you had instructed the superintendent east of the Mississippi to govern himself by.

I think this course an unfortunate one, as it leaves it optional with such, after receiving their dues, to emigrate or not, and some of them I am told are already destitute, in a strange country, without means of subsistence.

Although I was thus prevented from remustering the party, I have sought out those who, agreeably to the roll, have not yet received their year's subsistence commuted, and I shall muster all others of those who did not receive this commuted allowance east of the Mississippi.

The roll, which is now my only data to guide me, seems inaccurate. Colonel Armstrong, Captain Stuart, Doctor Minis, and others, as well as the emigrants themselves, have assured me that the few families who had not received the commuted allowance for the year's subsistence east of the Mississippi, would be much dissatisfied, if restricted to receiving provisions only. And they refuse to receive, although I urged those who remained at Fort Coffee to take.

I have consulted with Colonel Armstrong and Captain Stuart, who agree that it is best for me to pay them the commuted allowance for their year's subsistence, which they are clamorous to receive, and they sanction the course I have taken. Colonel Armstrong also informs me that this is the opinion of Dr. Young.

Under these circumstances, I have received of Dr. Minis \$7,000, and have, after every precaution, inquiry, and advice, paid the allowance to such of those as I judged would make a prudent use of it.

The instructions to the superintendent east, require him to forward to me rolls, in detail, of all who emigrate, yet numbers continue to arrive by land, who inform me that they have not received the allowances for transportation and subsistence. But as they bring no certificates of identity, and as I have received no roll of them, I cannot settle with them. Among these are Thomas B. Watie and Sto-in, &c.

Daniel Cade says he never received his commuted allowance for year's subsistence; that it was paid east of Mississippi to Calvin Wolf, who refuses to pay it over to him. Samuel McCammons, junior, says his father received the commuted allowance for year's subsistence east of Mississippi, and refuses to turn it over to him. Several others make similar complaints. I would be glad to receive such rolls and information from the east of the Mississippi, as may enable me to give satisfaction, and to act understandingly.

Very respectfully,

Your obedient servant,

J. VAN HORNE,

Lieut. U. S. A. Dis. Agent

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs,

CALHOUN, TENNESSEE,
April 8, 1837.

SIR: I have the honor to inform you that, in obedience to your orders, I have proceeded to this place. On my arrival here, I received your letter of the 13th of March, directed to Nashville and forwarded thence to this place. In consequence of the chain of travelling being so interrupted in this country, I have been a few days later in reaching this point than I anticipated. No instructions or forms have as yet reached this place for me, though I presume that they are on their way.

Very respectfully,

Your most obedient servant,

JNO. C. REYNOLDS,

Assistant Surgeon, Dis. Agent Cher. Rem.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
April 8, 1837.

SIR: In February last, I consulted the commissioners, Messrs. Lumpkin and Kennedy, on the propriety of laying in a supply of provisions for the Cherokees that may get ready to migrate this fall, who advised me to lay in a plentiful supply, (say 300,000 lbs. bacon, with flour and corn in proportion.) I invited proposals for furnishing 200,000 lbs. bacon, which was agreed to be furnished at a fraction under 12 cents per pound, and is now coming in. I am having it packed down in salt. The corn and flour I have not had purchased, but will as soon as I get the bacon secured. We believe, from the best information that we can get, that from 6 to 8,000 will migrate early next fall. Many of the leading Ross men have told me that they would wait no longer on Mr. Ross; that if he did nothing for the nation this last winter, that they would be off as early next fall as they could get ready. Mr. Ross may be looked for at home shortly, and when he comes and lets them know that he has done nothing to alter the treaty, we may expect crowded times. There is a great scarcity of provisions among the Cherokees, and many of them will have to be fed through the summer. I am very much in hopes to be able to get off 6,000 at least, in the month of September next.

I am unable at present to make a correct estimate of the amount of funds necessary to pay for those provisions, &c., but would respectfully suggest the propriety of placing in the bank at Athens, Tennessee, fifty thousand dollars, subject to the draft of Captain Bennett or Captain Simonton, disbursing agents, to be paid out for subsistence of Cherokees, commutation of transportation, pay of agents and teamsters for collecting Cherokees.

I am, very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

HEAD QUARTERS, ARMY C. N.,
New Echota, April 8, 1837.

SIR: Herewith is transmitted my account current, with vouchers, return, abstract, and rolls, for the first quarter of 1837.

The number on rolls approved by the commissioners are intended as references to the vouchers, and receipts for the amount paid.

I am, very respectfully,
 Your obedient servant,

JOHN E. WOOL,
Brig. Gen. Commanding.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

FORT COFFEE, CHOCTAW NATION,
April 8, 1837.

SIR: I have the honor to inform you of my return to this place from Fort Gibson, where I had been to see Lieutenant Van Horne, disbursing agent for the Cherokees west of the Mississippi, respecting the disbursements to be made to the detachment which I accompanied to their new homes. I found him without funds for that purpose, and at his request transferred to him seven thousand dollars, for which sum I have taken his receipts.

I am delayed here in consequence of Arkansas river being so low that rafts cannot ascend or descend it. I have endeavored to procure land transportation, but in vain. I am making arrangements to descend the river in a skiff which I am having built.

From my having been so constantly engaged for some time past, I have not been able to give you the result of my operations as disbursing agent in the Cherokee nation east, since my last communication to you from that country. I shall now proceed to do so, in as succinct a manner as possible: After having disbursed all the funds which were deposited in the Planters' Bank of Tennessee, upon the certificates of the commissioners, and requisitions of the superintendent, with the exception of a part of the emigrating fund, I proceeded to Augusta, Georgia, and drew out of the bank the \$250,000 deposited there. With these funds I returned immediately to New Echota, where I found your instructions to accompany the detachment of Cherokees about to emigrate to the west. After having paid all the certificates then issued, together with all requisitions of the superintendent that were presented, as well as putting my affairs in such a state that I could be temporarily absent, which took me about two days, I proceeded to join the emigrating party, who I found had already started. I overtook them at Tuscumbia, Alabama, where they remained about three days after my arrival, from the 11th to the 14th of March, before they were ready to embark and start. On the afternoon of the 14th, after the Cherokees had embarked and the boat had her steam up ready to start, General Smith, the superintendent, made a requisition upon me "for the transportation of 466 Cherokees, with their baggage, provisions, &c., to their residence west of the Mississippi." On receiving this requisition, I endeavored to make a contract with the steamer Newark, the boat on board of which the Cherokees were embarked, but found that a contract had already been made by Dr. Young, the conductor of the party, by the instruc-

tions of the superintendent. On examination into the contract, I found that it was a very disadvantageous one to the United States. I then determined I would have nothing to do with it, as I could find nothing either in the regulations or my instructions which authorized me to disburse money on a contract made by a conductor or the superintendent. I then endeavored to make a new contract with the agent of the Newark, but found it impossible to do so, without I would agree to pay the amount contracted for by Dr. Young. This I refused to do, and immediately used every effort to procure other means of transportation. This I found impracticable, as there was no other boat in the place, and none expected for some days. Upon deliberate reflection, I thought it were better for the interests of the Government that I should make a contract in my own name with the Newark, and comply with her exorbitant terms, than that the Cherokees should be relanded with all their baggage, which, if it were done, I considered, would create dissatisfaction amongst them. This I wished to avoid, as it was a matter much to be desired that this, the first emigrating party under the late treaty, should proceed and arrive at their new homes with as much comfort and as little delay or cause of complaint as possible. This object has been fully accomplished, and I doubt whether any party of emigrating Indians have been landed at their new homes within so short a period after their embarkation, or with so much comfort, and without the occurrence of a single incident to produce discontent or mar their happiness.

By the authority of the superintendent, General Smith, my situation was made rather a different one than that contemplated by the regulations, or yourself. He considered me merely as the disbursing officer of the detachment, to accompany them for the purpose of procuring and paying for their transportation, and gave to the conductor the sole charge of the emigrating party and the agents employed, together with the charge of the issues of the provisions, muster rolls, &c. This course I protested against, but notwithstanding my protest, and showing him the regulations and instructions on the subject, he persisted in adhering to his first decision on the subject, and gave the exclusive charge of the detachment to Dr. Young, the conductor. The result has been (as I think you will coincide with me in opinion) productive of a most unnecessary expenditure, from the facts which I shall detail. To this detachment of 466 Cherokees, of whom at least one-half were children, there were appointed one conductor, with three assistants, one physician, and three interpreters to accompany them; medicines and hospital stores, amounting to more than two hundred dollars, were purchased, although I told the superintendent, from the knowledge which I had obtained in moving with bodies of troops, that so large an expenditure was totally unnecessary, and that one-fourth of the amount would be sufficient. The result proved the correctness of my opinion. Not one-hundredth part of the supply was used on the route. The provisions were purchased by the superintendent, and put on board of the steamboat by him, without receipt being taken by him from any one for them; they were merely put in charge of the conductor, and issued by him. On the arrival of the party here, there remained on hand about sixty barrels of flour, some sacks of corn meal, and 2,600 pounds of bacon. Some of these provisions were sold by Dr. Young, on account of the superintendent, the remainder were turned over to Captain Armstrong; the Cherokees having all of them preferred receiving money in lieu of the year's subsistence. These provisions remain on hand, and will, no doubt, be a total loss.

I herewith enclose you copies of the correspondence between General Smith, superintendent Cherokee removal, and myself, respecting the transportation and conducting of the detachment of Cherokees above alluded to.

The contract from Little Rock to Fort Gibson, or such point in the Cherokee nation west, on the Arkansas, designated by the agent, was \$5 per head, that from Tusculmbia to Little Rock was \$18 25 for each and every Indian of the party. You will readily perceive the disparity of the two contracts, and at once see how much lower the transportation was procured in the one case, where I was untrammelled, than in the other.

I have with me duplicates of the contracts, which I will forward you when I arrive at some point where there is some degree of certainty in the mails. Packages and papers, I am told, are generally near two months in getting here from Washington.

Captain Bennett had not arrived at New Echota when I left there. I left with General Wool the necessary funds to turn over to him on his arrival.

I am, very respectfully,

Your obedient servant,

PHILIP MINIS,

Dis. Agent Cher. Removal.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

P. S.—Some of the Cherokees who were transported at the expense of the United States, had already been paid commutation for their transportation. This money they refunded to the superintendent, which he kept, and did not turn over to me.

P. M.

TUSCUMBIA, ALABAMA,

March 14, 1837.

SIR: Your requisition for the transportation of 466 Cherokees, with their baggage, provisions, &c., to their homes in the country assigned them west of the Mississippi, was received about two hours since, and I have to inform you that I have been compelled to accede to the terms of the agent of the steamer Newark, in consequence of the Cherokees having been already shipped on board of her in virtue of a contract made by your agent, Dr. Young, which contract I protest against, as it was made without any authority granted by the regulations, or the official instructions for carrying into effect the late treaty with the Cherokees. The Newark will be ready to proceed to Little Rock as soon as I can make the necessary contracts.

Your communication of the same date as the above, which is a copy of your instructions to Dr. Young, giving him the charge of this detachment of Cherokees, has also been received, and I protest against any such power being vested in you, when an officer of the army is present, and refer you to article 11, sec. 4, of the regulations concerning the removal of Indians.

I inform you that a copy of this communication will be sent by me to the Indian Department.

I am, with much respect,
Your obedient servant,
PHIL. MINIS,
U. S. Army, Dis. Agent C. Removal.

To Gen. NATH. SMITH,
Superintendent Cherokee Removal.

P. S.—In consequence of the authority given by you to Dr. Young, I absolve myself from all responsibility as to the charge of the detachment of Cherokees, and I shall accompany them to Little Rock for the purpose of defraying their expenses to Fort Gibson. P. M.

TUSCUMBIA, ALABAMA,
March 14, 1837.

SIR: You will take charge of the detachment of Cherokees now on board of the steamer Newark, at this landing, and deliver them at their homes in the country assigned them west, or to such agent as may be directed to receive them from you. Dr. P. Minis is disbursing agent for the detachment.

Very respectfully,
NATH. SMITH,
Superintendent Cherokee Removal.

Dr. JOHN S. YOUNG,
Conducting Agent.

FORT GIBSON, April 11, 1837.

SIR: Since my return to this post, I have met with an assistant agent who accompanied the party of Cherokees. He informed me that the roll of that party turned over to me is inaccurate, and cannot be depended on. With the assistance of Mr. Alexander McCoy and others of those emigrants, I have endeavored to obtain correct information respecting them, but if matters are managed in this way, there can be no safety or accuracy in supplying or disbursing to Cherokee emigrants here. Within the space of six inches on one page of this roll, the same individual is three times enrolled under different names. Opposite one is the remark, "Com. of Sub. east of Mis." An individual applying to the disbursing agent under either of the other names could by this roll receive the allowance.

Black Bird, two in family, is enrolled twice; in one place marked paid, in the other unpaid. There are three families of Scrapers on the roll; two of four each, one of seven. There should be only two families, of four each. Polly Swimmer, two in family, received the commuted allowance for one year's subsistence in the family of A. Rowe; Charles and John Hicks received in the family of A. McCoy, east of Mississippi. Ailsey Stand and Cahluhtarquinot (3) received in the family of R. Scott. Watty Ridge received with Major Ridge and Ailsey Moore, three in family, with

Charles Moore, east of Mississippi. Yet all these by the rolls are entitled to the year's allowance of subsistence. Other cases are doubtful, as I have not the means of knowing whether they have received or not. Some reply for the allowance who are marked paid.

Jackson King is a white man, without any Indian connexions. Although transported and subsisted on the way by the United States, I shall not submit him without your order to that effect.

These emigrants are anxious to get their dues for their improvements east of the Mississippi. They say that they were assured that they would be paid immediately on their arrival here. Should I not be supplied with funds for the purpose? I have no data by which to make estimates. I should be glad to be placed in a situation to meet their just demands, so that no cause of dissatisfaction or complaints on account of delay may exist.

Very respectfully,

Your obedient servant,

J. VAN HORNE,

Disbursing Agent Cherokees.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

ZEBULON, GEORGIA, April 12, 1837.

DEAR SIR: There is one item in the treaty with the Cherokees that allows them blacksmiths for the term of one year; be so good as to state when these services will be required, and how they are appointed, and what they get for one year's labor. In complying with my request you will confer a favor.

Yours, most respectfully,

EVANS SHANNON.

Please let me know by return of mail.

E. S.

OFFICE OF THE CHEROKEE AGENCY EAST,

April 14, 1837.

SIR: I have to apologize for not having kept the department better informed of the transactions in the Cherokee country, since my appointment to the situation of superintendent of removals. But in consequence of the commissioners being stationed at New Echota, and the necessity I was under of visiting the different stations where the Indians were collected, it was not in my power to report as regularly and frequently as I could have wished.

Your communication of the 30th ultimo has just reached me. In reply to the several interrogations therein contained, I have the honor to state:

That the number of Cherokees at the different stations prepared to emigrate amount only to about sixty-six; thirty at Valley river, twenty at Ross's landing, and sixteen at the Cherokee agency.

There is but little prospect of further enrolment at present. It is supposed that in the event of John Ross's failing to effect some alteration or modification in the treaty, that probably 8,000 will leave for the west early in the fall. Many of the principal men have said that they would not wait any longer upon his movements.

In addition to the stations above mentioned at which Indians are collected, it is intended that the Mountain Indians shall assemble at Cogns creek near Fort Armistead.

Supplies have been laid in at the agency for all the stations. It will cost but a trifle to transport them thence to Ross's or Gunter's landing, or to any point where they may be required.

The conducting agents have instructions to lay in supplies on the best possible terms west of the Mississippi, should not those with which they are furnished here be sufficient to last them to their place of destination.

It is my intention to limit emigrating parties to 1,200, a number considered quite sufficient to permit them to be transported either by land or water without difficulty.

I advised Captain Brown, early in February, that a party consisting of nearly a thousand would leave for the west early in the spring; and I shall keep him advised of any further movements.

The disbursing officers now here, Major Bennett, Captain Simonton, and Dr. Reynolds, will be all that will be required to meet the wants of the department until another party leaves.

There will be no necessity for the appointment of any more physicians until fall, after Dr. Townsend reports. I have to recommend that Dr. C. E. Isaacs, of Maryland, be appointed as soon as another is required.

I have the honor to be, &c.,

NATH. SMITH,
Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

CALHOUN, TENNESSEE,
April 14, 1837.

SIR: I have the honor to report to you, that I have this day arrived at this place. It is necessary for me to state that I was detained several days on the route hither by indisposition. There has however been no actual necessity for my services yet.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,
Captain U. S. A., Disbursing Agent.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA,
April 19, 1837.

SIR: I have the honor to report to you that I have been directed by the agent for the Cherokee removal to repair to this place and take charge of the public funds for the removal, left here by Dr. Minis.

A copy of the agent's instructions is herewith transmitted.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,

Disbursing Agent to Cherokee Removal.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

P. S. Communications will reach me from Calhoun by express.

CHEROKEE AGENCY, EAST,
April 17, 1837.

SIR: You will please repair to New Echota, Georgia, and report to General John E. Wool, who will turn over funds to you, now in his hands belonging to Doctor P. Minis, disbursing agent, and you will please make such disbursements as the service may require.

Very respectfully, &c.,

NATH. SMITH,

Superintendent Cherokee Removal.

To Capt. J. P. SIMONTON,
Disbursing Agent for Cherokee Removal.

CHEROKEE AGENCY EAST,
Calhoun, Tennessee, April 20, 1837.

SIR: In conformity with the regulations "for the removal of Indians," which require the superintendent to make a quarterly report of the proceedings in his department, I have the honor to address you this communication, accompanied by a statement showing the names, stations, and employment of the various persons that have been engaged in the service during the past quarter.

When I entered upon the duties of my office, on the eighteenth of January last, I found at New Echota, Georgia, three hundred and sixty-six Indians drawing rations, who expressed a willingness, and indeed anxiety, to remove west immediately by water. I also found a number who wished to remove themselves by land, many of whom had for some time been ready, and only waited for the arrival of the proper officers to make a final settlement of their affairs. These were anxious to reach their new homes in time to make a crop the present season. General Wool had been supplying the three hundred and sixty Indians with rations, out of the 70,000 set apart by the treaty. When I arrived at New Echota, he informed me that his provisions were nearly exhausted, and that he must turn them over to me, which was accordingly done. I had no provisions there, nor could any be procured, none being raised in that section of country.

As the supplies would have to come from Tennessee, I determined to send the Indians to this place, (Calhoun.) I preferred this point to Ross's landing, in consequence of the greater facility and cheapness in procuring teams, as the wagons which were daily employed in transporting provisions to Georgia returned by this point, and could be engaged at a lower rate. The distance from New Echota to this place is sixty, and to Ross's landing fifty miles; the road to the latter, however, being much the worse.

I have already apprized you of the departure of four hundred and sixty-six Indians, under Doctor Young as conducting agent. From reports received, I learn that they passed Memphis on the 17th of March, all in fine health and spirits. About five hundred more have removed themselves by land during the past month, having commuted their subsistence and transportation. I have been disappointed, as, no doubt, the department also, that I have not been able to send further detachments this spring. I used every means to induce more to go, but they insisted on postponing it till next fall, and, in the mean time, are engaged in making a new crop. They are deceived by the promises of John Ross, who assured them that something would be done for them. Many of the leading men, however, have assured me that they will wait on him no longer than the present summer, and, if nothing be done in their favor, they will emigrate in the fall.

There having been, until recently, but one disbursing agent in this country, and that one being stationed at New Echota, I was obliged to ride to and from that place several times to sign requisitions for those who wished to remove themselves. From this and other causes, I have been kept so busily employed that I had not opportunity to keep you advised of our proceedings as fully as I desired. Doctor Reynolds and Captain Simonton having since reported to me as disbursing agents, and there being no detachment ready for emigration, I have stationed the first at this point to disburse upon my requisition, and the other has proceeded to New Echota, to act under the commissioners.

Viewing it as very important to remove the first detachment comfortably and with good feelings, I spared no pains to effect that object, in which I think I succeeded, and I have no doubt the report they will make, by letters and messages, to their friends that have remained behind, will have a very salutary effect upon their future emigration. Under these views, and, moreover, being mistaken in the number of emigrants, I may, perhaps, have employed more agents than otherwise I would have done.

Owing to the great press of business, and that of a nature so scattered, I may not have reported to you (as required by the regulations) all the persons employed. If I did not, the omission was accidental. In selecting my interpreters, I have generally taken them from the Ross party, and find it has had good effect. In all matters, I have acted in such manner as, I believe, would promote the views of the Government, and effect the execution of the treaty in a quiet and peaceable manner.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent of Cherokee Removals.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

ATTORNEY GENERAL'S OFFICE,
April 20, 1837.

SIR: In the letter of Messrs. Lumpkin and Kennedy, commissioners under the treaty of 1836, with the Cherokees, enclosed to me in your communication of the 23d ultimo, the following questions are stated, on which you ask my opinion:

1. As to the limits imposed by the treaty, on the gross amount to which claims for professional services rendered to the Cherokees, by citizens of the United States, may be allowed?
2. What constitutes a just claim, under the treaty, for such services?
3. To constitute such a claim, is it necessary that the claimant should have been employed by the authority of the nation?

In answer to the first of these questions, I have the honor to inform you, that after maturely considering the statements of Mr. Schermerhorn, one of the commissioners who negotiated the treaty, and the arguments of Mr. Mansell, in behalf of himself and the other claimants, I am of opinion that the sum of *sixty thousand dollars* constitutes the whole amount which can be paid by the United States under this treaty, for the claims of citizens of the United States, for services rendered to the Cherokee nation; and that if this sum is insufficient to meet the whole amount of the just claims of such persons, they must resort, for the balance which may be due to them respectively, to the Cherokee nation. The tenth article of the treaty provides as follows:

"The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation, held by the citizens of the same, and also the just claims of citizens of the United States for services rendered to the nation, and the sum of sixty thousand dollars is appropriated for this purpose; but no claims against individual persons of the nation shall be allowed and paid by the nation."

The appropriation of the sum of \$60,000, in the above clause, is explicitly and solemnly made; and such a construction must be given to the clause, and to the whole treaty, as to give some reasonable effect to this appropriation. But it is impossible to give any such effect to it, except by treating it as the limit to which the United States were to go in paying the claims embraced in it. If the full amount of the just claims referred to, even though they should exceed \$60,000, is yet to be paid, the appropriation of that sum was worse than an idle waste of words; it was calculated to produce ambiguity and dispute, where it was perfectly easy to avoid both, by simply omitting the specific appropriation.

As we have no authority to reject this appropriation, the only remaining question under this head is, as to the claims embraced in it. Here, it must be admitted, there is a serious ambiguity in the language. The appropriation admits of two constructions: it may apply to *all* the debts and claims spoken of in the clause, that is to say, the just debts and claims against the Cherokee nation, held by the citizens of *that nation*, as well as the just claims of citizens of the United States for services rendered; but if this had been intended, the more accurate and natural expression would have been, "and the sum of \$60,000 is appropriated for *these purposes*;" because, the just claims of the citizens of the United States are enumerated in the clause as a second class of cases, and the strict grammatical construction of the phrase "*for this purpose*," confines it to this latter class. I construe

the clause as though the phraseology had been, "and also the just claims of citizens of the United States, for services rendered to the nation, *for which purpose the sum of \$60,000 is appropriated!*" This, I think, is the precise grammatical effect of the language used; and in a case of doubt, the grammatical construction should be preferred, unless plainly repugnant to the probable intent. In the present case, the grammatical construction will produce no injustice, whereas, the extension of the appropriation to both classes of cases enumerated in the clause might do great injustice. It is moreover in accordance with the statement of Mr. Schermerhorn, who informs us that the sum of \$60,000 was named in the first draught of the article, exclusively with reference to the last description of claims. It is true this gentleman also thinks, that although this particular appropriation was intended to meet the claims of our citizens for services rendered to the Cherokee nation, it does not necessarily limit the amount to be allowed and paid to \$60,000, in the aggregate, provided the just claims shall actually exceed that sum, an opinion from which, as already stated, I wholly dissent.

But the information given by him, as to the origin of the appropriation, may well be resorted to, where the language is obscure, for the purpose of settling the construction.

2 and 3. In answer to the second and third questions, I can only observe, that in my opinion the claim, to be a just one, under the treaty, must be for services of a lawful nature, performed at the instance and request of the acting authorities of the nation.

I am, sir,

Very respectfully,

Your obedient servant,

B. F. BUTLER

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

CHEROKEE AGENCY EAST,
April 24, 1837.

SIR: In my letter to you on the 28th last month, I informed you that I had sent collecting agents to the different parts of the Cherokee country to ascertain if a detachment could be collected to leave for the west early in next month.

These agents have returned, and report that they found but one family of five persons that are willing to remove this spring.

The Cherokees, who say anything about removing, say they will go this fall; but the large majority of them will not talk on the subject, particularly the over-hill Indians, (all so called that reside east of the road that leads from Columbus, Tennessee, by McNairs, to Georgia,) about 6,000 in number. Ask them when they are gonig to remove west, and they will answer you by saying they would rather die here than go west and die.

This is the feeling of at least ninety-nine out of the hundred of that part of the nation. I have not yet been able to get one out of that bound to emigrate. One individual (John Love, a half breed) attended at New Echota when the treaty was made. Mr. Schermerhorn then give him a public blanket; when he returned home, to the valley towns, and let it be

known that the blanket was given him by a United States officer, the Indians collected, took his blanket from him, made a fire, and burned and danced around it. This will give you some idea of their feelings; and I do assure you that nothing but the presence of the military force keeps them from shedding blood.

They say that the treaty-making-party does not consist of more than five hundred persons; the balance, I discover, are the adherents of Mr. John Ross, and are more devoted to him than I have ever seen persons to any man.

General Wool is now making a tour through their country, and giving them talks, in which he urges on them the propriety of their early embracing the provisions of the treaty, and preparing to be off, at least half the tribe this fall; that he will not suffer all of them to remain, and be forced off, at the end of the two years; that at least half *must* go this fall, &c.

This tour of the General's, I think, will have a good effect; the Indians both love and fear him, and I think will pay attention to what he says to them; particularly at this time, as information has just reached the Indians that John Ross and his delegation had been round to the President, Mr. Van Buren, and treated very kindly and friendly, but told by him that nothing could be done to alter or amend the treaty; that it had been ratified by the Senate, appropriations made to carry it into effect, and was now the supreme law of the land, and must be executed. This information, I think, will cause the most of the leading Ross men to come into the measures of the Government, and prepare to be off early this fall.

I have dispensed with the services (for the present) of all the agents at the different stations, except McCullough and Denton. Them I shall retain to issue to the emigrants that are collected, and collect such as may get ready, and wish to remove in, &c.

I am, very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs, Washington.

P. S.— Since writing the above, I am informed by a Cherokee of the Ross party that a letter was read to a number of Cherokees (collected for the purpose at Lewis Ross's, a few evenings since) from John Ross, in which he informs them that he had an interview with the President, Mr. Van Buren, at which himself and delegation was treated very kindly and friendly, but told, candidly, that nothing could be done to alter or amend the treaty. He (Ross) speaks very kindly of the President, and advises that as many of the people as possible get ready and be off for the west, this fall; that they must, in future, do the best they can; that he is done. If this is the fact, and I have no reason to doubt it, we may prepare for at least 8,000 to emigrate this fall, and I will not be surprised if 10,000 go, if they can be provided for.

The favorable impression that the President made on the delegation at this interview, I have no doubt, will have a very happy effect on the future movements of the Cherokees.

N. S.

CHEROKEE AGENCY EAST,

April 26, 1837.

SIR: I have the honor to inform you that two of the agents (Messrs. Cannon and Currey) who went with the detachment of Cherokees west, have returned to this place, having made the trip in twenty-eight days, (seven of which they did not travel.) They report that Doctor Young (conducting agent) mustered out of the boats every individual that was here mustered in: not a death or birth occurred; that they left the Indians in good health and spirits, and very much delighted with their new homes.

This highly favored trip, and the substance of Mr. John Ross's letter made known, will have a wonderful influence on future emigration, the prospects for which are now daily brightening.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, May 1, 1837.

SIR: I have the honor to transmit, herewith, the monthly abstract of expenditures made by me for the Cherokee removal, in the month of April, 1837.

No expenditures having been made on account of transportation or contingencies, therefore, no abstracts under those heads are sent.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,

Captain, and Disbursing Agent C. R.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

BOLIVAR, JACKSON COUNTY, ALABAMA,

May 1, 1837.

SIR: Peter Johnston obtained a reservation of 640 acres of land in the district of lands offered for sale at Huntsville, Alabama, by virtue of the treaties of 1817 and 1818 between the United States and the Cherokee Indians, which was, on his part, entirely fraudulent, for the following reasons: 1st, he was a black runaway negro slave; 2d, the wife he pretended to have, and through whom the reservation was obtained, is a Catawba Indian: the land has reverted to the United States again, supposing it had been taken in good faith, (it was a lifetime reserve,) for the following reasons: 1st, he and his wife Sally, (the Catawba Indian,) by their deed of record in the clerk's office at Bellefont, county of Jackson, and State of Alabama, have bargained, sold, and conveyed the whole of said reservation away, (one-half to James Sollor, and one moiety to James Rizzia.) 2d, the said Peter Johnston ran away from this county immediately after the sale of said tract of land, and certain account has been had of him since; and

Sally Johnston, (the Indian,) after removing off of the land for about three years, was hired, by persons who had become possessed of it, to move thereon, (to try to prevent its reverting to the United States,) which she did, and there lived until some time in the latter part of 1836, when she was possessed by the sheriff of this county, by virtue of a writ of possession issued by the circuit court, in accordance of a judgment of said court, at the October term for 1836, in the care of the school committee of section sixteen, township one, range eight east, *versus* Sally Johnston. The reservation covered a part of the sixteenth section, and a part of two other sections; all that part not included in the sixteenth section was offered for sale at Huntsville, in the latter part of 1834, by the proclamation of the President. Now, the said Sally Johnston wishes to avail herself of an article (12) in the treaty lately concluded between the United States and Cherokee Indians, which provides for those Indians who have been illegally possessed of their lands. From what I have heard, she has got the positions of several white men, containing a garbled statement of facts, that she may impose on the commissioners appointed by the United States to adjust such claims. Every declaration I have here made I can substantiate by incontrovertible evidence. I write you this that it may be in your power to prevent a fraud being practised on the Government. If I knew where and when the commissioners of the General Government would sit, I would write to them on the case. I was one of the committee of section sixteen, township one, range eight east, who prosecuted the suit against her.

Respectfully,

Your obedient servant,

CHARLES S. JONES.

To the SECRETARY OF WAR.

FRANKFORT, *May 2, 1837.*

DEAR SIR: In a letter you addressed to Hon. R. M. Johnson, I am informed that an allowance of \$240 has been made for the services of Major William M. Davis, from the 4th of March to the 5th of May, 1836, which you have said shall be paid "on the presentation of the proper vouchers." Which vouchers I herewith enclose you, properly authenticated, and will be greatly obliged if you will immediately forward me a draft for the above amount.

Very respectfully,

ARABELLA DAVIS,

Executrix.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

WASHINGTON CITY, *May 4, 1837.*

SIR: Since taking leave of you, and my separation with those of my Peagues who have returned homewards, it has become my duty to address

you this letter previous to leaving the metropolis of the United States for the Cherokee nation.

I will not occupy your attention with a recapitulation of all that passed between us, at our several interviews, on the subject of Cherokee affairs. Being informed that General Wool will be relieved of his military duties in the Cherokee country by Colonel Lindsay, I beg leave to call your attention to certain acts of oppression and injustice complained of by the Cherokees, and to ask that justice may now be extended in reference to them.

In the summer of 1835, the Georgia guard, under the command of Colonel William N. Bishop, by authority of Mr. Benjamin F. Currey, then superintendent of Cherokee removals, forcibly seized the printing presses, types, books, papers, and other materials pertaining to a printing office, belonging to the Cherokee nation, and, notwithstanding applications have been made for their restoration, they are still retained.

In the summer of 1836, Brigadier General John E. Wool required the Cherokees of the valley towns to surrender up their guns to his command, and, as a proof of their peaceable disposition towards the citizens of the United States, about two hundred (or upward) guns were brought in and delivered up, by the Cherokees, to that officer; and when it was believed that General Wool could not but see that there was no propriety in withholding these arms longer, the council of the nation, in the fall of that year, at the instance of the owners, solicited the General to restore the guns; but I am not informed that it has been done, even up to the present time.

Some time in December last, when a committee of the nation appointed by the general council, consisting of Messrs. Lewis Ross, Richard Taylor, Daniel McCoy, and Elijah Hicks, met at the house of John Martin, late treasurer of the nation, for the purpose of settling his accounts preparatory to his emigration to Arkansas, at a late hour at night Mr. Martin's house was surrounded by United States soldiers, and in the morning the officers in command demanded all the public papers of the nation, and forcibly took the treasurer's account book and other papers. Mr. Martin, together with the committee, (excepting Mr. Taylor, who was not present,) were then made captives and escorted by the military to head quarters, before General Wool, a distance of twenty miles. The Commanding General, after liberating these gentlemen, made a general demand of them for all the public papers of the nation, and threatened, if they were not surrendered up to him, that he should be under the painful necessity of arresting all the leading men of the nation.

These unaccountably strange proceedings, no doubt, occurred under the pretext and authority of executing the "general order number 74."

You will pardon me for repeating the suggestion to you of the necessity for superseding the former instructions of the department, upon which the aforesaid "general order" was based, by those which are now to be given to Colonel Lindsay.

My most ardent desire for avoiding every possible ground of difficulty between the officers of the Government and the Cherokees, prompts me to ask the indulgence of being furnished with a copy of the instructions which shall be given to that officer; and, in conclusion, further to ask that the printing press, types, books, papers, &c., belonging to the Cherokee na-

tion, and the guns of individual Cherokees, seized and detained as herein stated, be now ordered to be restored, without further detention.

I have the honor to be,

Sir, with high respect,

Your obedient humble servant,

JOHN ROSS,

In behalf of the Cherokee Delegation.

To the Hon. JOEL R. POINSETT,
Secretary of War.

NEW ECHOTA, GEORGIA,

May 6, 1837.

SIR: I herewith enclose to you a receipt from Capt. J. P. Simonton, United States army, disbursing agent for Cherokee removals, for \$50, the proceeds of the sale of hospital stores, &c., made by me in Arkansas, after the discharge of the late detachment of emigrating Cherokees.

It will be perceived that we were so fortunate as to require but few hospital stores and medicines for the sick on this occasion; therefore, a large proportion of those laid in, were on hand when the detachment moved west. I was without any definite instructions respecting the disposition of the surplus medicines, &c., that might remain on hand. All the orders I had received from the superintendent on the subject were, to make the best disposition of them that circumstances and the nature of the case would allow.

The course I pursued was, to separate the more important medicines, and those most easy of transportation, from those of less importance, and from their bulk and weight more difficult of transportation. These I had carefully packed in separate boxes, taking an exact invoice of the articles in each. When this was done, I was offered \$50 by Looney Price, a respectable Cherokee, for the lot of the last named articles.

When I came to examine their original cost, which was at a high rate, I found it to be but a few cents over \$60; and when I inquired respecting the expense of transporting them back to the nation, east, I found it would be more than the sacrifice in price. And as the lot consisted principally of articles easy to be obtained, such as sugar, coffee, molasses, castor oil, &c., I did not hesitate to decide that I was doing the best for the Government to accept the offer. The valuable medicines I shipped to Ross's landing, Tennessee, via New Orleans, where they will probably arrive in season for the service of the next collection of emigrants. A minute report of my proceedings in this particular, I made to the medical director of Cherokee removals.

I have the honor to be,

Most respectfully,

Your most obedient,

C. LILLYBRIDGE,

Physician to C. E.

To Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

Received, New Echota, Georgia, May 6, 1837, of C. Lillybridge, Missionary to the Cherokee emigration, \$50, the proceeds of the sale of household stores, &c., made by him in Arkansas, after the discharge of the first detachment of emigrating Cherokees, in 1837.

J. P. SIMONTON,

Capt. U. S. A., D. A. C. R.

NEW ECHOTA, May 6, 1837.

SIR: I had the honor, by the last mail, to receive your letter of the 17th ultimo, in which you require me to explain the cause of the absence of Doctor P. Minis from his post in February and March last. I am unable to inform you what business called him away at that time, as he neither consulted me, nor informed me that he intended to leave, nor did he consult the commissioners on the subject of his absence, as they inform me; the rumor was that he went after funds. On the subject of the demurrage paid, I have to remark, that I arrived at Tuscumbia on the evening of the 8th March, the day fixed by the contract, with about half of the Cherokees, the balance reached on the 9th, and if Doctor Minis had been there, all could have been ready on the 10th to be off, and the boat could not legally have charged demurrage, for the two keels that the Cherokees went in were not fixed up for their reception until that day. But Doctor Minis did not arrive until late in the evening of the 12th, and then attempted to take charge of the party as conducting agent, which created considerable confusion, and thereby detained the detachment until late in the evening of the 14th. Of this the company took advantage, and charged for five days' demurrage, and would not take the Indians until the money was paid. There being no other boats in port, I was driven into this measure, unjust and unpleasant as it was. I must, in justice to the service, say to you as my opinion, that if Doctor Minis had have been at his post, over 600 Indians would have been collected, and no demurrage could have been claimed. Doctor Minis also refused to pay any of the agents that accompanied the detachment, and those of them who had no money of their own were obliged to borrow, in order to defray their expenses home.

I am, very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA,

May 7, 1837.

SIR: The undersigned, a portion of the Cherokee committee, having been informed that General John E. Wool has been recalled from the command of the Cherokee country by the Secretary of War, deem it their duty to state, for the information of the department, that such a course might be attended with dangerous consequences, and, in fact, be the cause

of producing war and bloodshed. Such an event is not impossible, and all precautionary measures should be used to avoid it. We have but too recently witnessed the fate of our unfortunate bretheren, the Creeks and Seminoles, to be callous and indifferent to a fate hanging over our people, not dissimilar in its consequences to that which attended them. We are Cherokees, and claim a right to know something of their character, disposition, and habits. Many of them are opposed to the treaty, and will stand out in opposition to it until the very last day of the time given them to remove, expires. We therefore deem it highly important to the peace and quiet of the country, that a man of decisive character, one who knows how to command, should remain among them. So far as we have been able to judge, General Wool possesses this admirable talent. He is energetic in his action, prompt in his decisions, treats the Indians with great kindness, and at the same time pays a due regard to their rights. By this gentlemanly and highly creditable course, he has rendered himself popular with all parties, and possesses their entire confidence; in addition to which, he is better acquainted with their affairs than almost any man in the country. We have no hesitancy in saying, that there is no officer in the army who can do more to appease their anger, and sooth their sorrows, than General Wool. In a word, we believe that the success of their removal in a great measure depends upon his remaining in command of the Cherokee country; there are none who would regret more to part with him than your very humble obedient servants.

JOHNSON ROGERS,
JOHN A. BELL,
BRICE MARTIN,
ARCHEY FIELDS.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA,
May 8, 1837.

SIR: I have the honor to request that I may be informed by the department in what manner I shall abstract the payments made upon certificates issued by the commissioners under the 9th article of the treaty with the Cherokees, dated 29th of December, 1835.

The superintendent of removals has also directed me to pay certain debts of John L. McCoy, concerning which I have no information, and am at a loss to know how to abstract.

My instructions with regard to my duties here are very limited, and I would be glad to have something more definite from the department. I am not in possession of any instructions which have been sent to disbursing agents who have preceded me here, and there appear to be several cases existing here, which are special and are not under the government of the general regulations. The Cherokees, for instance, are allowed, when they remove themselves, twenty dollars for each member of their family, in lieu of the transportation and subsistence furnished those who are removed by the United States.

Accounts of this description, being for both transportation and subsistence, I am in this instance again at a loss to know under what head to abstract.

I have no further instructions from the superintendent than the letter, a copy of which I sent you on the 19th of April last, except verbal instructions to disburse on the certificates of the commissioners, and to pay the accounts of McCoy, above alluded to.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,

Disbursing Agent to Cherokee Removal.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

May 10, 1837.

SIR: As I anticipated, the news of Mr. John Ross not being able in his late interview with the President (Mr. Van Buren) to get any alteration or modification of the treaty, has spread rapidly, and made a great change in the prospects for emigration.

About 130 Cherokees have enrolled themselves, at this place and Ross's landing, since I last wrote you, who say they will go whenever I say they must, but would prefer not to leave until September next.

If I can get a party of only 500, willing to go early, in next month, I will send them. I find very few that are willing to leave until fall; and I doubt the policy of sending them in warm weather, unless they are entirely agreed. From the best information I can get, there are four or five hundred families of the Cherokees, in Tennessee, Georgia, and Alabama, (but chiefly in Georgia,) that have been turned out of their houses and farms, by the whites, and who are now living in camps, in the woods, and have no place to raise anything to subsist on. Those of them who make complaint to me, and I find wrongfully turned out, (which is in 19 cases out of 20,) I repossess, agreeably to the 16th article of the treaty. I am endeavoring to get as many of these and all others to come in and receive rations, until I am in readiness to send them off. I have had to put two white men and their families out of the Tennessee part of the Cherokee country, before I could make them let the Indians alone.

I learn with deep regret that the Hon. Secretary of War has issued an order relieving General Wool from his command here. This measure will seriously injure the cause of emigration. I have written the honorable Secretary my views on the subject, and I do predict that the most serious consequences will grow out of his leaving at this time. The Indians and whites, generally, have every confidence in his just, efficient, and decisive course; and no man can come here, and render the Government and the Indians as much service as he can.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

GENERAL LAND OFFICE,
May 10, 1837.

SIR: In consequence of the receipt of your letter of the 24th ultimo, I have the honor to transmit, herewith, all the papers forwarded to this office in relation to the alleged abandonment of the reservations under the Cherokee treaty of 1817, and 1819, granted to the undermentioned individuals, and situated in the State of Alabama, viz:

Charles Thompson, Sally Lowry, Isaac N. Wade, Daniel Thorn, Alexander Thompson, William Key, John Thompson, Giles McNulty, Isaac Roy, Catharine Stephens, William Jones, Catharine Cheeks; Polly Smith, John Hunter, Challenge, Andrew Lacy, Thomas Harrison, and Edward Gunter.

As from the voluminous character of those papers, it would be impracticable to have them copied, I have thought it advisable, particularly as they are intended for the information of the responsible agents of your department, to transmit the original documents, and have to request that you would give such directions as will insure their safe return to the files of this office by the agent to whom they are to be confided.

Sir, your obedient servant,

JAMES WHITCOMB,
Commissioner.

HON. C. A. HARRIS,
Commissioner of Indian Affairs.

Evidence relating to the case of Charles Thompson, embraces his affidavit, deposition of John Lato, James Simpson, and Benjamin Merrill, in presence of James Walker, justice of the peace, of Madison county, Alabama, on the 21st March, 1831.

Evidence relating to Sally Lowry, is the deposition of W. T. Rice, and E. King Clayton, before Hardy Doyal, a justice of the peace of Jackson county, Alabama.

Evidence relating to Isaac N. Wade, embraces the deposition of Isaac Morrow and John Louis, in presence of Wm. H. Griffith, a justice of the peace of Madison county, Alabama, on the 5th March, 1831.

Evidence relating to Daniel Thorn, is the deposition of W. T. Rice, Geo. Smith, and Moses Quarles, in presence of Daniel Price, a justice of the peace of Jackson county, Alabama, on the 2d of April, 1831.

Evidence relating to Alexander Thompson, embraces the depositions of Silas Parsons and Hugh Henry, before Wm. Barker, a justice of the peace of Madison county, Alabama, on the 8th March, 1831.

Depositions of Isaac Moore, Brook Smith, J. Boggs, D. Parker, and Abner Moore, before W. H. C. Wheeler, a justice of the peace of Jackson county, Alabama, on the 31st July, 1830; of Jane Cotton, before James Walker, a justice of the peace of Madison county, Alabama, 25th February, 1831; of Isaac Moore and Bowker Smith, before John Martin, a justice of the peace of Madison county, and Mayor of Huntsville, Alabama, on the 28th February, 1831.

William Key.—The papers in this case are depositions of Martin Cross, Wm. Rover, Daniel Lewaller, Wm. Hall, and Benjamin Price, before Joshua Wann, a justice of the peace of Jackson county, Alabama, on the 18th March, 1831.

John Thompson.—The papers in this case are depositions of Brooker Smith, Benjamin Merrell, and Hugh Henry, before W. H. E. Wheeler, a justice of the peace of Jackson county, Alabama, on the 5th March, 1831.

Giles McNulty.—The papers in this case are depositions of Madison E. Lewis, John W. Irley, John W. Connelly, Dudley Glass, Nathaniel Hall, John Griffen, and James Robinson, before Isaac Kirksey and E. Moreland, a justice of the peace of Madison county, Alabama, on the 14th March, 1831; also of William Sharp on the 14th, and Samuel Tipton on the 11th March, 1831, before Isaac Kirksey, justice of the peace.

Isaac Key.—The papers in this case are depositions of Hugh Montgomery and James G. Williams, before Samuel Workman, justice of the peace of Jackson county, on the 29th September, 1830; of Charles Lewis and Joshua Kirby, before John Martin, a justice of the peace of Madison county, on the 2d March, 1831; of R. B. Clayton before Elijah Hansborough, a justice of the peace of Jackson county, Alabama, on the 26th February, 1831.

Certificate of Hugh Montgomery relating to the location of the reserves of Isaac Keys, Alexander Thompson, Catharine Chack, Willis Stephens, and Polly Smith.

Catharine Stephens.—In this case is the power of attorney of Catharine Stephens to Benj. Merrell of the county of Madison, Alabama; the affidavit of Daniel Winters, Tabitha Flowers, Henry Stephens; the declaration of said Catharine, before Robert D. Middleton, a justice of the peace of Madison county, Alabama, on the 18th April, 1831; of Isaac Morrow and Joseph B. Earson, before Wm. H. Griffith, a justice of the peace of Madison county, Alabama, on the 5th March, 1831.

William Jones's affidavits transmitted by B. S. Pope, 15th September, 1831.

Catharine Cheeks.—The papers in her case, affidavits of Brooker Smith, Wm. Mekee, Hugh Henry, and Isaac Moore, before W. H. E. Wheeler, a justice of the peace of Jackson county, Alabama, on the 5th March, 1831; of Isaac Moore, Wm. Mekee, Samuel Wilber, Booker Smith, before the same, on the 31st July, 1830; of Willis Stephens, before the same, on the 10th of August, 1830; of Booker Smith and Isaac Smith, before Wm. Barker, a justice of the peace of Madison county, on 28th May, 1831, with certificates of H. Montgomery to the fact of her enrolment, affidavit of Andrew Ellet, before John Martin, a justice of the peace of Madison county, on the 8th of March, 1831; of Willis Stephens, before James Walker, a justice of the peace of the same county, on the 26th March, 1831.

Catharine's letter to the register and receiver, at Huntsville, and an abstract of the above testimony.

Polly Smith.—The papers in this case are the affidavits of Mary W. Wheeler, L. D. Bashant, Wm. Smith, Booker Smith, before Wm. H. E. Wheeler, justice of the peace, Jackson county, Alabama, on the 5th March, 1831; of Galbraith Barton, before the same, on the 12th March, 1831; of Wm. Potter, on the 25th April, 1831, before the same; of Emanuel Peters, on the 15th April, 1831; of Booker Smith, on the 30th July, 1830; of Galbraith Barton, on the 3d August, 1830; all before the same justice of the peace, Jackson county, Alabama. Wm. Smith, before Geo. Loy, justice of the peace, Jackson county, Alabama, on the 2d August, 1830; of Amos Robertson, before Crockett McDonald, justice of the peace, Laurens county, Alabama, on the 29th March, 1831; of Hugh Henry, before Jas. Walker,

justice of the peace, Madison county, Alabama, 8th March, 1831; of John Gilliland, before Joseph Edwards, justice of the peace, Blount county, Alabama, on the 20th April, 1831; of Elijah Brazier, before John Macky, justice of the peace, Blount county, on the 21st April, 1831; a copy of notice served on Polly Smith by Jas. Borgess, Mark J. Tidwell, William Ward, and David Hodge, and an abstract of the above evidence.

John Gunter.—The papers in this case are as follows, viz: letter from the register, at Huntsville, of 20th March, 1834, enclosing testimony in relation to Gunter's claim; from John J. Coleman, of 25th November, 1835, enclosing do from C. C. Clay, of 12th January, 1833, in relation to this and other claims; deposition of Isaiah Walker, Booker Smith, and Robert Walker, before A. R. Barclay, justice of the peace, Jackson county, Alabama, on the 13th April, 1832; of Wm. Smith, before Wm. H. E. Wheeler, justice of the peace, Jackson county, on the 25th April, 1831; of Philip Bracher, before Joseph Edwards, justice of the peace, Blount county, Alabama, on the 20th April, 1831.

Challenge.—The papers in the case are the depositions of Campbell R. and Elizabeth R. Eaton, Wm. Derrick, John Binian, John Sharp, John Derrick, Wm. M. Griffin, Harry Hass, Nathaniel Hall, Joseph Sharp, Wm. Sharp, and Charles Robinson, before Henry Rigny, justice of the peace, Madison county, Alabama, on the 5th March, 1831; of Thomas R. Connally, before Elisha Moreland, justice of the peace, Madison county, Alabama, on the 17th day of March, 1831; of Wm. M. Willbourn, before Isaac Kirksy, justice of the peace, same county, on the 14th March, 1831; of Shadrack Tipton, before Thos. W. Scott, justice of the peace, Madison county, Alabama, on the 2d March, 1831; of Wm. Ore, before Jacob Gross, justice of the peace, Jackson county, Alabama, on the 17th March, 1831; certificates of John D. Taylor, Byrd Brandon, and Silas Parsons, relative to the character of witnesses in this case, and also of McNulty, and abstract of the testimony.

Andrew Lacy.—Evidence embraces letters from B. S. Pope, register at Huntsville, Alabama, of 22d April, 5th May, 11th and 16th of August, and 4th September, 1832, which encloses testimony in this case; letter from C. C. Clay, September 21st, 1832; letter from Hugh Montgomery, of the 25th May, 1832, to N. Carrington, Brownsborough, Madison county, Alabama.

Thomas Harrison.—The papers are the depositions of Isaiah Walker, Wm. Smith, Robt. Walker, John Coal, and Wm. Southerland, before W. H. E. Wheeler, justice of the peace, Jackson county, Alabama, on the 8th March, 1831; of Thomas Hodgeson, the 26th April, 1831; of James Davidson, on the 15th April, 1831, before the same justice; of Elijah Bracher, before John Macky, justice of the peace, Blount county, Alabama, on the 21st April, 1831; of John Gilliland, before Joseph Edwards, justice of the peace, Blount county, Alabama, on the 20th April, 1831, with abstract of the evidence.

Edward Gunter.—The papers in this case are depositions of William Mekee, Isaiah Walker, Robt. Walker, David Parkhill, Edmond Bridges, Edward Cox, before W. H. E. Wheeler, justice of the peace, Jackson county, Alabama, on the 12th and 15th March, 1831; of Hugh Henry, John Cox, Edw. Cox, Galbraith Barton, Elisha Campbell, Robert Walker, Benjamin Rodin, David Ricketts, John Coal, and George T. Reed, before A. R. Barclay, justice of the peace, Jackson county, Alabama, on the 14th April,

1832; letter from Edward Gunter to the Commissioner of the General Land Office, on the 12th July, 1832, enclosing a certificate from General Meigs, that he is entitled to a fee simple reservation; letter from B. S. Pope, 2d June, 1832, enclosing evidence respecting the above claim.

Letter from S. B. Mearl, of Jasper, Tennessee, of June 24th, 1831, in relation to the reserves of Sally Lowry and others.

Letter from the Hon. G. Moore, of 25th March, 1834, relating to Gunter's reservation.

Letter from J. Gunter, jr., of 13th June, 1834, from Gunter's landing, in relation to the reservations in Jackson county.

CHEROKEE AGENCY EAST,

May 10, 1837.

SIR: Enclosed, herewith, you will find the first quarterly report of Dr. John W. Lide, medical director, &c., accompanying which he makes some suggestions on the subject of reducing the Cherokee rations, to half pound salt meat, and increasing that of corn meal. What the Doctor states, I know to be facts, but I will not reduce the rations until I receive your instructions, which I most respectfully ask.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

AGENCY EAST, May 10, 1837.

SIR: I have the honor to enclose you, herewith, the monthly reports for March and April, of Doctor James Hunter, physician to Cherokee removal at the agency post. They are made in conformity with the requisitions of the army service, and I hope will be satisfactory. No monthly reports have been made to me, from the post at Ross's landing, or that at Gunter's, because of there being, at the time of the rendezvous at those points, preparatory to embarkation west, no physicians especially appointed to this duty. We procured the kind attention, for the time, of Doctor Harris at Gunter's, and Doctor Morrow at Ross's, surgeons to the volunteer troops there stationed, and who, in the confusion and perplexity of their varied and extended employments, kept neither journal, register, recipe, or case book, in relation to their attention to the Cherokees; and though much and important, as well as successful, prescribing was done by those gentlemen, we have no data preserved, by which one could make out a satisfactory report. This will not occur for the future, because we are now provided with physicians for this special service, Doctor Townsend and Doctor Lillybridge, who will repair directly to the posts, as the Indians are beginning to come in, to receive rations, and enrol for emigration. Doctor Lillybridge, as you know, accompanied the late detachment west, and will make his report directly to the Hon. C. A. Harris, Commissioner of Indian Affairs, so it need make no part of this communication. Here, I take occa-

sion to remark, that Doctor Lillybridge and Doctor Hunter have discharged their duties with decided fidelity and ability.

I record very fully with you in the selection of Gunter's and Ross's landings, the agency, and Camp Armistead, the latter near the line of Tennessee and North Carolina, as posts of rendezvous for the emigrating Cherokees, not more for the facilities afforded at them for the procurement and transportation of provisions, at the very cheapest rates, than for the healthfulness of those localities. No points could be selected in the Cherokee territory, that would so successfully compass, at once, both of those important objects.

From my knowledge of the Indian habits of regimen, and my late observation of their diseases, I take the liberty to remark, that I am satisfied the ration of bacon may, with great propriety, be reduced to half a pound; and the experiment, need be, the proportion of corn a little augmented, say an eighth or a fourth.

The common Indian usually employs very little salted flesh in his diet, but makes a free use of vegetable food, of which Indian corn is the main article, which, in the shape of "conahana" and "cahousita," (employing their own language,) from their peculiar modes of preparation, is admirably adapted to facility of digestion and assimilation, and decidedly promotive of both comfort and health.

This suggestion, should you accord in its adoption, will, I think, be found in practice not more justifiable on the score of economy, than the healthfulness of the Indians.

I have the honor to be,

Very respectfully,

Your most obedient servant,

J. W. LIDE,

Medical Director to Cherokee Emigration.

To General N. SMITH.

P. S.—Since writing the above, Doctor Hunter has drawn out his report for the month of February; and on the whole I have condensed the accompanying quarterly, intended for the inspection of the Department of War.

J. W. L.

NEW ECHOTA, GEORGIA,

May 11, 1837.

SIR: I have the honor to acknowledge the receipt of yours of the 25th of April, informing me that a remittance of one hundred thousand dollars has been made to the cashier of the branch of the Planters' Bank of Tennessee, at Athens, with directions to pass the same to my credit in that bank.

I have also this day received, under cover from your office, an extract from special order No. 27, issued from the Adjutant General's office, dated April 21st, 1837, directing that I shall consider myself as relieved from

duty in the Indian Department, whenever I shall have performed the duties in which I am now engaged.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,

Captain, and Disbursing Agent,

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA,

May 12, 1837.

SIR: I have seen a copy of your letter to John Ross and others, in reply to their memorial and propositions to the President of the United States, during the last session of Congress, or soon after its close. Your answer is unequivocal, and firm and decisive; such an one as will be of great service in breaking the delusions which John Ross throws over the eyes of the ignorant. The contents of your answer will be promulgated to our people; and, in order to address their understandings and interests more fully, we are very desirous to procure copies of all his correspondence with your department and to the President.

It is rumored here that he intends to hold out his opposition to the treaty, and try to procure its modification from the Government during the next session of Congress. For this purpose, he will leave no means untried to prevent the emigration of the Cherokees, as I have said in a former letter, to make weight to his representations to the President. Individually, he has nothing to lose and much to gain, at the expense of a great deal of suffering and affliction to the poor Cherokees.

His movements are in the dark, and very mysterious. He affects to be the "land lover," which, to the Indian, signifies every principle of opposition to any treaty and agreement whatever. In the propositions which he made to your Government, is there anything definite? This we wish to see. I know very well that the decided policy which the late Administration pursued in regard to the Ross party, will be maintained by this; but the object is to obtain the correspondence, to give information to the portion of our people who yet believe that John Ross is still contending for the soil and sovereignty of the Cherokee nation.

I have the honor to be

Your obedient and humble servant,

JOHN RIDGE,

President Cherokee Commission

HON. SECRETARY OF WAR.

CHEROKEE AGENCY,

May 12, 1837.

DEAR SIR: It is reported in this section of country, that the Secretary of War has issued an order removing Gen. Wool from the command in the Cherokee country. I have lately seen many, both of the whites and reds,

in this section of country. There seems to be a general dissatisfaction in consequence of the removal of General Wool; he has so conducted himself that he has gained the confidence of the Indians, without which no man can be of but little service in the important business of removal of the Indians; they both love and fear him. Many of the Indians say that General Wool and General Smith, the emigrating agent, are the first officers that have acted up to their promises, and told them the truth, and treated them humanely and kindly. Those men's treatment has had a most happy effect in removing the prejudice of the Indians. They are both strict on the whites and reds, who act improperly, which makes the ignorant Indians both love and fear them. I have not seen General Wool since he came to this country; but the strong feeling the people have on this subject has induced me to write to you, asking the favor of you to speak to the honorable Secretary of War, and see if he will not countermand his order, and let Gen. Wool remain in command of the Cherokee country, which, I think, is of all importance in the great cause of removing peaceably the Indians to the west. I have heard no opposition as yet.

I hope to see you this fall.

Your friend, truly,
JAMES STANDEFER.

Hon. C. A. HARRIS.

COMMISSIONERS' OFFICE,
New Echota, May 16, 1837.

SIR: Your several communications, together with the enclosures therein referred to, of the 20th, 24th, two of the 25th, and one of the 29th ultimo, we now have the honor to acknowledge, having received them on the 14th instant.

Lieutenant Richard Bennett informs us that his entire time will be occupied in making payments to the army, at the several stations where the troops are; but that he will make an arrangement, which will enable us to draw the necessary funds from the Athens bank in Tennessee, where you inform us the funds will be deposited, by checking in favor of Captain Simonton, who has, for some time past, been engaged at this place in making payments under the treaty, upon our requisitions and under our supervision. We shall give the necessary instructions in relation to this subject, and do not apprehend any difficulty or delay in the procurement of funds.

In relation to the long absence of Doctor Minis, on a trip to Augusta, and upon which subject you ask for information, we must refer you to our several letters stating the facts at the time; which embrace all the information we have on the subject. The copies of the letters accompanying yours of the 24th, we were pleased to receive, as they afford us the official means of rectifying many false rumors and reports which have been circulated among the deluded Cherokees. The course of the Government, at Washington, on this subject, cannot fail to produce a good effect on Ross and his adherents, if, indeed, anything can operate to the benefit of those who seem resolved on their own destruction. We incline to the opinion that Ross's obstinacy remains unsubdued, and are not without

apprehension of the evil consequences which may finally result from the unconquerable ambition of this extraordinary man.

We were gratified to receive the opinion of the Attorney General of the United States on that part of the treaty therein referred to. It is ample and satisfactory.

We are pleased to learn that prompt measures have been taken to make all proper payments to the Cherokees who have emigrated; and we shall, without loss of time, comply with the request contained in your letter of the 25th ultimo on that subject. We shall furnish you with a full copy of all the communications and instructions which we may send west, connected with the emigration of the Cherokees under the late treaty.

We have carefully read the letter of Captain Armstrong, (the copy of which you enclosed,) and fully concur in the opinion which he has expressed, and shall, therefore, endeavor to have his views on the subjects to which he adverts sustained hereafter.

In a subsequent communication, we intend giving you detailed information of the progress and prospects of our labors here.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.,
Commissioner, &c.

CHEROKEE AGENCY EAST,
Calhoun, Penn., May 17, 1837.

SIR: I have had the honor to receive your communication of the 3d instant, informing me that Doctor Minis has been relieved from duty in the Indian Department, and instructing me to receipt to him for the money and property remaining in his hands. Doctor Minis has not yet arrived from the west, but when he does, your instructions will be obeyed.

As Captain Simonton, having been assigned to duty with the commission at New Echota, Georgia, I shall on to-morrow proceed to that place, to receive from him, in accordance with the directions contained in your letter to General Smith, such portion of the draft for \$100,000, as may be thought necessary.

The branch bank at Athens, not feeling at liberty in present state of money matters to cash a draft north, and there being urgent need for funds at this point, I deemed it proper, and with the advice and consent of the superintending agent, proceeded in the early part of the present month to Nashville, where the business was satisfactorily arranged with the parent bank.

You have been advised, by General Smith, of the purchase of 200,000 pounds of bacon, which of itself will exhaust, or rather has already, by accounts paid, exhausted the \$25,000 placed in my hands at Washington.

Very respectfully,

Your most obedient servant,

JOHN C. REYNOLDS,

Disbursing Agent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

AT McNAIRS, C. N.,
May 17, 1837.

SIR: The Cherokees continue to come in and enrol. I have now at the different points of collecting near four hundred enrolled, who are receiving rations, and the number increasing daily. Doctor Young, and all the agents who accompanied the first detachment, have returned, all in good health.

Very respectfully,

NATH. SMITH,
Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

Articles of agreement, made on the fourteenth day of March, eighteen hundred and thirty-seven, between Joseph Wantyn, captain of steamer Newark, of the one part, and Philip Minis, United States army, on the part of the United States, of the other part.

THIS AGREEMENT WITNESSETH:

That the said Philip Minis, for and on behalf of the United States of America, and the said Joseph Wantyn, for steamboat Newark, heirs, executor, and administrators, have mutually agreed, and by these presents do mutually covenant and agree to and with each other, in manner following, to wit:

First. That the said Joseph Wantyn agrees to transport, on board of the said steamboat Newark and two keels in tow, four hundred and sixty-six Cherokee Indians, with their baggage, provisions, &c. to Little Rock, on the Arkansas river. For and in consideration of which, he is to receive, on the arrival of the boats with the detachment of Cherokees at Little Rock, eighteen dollars and twenty-five cents for each Indian on board at the time of starting. No unnecessary delay shall be caused to the boats without compensation. Nothing is to be construed in the above to prevent a sufficient time for the burial of dead Indians, and to procure necessary provisions or supplies; and also agrees to prevent as far as practicable the sale of spirits, by any person attached to the boat, to the Indians; and also agrees not to make any stop at towns or villages, without there is a necessity for the same, which cannot be avoided.

Second. The said Philip Minis, for and on behalf of the United States, agrees to pay the amount of transportation as above, immediately on the arrival of the boats at Little Rock.

That the United States will be responsible for no accidents arising under, or growing out of, the foregoing stipulations.

In witness whereof, the parties have hereunto placed their hands and seals, the day and date above written.

JOSEPH WANTYN,
PHILIP MINIS, U. S. A.,
Disbursing Agent Cherokee Removal.

Witness:

J. A. CHAMBERS.

Bond for same.

Know all men by these presents, that we, Joseph Wantyn, captain of steamer Newark, and Christian Simpson & Co., agents of said boat, and D. D. McClure, are held and firmly bound to the United States of America, in the sum of sixteen thousand and four hundred dollars, lawful money of the United States; for which payment, well and truly to be made, we bind ourselves, and each of us, our, and each of our heirs, executors, and administrators, for and in the whole, jointly and severally, firmly by these presents. Sealed with our seals, dated the fourteenth day of March, in the year of our Lord eighteen hundred and thirty-seven.

The condition of this obligation is such, that if the above bounden J. Wantyn, Christian Simpson & Co., and D. D. McClure, heirs, executors, or administrators, or any of them, shall and do in all things well and truly observe, perform, fulfil, accomplish, and keep, all and singular the covenants, conditions, and agreements whatsoever, which, on the part of the said J. Wantyn, his heirs, executors, or administrators, are, or ought to be observed, performed, fulfilled, accomplished, and kept, comprised or mentioned in certain articles of agreement or contract, bearing date fourteenth day of March, one thousand eight hundred and thirty-seven, between J. Wantyn, captain of the steamer Newark, and the said P. Minis, United States army, on the part of the United States, concerning the removal of four hundred and sixty-six Cherokee Indians, according to the true intent and meaning of the said articles of agreement or contract, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed duplicates,

JOSEPH WANTYN,
CHRISTIAN SIMPSON & Co.,
Agents.

DARBY D. McCLURE.

In presence of
J. A. CHAMBERS.

Articles of agreement, made on the 22d day of March, 1837, between S. G. Moore, of the one part, and Philip Minis, United States army, on behalf of the United States, of the other part.

THIS AGREEMENT WITNESSETH :

That the said Philip Minis, for and on behalf of the United States of America, and the said S. G. Moore, for steamer Revenue, heirs, executors, and administrators, have mutually agreed, and by these presents do mutually covenant and agree to and with each other, in manner following, to wit:

First. That the said S. G. Moore agrees to transport, on board of the steamer Revenue, and two keel boats in tow, four hundred and sixty-six Cherokee Indians, with their baggage, provisions, &c., to Fort Gibson, Arkansas: for and in consideration of which, he is to receive, on the arrival of the boats with the detachment of Cherokees at Fort Gibson, or any other point below it indicated by the agent having charge of them, the sum of five dollars for each Indian thus transported. A sufficient time will be allowed

for stoppage on the way, should it be necessary to procure supplies for the Indians; and also agrees to prevent the sale of ardent spirits by any person attached to the boat to the Indians, and also not to stop at any town or village, except in cases of necessity, which cannot be avoided.

Second. The said Philip Minis, United States army, for and on behalf of the United States, agrees to pay the amount of transportation above stated for each Indian, on their being landed at Fort Gibson, or in proportion for such part of the way, should they be stopped by low water, or accident, excepting a want of power in the steamboat Revenue to tow the keels.

That the United States will be responsible for no accidents arising under, or growing out of, the foregoing stipulations.

In witness whereof, the parties have hereunto placed their hands and seals, the day and date above written.

S. G. MOORE,
PHILIP MINIS,

Disbursing Agent Cherokee Removal.

Witnessed:

SPENCER JARNIGAN.

Bond for same.

Know all men by these presents, that we, S. G. Moore and William Brown, are held and firmly bound to the United States of America in the sum of four thousand dollars, lawful money of the United States; for which payment, well and truly to be made, we bind ourselves, and each of us, our, and each of our heirs, executors, and administrators, for, and in the whole, jointly and severally, firmly by these presents. Sealed with our seals, dated the twenty-second day of March, in the year of our Lord eight hundred and thirty-seven.

The condition of this obligation is such, that if the above bounden S. G. Moore and William Brown, their heirs, executors, or administrators, or any of them, shall, and do in all things well and truly observe, perform, fulfil, accomplish, and keep, all and singular the covenants, conditions, and agreements whatsoever, which, on the part of the said S. G. Moore and William Brown, their heirs, executors, or administrators, are, or ought to be observed, performed, fulfilled, accomplished, and kept, comprised or mentioned in certain articles of agreement, or contract, bearing date 22d of March, 1837, between Philip Minis, United States army, on behalf of the United States, and the said S. G. Moore, concerning transportation of Cherokee Indians, according to the true intent and meaning of the said articles of agreement or contract; then the above obligation to be void, otherwise to remain in full force and virtue.

S. G. MOORE, [L. s.]
WM. BROWN, [L. s.]

In presence of

SPENCER JARNIGAN.

LITTLE ROCK, ARKANSAS,
May 23, 1837.

Str: I have the honor to acknowledge the reception of your communications of the 25th and 26th of April; also a Treasury warrant, on the Ag-

gricultural Bank, Mississippi, for \$150,000, to carry into effect the treaty with the Cherokees, per act 2d July, 1836.

I shall proceed to Natchez with as little delay as possible, and present the above mentioned warrant for payment. I am, however, doubtful of the ability of the Agricultural Bank to meet this demand, either with specie, or such other funds as could possibly be disbursed in this section of the country. It is reported that all the banks of Mississippi have positively suspended specie payments, except the Commercial Bank at Natchez. The notes of these banks are, of course, much below par; in fact, they cannot be disposed of at this place, for the payment of debts, or the purchase of supply. They will undoubtedly, in a few days, cease to circulate in this State.

I will notify you from Natchez of the result of my application to the Agricultural Bank. I would, however, respectfully suggest, that other funds be furnished me to meet the anticipated failure of the Agricultural Bank to meet the above named warrant.

The two hundred thousand rations of subsistence for the Chickasaws, contracted for by Lieutenant Searight, are now being delivered at this place. So far, they have proved of a good quality, and are in most excellent order.

In consequence of the low stage of the water, boats of the lightest draught are unable to reach this place. Freight is brought in keel boats from the bar, about five miles below this, where it is discharged by the steamboats. We have, however, had no spring rise as yet. Should boats, with the rations destined for Fort Coffee, be in this river the early part of next month, they will undoubtedly be enabled to reach that post.

I have the honor to be,

Very respectfully,

Your obedient servant,

R. D. C. COLLINS,

Captain U. S. A., and Disbursing Agent

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs,

Washington, D. C.

NEW ECHOTA, GEORGIA, *May 23, 1837.*

SIR: I have the honor to request instructions from your department relative to the payment of claims for valuations of Cherokees who enrolled, and had their improvements valued under former treaties. Many applications have lately been made to me; one or two from individuals who emigrated in 1834, and did not receive the balance due them west, and, in consequence, returned to the nation east. They now wish to emigrate again, but want to know how they are to get the money due them for their valuations.

On examination, I find by a letter from your office to Major Currey, dated March 22, 1833, that Captain Vashon was informed that the funds for the payment of Cherokee improvements were exhausted, and that the residue of the claims must wait an appropriation by Congress. On further examination, I do not ascertain that such an appropriation was made. If there was, (unless it is intended that the valuations above referred to shall be paid out of the \$5,600,000,) I have to request that you will order funds to be forwarded to Captain J. P. Simonton or Dr. J. C. Reynolds, for the purpose, or to direct what is to be done. David Carter is one of the persons

ferred to; he wishes to remove west as soon as possible. His claim for valuation, in 1834, amounts to \$4,250 50. The papers, together with a copy of Major Currey's report to your office, containing evidence in favor of Carter's claim to certain improvements, to which exceptions were taken by the department, are here before the commissioners, and the improvements have been adjudged by them to be his right and property. The said Carter has settled all demands upon his valuations, and wishes the whole amount to be paid him in this country, according to the latter clause of the 15th article of the treaty of 1835. The commissioners do not feel themselves authorized to direct the payment out of the last appropriation.

Have the goodness to favor me with particular instructions in this case, and general instructions, for acting in all cases of a like nature that may be presented to me.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

David Carter claiming the improvement valued in the year 1834, by James Montgomery, (assessing agent at that time,) to Ann Fields.

David Carter alleges, and shows vouchers for the same, that he purchased the possessions from the said Ann Fields, in the year 1833, for the consideration of four hundred and twenty-five dollars. The said David Carter has receipts from Ann Fields, (now Ann Henry,) and from Hugh Henry likewise, (her husband,) showing that said David Carter has made full satisfaction for the improvement, with all other debts claimed by the said Hugh and Ann Henry, of said David Carter.

A true copy of a receipt from Ann Henry to David Carter.

APRIL 16, 1837.

Received of David Carter the sum of four hundred and twenty-five dollars, in full payment for an improvement upon which I now live, and which I sold to him in the year 1833, and which was afterwards valued to my benefit in the year 1834.

ANN HENRY.

MAY 24, 1837.

The above is a correct copy of the receipt shown me by David Carter, and now in his possession.

NATH. SMITH,

Superintendent Cherokee Removal.

A true copy of a receipt from Hugh Henry, the husband of the said Ann Henry, to David Carter.

Received, this 6th of March, 1837, of David Carter, his note at one day, for six hundred and seventy-three dollars, which is given in full of all accounts, of both Ann Henry, late Ann Fields, and my account, to this date, which will be in full when paid.

HUGH HENRY.

Test:

A. GALBRAITH.

This note referred to in Hugh Henry's receipt, the said David Carter says he has paid.

MAY 24, 1837.

The above is a true copy of a receipt shown me by David Carter, and now in his possession.

NATH. SMITH,
Superintendent Cherokee Removal.

David Carter, in account with Ann Fields, the wife of Hugh Henry.

To an improvement, \$425. This is the account spoken of in Hugh Henry's receipt above, in favor of Ann Henry, late Ann Fields.

DAVID CARTER.

The conditions upon which Ann Fields had the improvement in question valued to her benefit, are these: After selling her improvement to the said David Carter, she expressed a wish to enrol and go to the west, and said she would do so if she had an improvement to be valued, upon which the said D. Carter proffered to let her have her old place valued to her benefit and in her name, but expressly on the conditions that she would go to the west under the enrolling system. She, the said Ann Fields, has failed to go to the west, agreeable to the conditions under which she enrolled, and had the improvement valued to her benefit, and her husband, Hugh Henry, has registered himself and family on the books at New Echota to remain in this country, according to an arrangement in the treaty of 1835.

The matter is here briefly laid before you for your consideration and decision.

It is presumed that the money appropriated for this improvement is yet remaining in the office west of the Mississippi unpaid, because the said Ann Fields failed going to the west, to apply for the money according to contract. The said David Carter now claims to his benefit in the west, all moneys due upon said improvements.

DAVID CARTER.

NEW ECHOTA, GEORGIA, May 24, 1837.

SIR: I have the honor to transmit the enclosed account of John A. M. Jarnigan, for your examination and decision. I am directed, by General

Smith, the superintending emigrating agent, to state, that in his opinion, the services were necessary, and the charges reasonable; but, inasmuch as the regulations do not contain any specific authority for the allowances, it is deemed proper to obtain your approval before he authorizes the payment.

I am also requested by General Smith to suggest to you the expediency of giving him authority hereafter to employ a person to accompany each detachment as laborer and police officer, at the compensation asked to be allowed J. A. M. Jarnigan.

Very respectfully,

Your most obedient servant,

JNO. C. REYNOLDS,

Disbursing Agent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs,

Washington.

NEW ECHOTA, GEORGIA,

May 24, 1837.

SIR: I had the honor, by the last mail, to receive your letter of the 25th ultimo, enclosing a copy of a letter from Captain Wm. Armstrong, superintendent Western Territory. I am fully aware of the impropriety of paying many of the Cherokees any more of their dues here, than what is actually necessary to pay their debts, and get such articles of clothing as they may need on the way. One of my principal objects in accompanying the late detachment so far as I did, was to see how the Indians conducted themselves. I find that the common Indians set no value on money; they view it as trash, and appear not to rest content while they have any, particularly if they are in the habit of drinking to intoxication, (which is the case with nine out of ten of them.) I was compelled to pay more of them than I should have done, owing to the circumstance of those who heretofore emigrated not being paid on their arrival west, agreeably to the promise made them here. Had I not commuted their subsistence, I might not perhaps have been able to have started two hundred of them. They urged that if they could not get the money on their arrival west, they would have to settle near the agency, where they could draw their rations every three or four days, or they would lose them; and if they commuted, they would buy their provisions, and could settle at some place where, if they wished, they might remain permanently.

Since the receipt of your letter, I have determined to commute the transportation only, being now able to assure all who apply, that, if they wish, they can get their commutation of subsistence immediately on their arrival at the agency west.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

May 26, 1837.

SIR: I have just returned to this place from a tour through the Georgia and Tennessee part of the Cherokee country. I find that great numbers of the Indians are making preparations to leave early next fall, for their new homes; but it is principally with the wealthy and the poorest classes: the first, I think wish to get off to save their property, and the last are suffering for something to eat, and enrol to Georgia for the sake of being fed. I have enrolled at this place 124; at Ross's landing, 215; at McNairs, 63; and at the Valley Towns, North Carolina, 40; and General Wool is feeding out of the poor fund near 500, who say they will go early in the fall. Those are fed at New Echota, Georgia, by the General.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

Calhoun, Tennessee, May 27, 1837.

SIR: I have the honor to state, for your information, that having been engaged for a short time at New Echota, Georgia, on public business, I left that place on the 25th inst., at the request of the Indian commissioners, and proceeded to Athens, Tennessee, to procure funds for public disbursements.

I this day presented to the cashier of the Planters' Bank of Tennessee, at Athens, a draft for \$200,000, drawn by Richard Bennett, disbursing agent, and endorsed by Wilson Lumpkin and John Kennedy, United States commissioners, payable to the order of Captain J. P. Simonton, and by him endorsed in blank, and requested payment part in specie and part in notes of their own bank; but the cashier refused to pay either specie or their own notes, (except notes payable in New Orleans, which I was specially directed by the commissioners not to receive.) I accordingly protested the draft, and am now on my return to New Echota to inform the commissioners of the circumstance.

It may be proper to state that the cashier had previously passed the \$200,000 to the credit of R. Bennett on his bank pass book.

Having made the demand verbally, in order to prevent misconstruction I made a written application, and have the honor to enclose, for your information, a copy of the correspondence.

Very respectfully,

Your obedient servant,

JNO. C. REYNOLDS,

Disbursing Agent Cherokee Removal.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

P. S.—I respectfully request to be advised from what fund and in what manner am I to be reimbursed the cost of the protest.

Very respectfully,

JNO. C. REYNOLDS,

Disbursing Agent, &c.

ATHENS, TENNESSEE,
May 27, 1837.

SIR: I herewith present a draft for \$200,000 drawn by Richard Bennett, and endorsed by Wilson Lumpkin and John Kennedy, Esqrs., Indian commissioners, in favor of Captain J. P. Simonton, and by him endorsed in blank, and have to request that you will furnish me with \$75,000 in notes of your bank, payable either at Athens or Nashville, \$25,000 in specie, and pass the other \$100,000 to my credit in your office.

Very respectfully,

Your obedient servant,

JNO. C. REYNOLDS,
Disbursing Agent Cherokee Removal.

WM. CLARK, Esq.,
Cashier Planters' Bank,
Athens, Tennessee.

OFFICE OF THE PLANTERS' BANK OF TENNESSEE,
Athens, May 27, 1837.

SIR: In reply to your note of this date, I have only to say that the present strangled state of the money market, and the general suspension of specie payments by northern banks, induce me to believe that I ought not, at this time, issue any paper except payable at New Orleans, of which a very small portion has yet been used on account of Government. I expect, however, to receive definite instructions by next Tuesday's mail, and hope so short a delay will be no great inconvenience.

Very respectfully,

Your obedient servant,

WM. CLARK,
Cashier.

Doctor J. C. REYNOLDS,
Disbursing Agent, &c.

CHEROKEE AGENCY EAST,
May 28, 1837.

SIR: I have the honor to acknowledge the receipt of yours of the 2d instant. I feel highly flattered that my conduct, and that of those concerned with me in charge of the Cherokee detachment, were such as to receive the expression of approbation you have been pleased to convey to me.

In obedience to your instructions, I have herewith transmitted an account of the expenses incurred in the emigration of the five Creek Indians with the party of Cherokees, together with an account of clothes furnished by the Superintendent. I would beg leave to remark that, when taken in charge, they were in a state of almost literal nakedness, and on the point of starvation.

I cannot permit the opportunity to correspond with your department to pass, without bearing my testimony to the active exertions and zeal of

General Smith in endeavoring to effect the removal of the Cherokees. The prospect for numerous emigrations next fall is at present flattering; but it has ever been the fate of this service to have to contend with counter currents, which, frequently, are so successfully opposed as to defeat the best laid plans, and it is to be feared that large numbers of the Cherokee people will become the deluded victims of bad counsel.

With high respect,

I have the honor to be

Your most obedient servant,

JOHN S. YOUNG,

Assist't Sup't Cherokees east.

To C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

P. S.—The accounts named in this letter, with that of four other Creeks, I have enclosed to Hon. C. A. Harris.

NATH. SMITH,

Superintendent Cherokee Removal.

CHEROKEE AGENCY EAST,

May 28, 1837.

SIR: Doctor J. S. Young has recently returned from conducting a detachment of Cherokee emigrants to the country assigned, west of the Mississippi. The duties of my station, as superintendent, are laborious, owing to the necessity of my occasional presence in various parts of the nation east. A vigorous prosecution of the business I have in charge, renders it necessary that I have an assistant in the nation: I have, therefore, to request that Dr. Young be relieved from the duties of conducting agent, that he may act as my assistant, and be constantly on duty in the nation east. His services in that capacity are needed, but there should be an increase of compensation. The Doctor entered the Cherokee service on the 9th of August last: since that time he has been engaged in the most active and laborious duties, most of the time in actual travelling: at an expense of from one and a half to two dollars per day in traversing the country, deprived of all domestic enjoyments with his family. After defraying necessary charges out of his compensation, but little has been left for his family. For past services no additional allowance is asked; but the Doctor's acquaintance with the business, and high standing in the service, both with citizens and Indians, make it desirable for me to have his aid. He has great repugnance to long absence from his family, and they cannot be removed from their friends, if he be not permitted to be occasionally with them. 'This he may be, by his duties being confined to the nation east.

It is, therefore, asked that he be continued assistant superintendent of Cherokee removals, with a proper increase of compensation, having in view the important services already rendered.

The matter is submitted to the better judgment of the Commissioner of Indian Affairs, by his

Very obedient, humble servant,

NATH. SMITH,

Superintendent Cherokee Removal.

To Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

COMMISSIONERS' OFFICE, NEW ECHOTA,
 May 30, 1837.

SIR: You are apprized, by the letter of Dr. J. C. Reynolds, (disbursing agent, &c.) of the 27th instant, addressed to you, a copy of which is now before us, of the course of the Planters' Bank at Athens, Tennessee.

We have to request that the subject, without delay, be presented to the consideration of the proper department of the Government of the United States, and that we may be instructed *in relation to our duty* as connected with the subject.

In the mean time, we shall make a similar application to the Augusta Bank of Georgia for funds, and await the result of that application.

In the present deranged state of the currency of the country, we would desire to be advised what ought reasonably to be expected and demanded of the opposite banks of the Government, in order to meet the payments under the Cherokee treaty of 1835, so as to accommodate the various persons with such funds as may suit their convenience.

The distrust in all banking institutions, which at this time pervades the public mind, renders it desirable that a portion of the payments to the Cherokees should be made in specie, if practicable.

Respectfully, we are

Your most obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

JONESBOROUGH, TENNESSEE,
 May 30, 1837.

DEAR SIR: The subjoined is the copy of a letter put into my hands, in order to ascertain from you whether or not the debts made under its assurance cannot be secured, in the payments by the Government agents, to the Indians. Your answer to Mr. George Mountcastle, address *Cherokee Agency*, will be thankfully received.

Respectfully,

Your obedient servant,

JOHN BLAIR.

Hon. J. R. POINSETT.

CHEROKEE AGENCY,
 August 7, 1835.

SIR: I perceive, with feelings of deep concern, that many Cherokees are on the point of suffering for the want of food and raiment, and have not the means of procuring either. When they have or will enrol their acceptance of the offers of the Government through John Ridge and others, I would venture to assure you that supplies of the description necessary to their wants, and prudently furnished, not exceeding ten dollars per head,

would be paid for by the United States, upon their removal west, out of the valuation of their abandoned property, or the per capita allowance stipulated for in said treaty.

They have the promise of these terms, with any additional, if any should be allowed by the United States commissioners.

BENJ. F. CURREY,
Superintendent Cherokee Removal.

MR. GEORGE MOUNTCASTLE.

CHEROKEE AGENCY EAST,
May 31, 1837.

SIR: Enclosed, herewith, you will find my quarterly statement corrected, as you required. In it you will see that I have placed Dr. Hetzell's pay at \$4 per day, he having agreed to act as clerk to Captain Simonton, as well as myself. The duties of the Captain are very laborious; so much so, that he informed me that he could not get on with business without a clerk, and my office and his are within twelve feet of each other, and the Doctor can very easily attend to both.

Will you please send me some large sized paper, suitable to make out my quarterly statements and abstracts upon?

Very respectfully,
NATH. SMITH,
Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

COMMISSIONERS' OFFICE,
New Echota, May 31, 1837.

SIR: Herewith we enclose, for the information of your department, copies of the communications and papers, which we have this day forwarded to Lieutenant Van Horne, on the subject of making the necessary disbursements to the emigrating Cherokees west, under the treaty of 1835.

We have forwarded these communications by the hand of a trust-worthy emigrant, who will go direct to Fort Gibson. You will please to apprise us whether the plan of making these payments, as you will find suggested to Lieutenant Van Horne, meets the approbation of the department at Washington.

This business would have been attended to much sooner, if we could have procured from the superintendent, General Smith, the roll embracing the late emigrants.

We are, very respectfully,
Your obedient servants,
WILSON LUMPKIN,
JOHN KENNEDY,
Commissioners.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs,
War Department.

for deciding claims, under the provisions of the Cherokee treaty of December 29, 1835, as per No. book on the register of payments, made out under the direction of said commissioners, this day of 183 .

The first blank No. will be filled, by simply putting the number of the receipt, which you may take from the recipient; the second blank No., in the proposed form, will be filled with the individual's number, on the register of payments, (and that number will precede the name of each person on the list which we propose sending to you.) On that register, each individual is distinguished by his or her number, and not the page of the book.

We would suggest the expediency of your having blank receipts printed, and the duplicates intended to furnish the means of completing the entries on the register of payments, might be bound or stitched in a cheap form, suitable for the files of the office of the Cherokee agency west.

In regard to the time and place of making these payments, it is only necessary to remark, that we are apprized of no just cause why these payments should not be made immediately. As to the place at which they are to be made, we would recommend that point which may be most convenient to the emigrants, and, at the same time, not incompatible with the interest of the Government and your official duty.

You will do well to bear in mind that this communication has no reference to, or connexion with, the subject of the transportation and subsistence of the Cherokees; the whole of that branch of the disbursements has been confided to General Smith, the superintendent of emigration, and he being absent from this place, we are unable to furnish you with the necessary information on that branch of the business. We shall, however, request the superintendent, without loss of time, to report to us a full and detailed statement of the advances which he has made to the emigrants for transportation and subsistence, and when we obtain his report, you shall be furnished with the same, accompanied by the necessary instructions.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners

Lieut. VAN HORNE,
Fort Gibson.

A LIST of the names of Cherokee emigrants under the treaty of 1835, made out for the use and guide of the disbursing agent west, under the direction and supervision of the commissioners of the United States, with the amount required to be paid to each emigrant, placed opposite his, her, or their name; also, giving the number and book of each individual, as taken from the register of payments.

Book.	No.	Names.	Amount.
A	42	John T. Adair	\$472 62 $\frac{1}{2}$
A	52	Thomas B. Adair's heirs	2,342 50
A	84	Walter Adair's heirs	6,661 00
A	57	Black Bird	84 90
A	416	David Bell	550 49 $\frac{1}{2}$
A	450	Buzzard or Sultee	504 12 $\frac{1}{2}$
A	73	John Brewer	1,175 11
A	74	Thomas Brewer	103 55
A	175	Hauk Baldrige	1,187 11
A	79	Samuel L. Ballard	643 06 $\frac{1}{4}$
A	63	Bear Meat	971 62 $\frac{1}{2}$
A	78	Big Milk	57 93 $\frac{3}{4}$
A	62	Big Coon	858 31 $\frac{1}{2}$
A	427	Joseph Cautchfield	2,632 12
B	197	Cutsty	1,005 71 $\frac{1}{2}$
A	167	John Ellicott	1,431 38
B	205	George Chambers	4,276 09
B	207	Edward Fry	1,699 00
A	54	William H. Foreman	148 20
A	173	Turtle Fields	871 32
A	304	Daniel Griffin	854 80
A	422	Charles F. Foreman	779 92 $\frac{1}{2}$
A	45	Thomas Goss, orphan	1,899 00
A	297	Edward Graves	261 54 $\frac{1}{2}$
A	99	Jack Hawkins	454 75
A	37	Joseph M. Lynch	2,867 00
A	24	Ground Mole	789 84
A	16	Yona Killa	1,245 66 $\frac{1}{2}$
A	375	Mariah Mulkey	606 50
A	35	John Martin	9,229 37
A	40	Samuel Mays	3,001 57 $\frac{1}{2}$
A	11	Charles Moore	962 50
A	87	Alexander McCoy. Nothing sent	
A	68	Samuel McCammon	578 62 $\frac{1}{2}$
A	88	Jacob Nicholson	1,299 77
A	177	Young Puppy	767 94 $\frac{1}{2}$
A	363	Andrew Ross	1,380 33
A	61	Jinney Rowe (Archy's wife)	218 00
A	56	Peggey Rowe	420 18 $\frac{3}{4}$
A	8	Major Ridge	11,877 11
A	318	John Ridge	885 00
A	60	Archey Rowe	1,470 42 $\frac{1}{2}$

LIST—Continued.

Book..	No.	Names.	Amount.
A	34	Skager - - - - -	\$334 56
A	25	Dick Scott - - - - -	3,500 00
A	194	Widow Squirrel - - - - -	293 50
A	19	Archilla Smith - - - - -	1,426 38 $\frac{1}{2}$
A	29	Aggey Smith - - - - -	197 55
A	105	Tesa Teskey (or Wrinklesides) - - - - -	704 99 $\frac{3}{4}$
A	321	Wm. Turner - - - - -	187 25
A	206	Tal-la-se-nah - - - - -	644 34 $\frac{1}{2}$
A	72	Thomas F. Taylor - - - - -	2,220 20
A	36	Benjamin F. Thompson - - - - -	8,221 25
A	38	James A. Thompson - - - - -	3,867 00
A	48	John Williams - - - - -	706 97 $\frac{3}{4}$
A	2	David Watie - - - - -	2,369 35 $\frac{1}{2}$
	192	Stand Watie - - - - -	1,427 00
A	193	Isabella Watie, wife of Stand, and her son, Henderson Hicks - - - - -	1,665 00
A	59	Longshell Tuttle - - - - -	88 00
A	17	John Fields, sen'r - - - - -	1,000 00
A	407	Sarah Pig, or Fields - - - - -	100 00
A	153	William Vann - - - - -	300 00
A	26	Etaconna, or Etaganna - - - - -	300 00
A	105	Dirt Seller - - - - -	376 60
A	411	Little Archy Scraper - - - - -	1,249 20
A	319	Cuntakee - - - - -	194 50
A	213	Spring Frog - - - - -	600 00
A	418	Leonard, or Loony Hicks - - - - -	635 00
A	285	Ta-ka-eeska - - - - -	376 00
A	381	Ultiah, or Wattie, (a woman) - - - - -	300 00
A	119	Polley - - - - -	195 00
A	22	Nancy Harris - - - - -	250 00
A	117	Nelley - - - - -	25 00
A	23	Daniel Mills - - - - -	300 00
A	58	John Fields, jr. - - - - -	1,200 00
A	94	Young Turkey - - - - -	459 00
A	459	Justas Fields - - - - -	200 00
A	374	Black Fox - - - - -	126 00
A	27	Bush in-the-water - - - - -	100 00
A	124	Polley Blackbird - - - - -	300 00
A	398	Keylhana, or Kahenahe - - - - -	300 00
A	30	Tarluka (or Raincrow) - - - - -	400 00
A	1	Kul-kul-luska - - - - -	300 00
A	10	Sam Scott - - - - -	100 00
A	402	Alexander Brown, jr., son of Nakey - - - - -	500 00
A	21	Robert McTier - - - - -	50 00
A	401	Kulstries Orphans - - - - -	50 00
A	64	George Bearmeat - - - - -	300 00
A	111	Killer Moore - - - - -	1,100 00
A	419	Elakee Swimnee - - - - -	202 00

LIST—Continued.

Book.	No.	Names.	Amount.
A	176	Dirt Thrower, or Black Fox - - -	\$242 50
A	220	Scontah-hee - - -	300 00
A	33	Tomorrow - - -	100 00
A	114	Cartoo, or Bread - - -	630 75
A	5	Gog-tees-kee, or Swell - - -	216 00
A	103	Jacob West - - -	56 14 $\frac{1}{2}$

COMMISSIONERS' OFFICE,
New Echota, May 31, 1837.

SIR: You will please to consider the foregoing list (or roll) as it stands stated on this sheet, and as explained in our letter of this date, which is herewith forwarded to you, as our requisition upon you to pay to the several individuals embraced on the list the several sums opposite to their names, which we certify to be due at this time to said individuals, under the provisions of the Cherokee treaty of 1835.

We are, very respectfully,
Your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY,
Commissioners.

Lieut. VAN HORNE,
Disbursing Agent, &c., Fort Gibson.

ATHENS, TENNESSEE,
June 3, 1837.

SIR: On my return to this place from Gunter's landing, Alabama, where I had been to pay troops, I met with Dr. Reynolds, who informed me he had presented my draft for \$200,000 on the branch of the Planters' Bank of Tennessee, at Athens, given in favor of Captain J. P. Simonton, and countersigned by Messrs. Lumpkin and Kennedy, commissioners, and that the cashier declined letting him have their notes payable at any other place except New Orleans, with the \$25,000 claimed in specie. Dr. Reynolds had the draft protested, as he conceived that kind of notes would not answer to pay the claims under the treaty.

The Planters' Bank of Tennessee, and all its branches, have discontinued specie payments. The cashier informed me that they had received express directions from the mother bank to do so.

This has produced an unexpected state of things to us, and how we are to make disbursements I am unable to tell. Checks from disbursing agents were protested a few days ago, before payments in specie stopped, and of course will not now be paid.

Our disbursements in this quarter must cease, unless some other arrangement is effected. I have so far myself strictly complied with the law that

prohibits the payment in notes of a less denomination than \$20, although I have had to bring specie from one end of the Cherokee nation to the other, and that in dollars, and over the very worst roads that you can conceive of, mountainous, rocky, and miry swamps, which were almost impassable.

I have had so much travelling to perform since my arrival here, that it was impossible to remain with the commissioners at New Echota, to aid in disbursing. I could have been with them three or four weeks in April last, but they had a recess at that time.

I shall now have to travel nearly all over East Tennessee, to pay the discharged troops of last year. When that service is completed, I could disburse for them at Calhoun, or this place, as many claims would be presented at either place. I do not see how we are to get along without specie funds. The warrant for \$200,000 in favor of the cashier of the branch of the Planters' Bank of Tennessee, at Athens, payable at Augusta, Georgia, has not yet been received.

The Second Auditor informed both the cashier and myself that the requisition was issued on the 19th of April last, in his favor, to be placed to my credit in the bank here. The other warrant came to hand about four weeks ago, issued about the same time. I am at a loss to account for its delay. Your letters addressed to me at New Echota, were not received until a few days ago.

With great respect, sir,

I am your obedient servant,

RICHD. BENNETT,

Dis. Agent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

June 3, 1837.

SIR: I have the honor to report that the prospects for a numerous emigration this fall are every day brightening. Many Cherokees are preparing to be off, that until very lately said they never would go. Mr. John Ross passed this on his way home on yesterday. What effect his presence will have among them, or the course he will take, I am now unable to say.

I fear the derangements of our moneyed affairs will operate seriously to the prejudice of the Cherokee removal. I shall not be surprised if they in future refuse to receive bank paper of any description. Would it not be well, if our banks do not resume specie payments soon, to have a quantity brought out from the mint? A good wagon and team would bring over one million of dollars in gold.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
June 5, 1837.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th ultimo, transmitting copies of two letters from Lieutenant Van Horne, and an extract of one from Doctor Minis. As Lieut. Van Horne condemns the course I pursued in removing the last detachment of Cherokees to the west, and has seen fit to make charges of a nature involving the rectitude of my official conduct, I deem it but proper to give you a statement of all the facts connected therewith, in order to enable you to judge whether there be any truth in his allegations.

When I entered upon the duties of superintendent of Cherokee removals, as I stated to you in a former communication, on my arrival at New Echota, Georgia, on the 25th of January last, General Wool informed me that he had been subsisting from three to four hundred Cherokees, who were willing to remove west in the spring, and that as the provisions were nearly exhausted, he wished me to take charge of them, which I accordingly did. I borrowed some provisions from the General, as none were to be purchased at or near that place, and immediately commenced making preparations to remove them to the river, where provisions could be obtained at a less cost, and where they might be kept in readiness to embark for the west at a moment's warning. When I made known to the Indians that I was ready to send them either to this place or Ross's landing, whichever they might prefer, a large majority of them refused to leave until their subsistence was commuted, alleging as a reason that Cherokees heretofore removed west were provisioned by the Government officers, with the promise that they would be paid for their improvements, and receive commutation for a year's subsistence on their arrival at their new homes, and that when they arrived there they could not obtain either. On the contrary, they were compelled to take their rations in kind, to obtain which they were restrained to settle in the vicinity of the agency where they were issued, in order that they might be enabled to draw every three or four days, or otherwise lose them. By this means they were prevented from removing to the interior, where they intended to fix their permanent homes. This information they stated was obtained from many Cherokees, then in this country, who had removed west and returned to adjust their claims. Maj. Ridge and other leaders of the treaty making party urged the Indians to commute before they left, asserting that they had a right to this commutation under the treaty, and that it ought to be paid them. I consulted the Commissioners, who differed in opinion on the subject. Mr. Lumpkin thought that I ought to pay them before they removed, and Mr. Kennedy was of opinion that they should not be paid until they arrived at their new homes. They told me, however, to act as I thought proper, as in either case I would have one of them to coincide with me. I then consulted General Wool and Colonel John Williams, both of whom were of opinion that I could with great advantage to the service and safety to myself pay them before they took their departure. John Ridge urged the subject most clamorously, and said that when the treaty was under discussion, it was understood by the Cherokees that they were to obtain their commutation east; and in support of his opinion quoted the words of the 8th article, where it is stated: "and such persons and families as in the opinion of the emigrating agent are capable of removing and subsisting themselves, shall be permitted to do so;" and argued that the emigrating agent was the sole judge as to who

should be allowed to commute, and that as his station was east, if they removed west without it, they would in all probability be compelled to receive their rations in kind, as was the case with many who had previously emigrated. Under these circumstances, I had to decide whether I should commute their subsistence, and remove as many as possible, speedily and to their satisfaction, or refuse to commute, bring down upon me the opposition and ill-will of the whole treaty making party, and fail in removing any. I resolved, after mature deliberation, to adopt the former course, believing it to be the true policy of the Government, and satisfied that it was the only one by which I could succeed in starting a detachment. In allowing them to commute I was as careful as I possibly could be to see that none received their allowances, save those who knew how to take care of it. Owing to many being unknown to me, some few may have received it who should not, although every precaution was taken to avoid such a result. I requested the Cherokee committee then in session to decide, and did not commute for any unless recommended by them, and in some instances refused to commute after they had been recommended, when I believed the applicants to be incapable of making a prudent use of their money.

In starting the party, I purchased and forwarded with them 78 barrels of flour, near 12,000 lbs. of bacon, and about 150 bushels of corn meal. To convey the latter, I purchased domestic and had sacks made, and directed Dr. Young, as they were emptied, to give them to the poor Cherokees of the party. My reason for sending such a quantity of provisions was to guard against the emigrants suffering in case of detention on the way, as had been the case with all the parties previously removed by water, as I was informed, none of which had ever reached their destination in less than ten weeks, and the last party had been even three months on the way and suffered greatly for provisions. Another reason was, that I purchased the articles cheaper than they could have been obtained in any part of the United States, viz: 50 barrels of flour at \$8 per barrel and 28 at \$7 50, bacon at 11 cents per pound, and corn-meal at less than 60 cents per bushel. This was transported with the Cherokees at a very trifling additional expense. As these articles must necessarily have been in great demand in the west, and would, if thrown into the market, bring considerably more than cost, the sale of the surplus, should there be any, I supposed would be an easy matter, and it is not a little astonishing to me that Mr. Van Horne should complain of having the duty of selling a few barrels of flour, and a few hundred pounds of bacon, imposed upon him. Of course it cannot be supposed by any one that I possessed data sufficient when the party started to have enabled me to form a precise estimate of the quantity of provisions the emigrants would require. Either a surplus or a deficiency on the arrival of the party west was rendered, therefore, extremely probable, and I presume the commissioner will agree with me in opinion that of the two alternatives it was desirable to avoid the latter.

I herewith transmit a copy of my instructions to the conducting agent, Dr. Young, (marked A.) The Doctor was taken sick with the measles on the day the party arrived at its destination, and was confined to his bed fifteen days. This, he informed me, was the cause of his leaving the party.

As respects the promises of the agents to the emigrants, that they would be paid their commutation on their arrival west, it was necessary to make them, in order to induce them to move. Even those who were in favor of the treaty, refused to leave upon any other considerations.

In Lieutenant Van Horne's letter of the 7th ultimo, he is pleased to state, "yet about two-thirds of the party, agreeable to a roll handed me by Col. Armstrong, were paid both the commuted allowance for transportation and subsistence east of the Mississippi." This assertion I pronounce utterly false, and without the least foundation. As respects their commuted transportation, there were but ten persons of the 466 that did commute, viz: Samuel M. Camern and family, consisting of eight persons, and Leonard and William Hicks. They commuted at New Echota, Georgia, with a view to remove themselves, and subsequently changed their minds; and resolved to go by water with their friends. At Tuscumbia, Alabama, on the day the boat left, they refunded to me the amount paid, (\$20 per head,) for which I gave them my receipt, and opposite their names on a roll, previously prepared in my own handwriting, of those who had commuted their transportation and subsistence, I entered "refunded." This money I have now in my possession.

On taking the emigrants from this place and Ross's and Gunter's landings, I had to purchase eleven flat boats, at a cost of near \$400. On my arrival at Decatur, the river was so low that I could not get them over the shoals with safety and in time, and I therefore left them with a commission merchant at that place to sell as lighters, to freight cotton over the shoals, and had the Cherokees transported to Tuscumbia on the railroad. This commission merchant had directions to sell them as soon as possible, and remit me the proceeds, which, when received, I will turn over to one of the disbursing agents, together with the \$200 abovementioned; take their receipts therefor, and forward them to your office.

Mr. Van Horne further says, "that instructions to the superintendent east require him to forward me rolls in detail of all who emigrate. Yet numbers continue to arrive by land, who inform me that they have not received their allowance;" "among these are Thomas B. Wattie, Storic, &c." These are Cherokees of whom I know nothing; and I am informed that at least one hundred young men have left since the ratification of the treaty, without the knowledge of the superintendent, and without arranging their business. This is a matter not in my power to control.

As regards the commuted subsistence of Daniel Carter, it is quite probable that it was paid to Calvin Wolf, as stated by Mr. Van Horne. Wolf and Carter are brothers-in-law, and lodged and drew rations together for some time, at New Echota. This was the case with many families of Cherokees. When I commenced making out their accounts for commutation, the head of the family gave in the names of all who had been drawing rations in said family. This I did not discover until I had mixed with them nearly a month. As soon as it was ascertained, I directed the head of the family to be punctual either in paying over the money, or subsisting the Indians for whom they drew, whichever they might prefer. The arrangement gave general satisfaction, as no complaints were made on this side of the Mississippi.

In Lieutenant Van Horne's letter of the 11th ultimo, he remarks, "since my return to this post, I have met with an assistant agent, who accompanied the party of the Cherokees. He informed me that the roll of the party turned over to me is inaccurate, and cannot be depended on; that within a space of six inches on one page of the roll, the same person

is three times enrolled, under different names; opposite one is the remark commuted subsistence east of the Mississippi." This, I pronounce to be untrue, and as unfounded as some other assertions of Mr. Van Horne. I am perfectly satisfied there was no individual so mustered, nor was there any such remark made in the roll, unless it was done after I signed it, by some unauthorized person. The roll turned over to Dr. Young is an accurate copy of the one I forwarded to your office on the 29th March last, in which I do not think a remark similar to the one abovementioned can be found. The roll of those emigrants who commuted their transportation and subsistence, was contained in a small memorandum book, which Dr. Young was directed to hand over to the agent who received the detachment from him. It may not have been prepared according to form, but owing to my recent appointment, and the great press of business on my hands at the time, it was the best in my power to make under the circumstances. My reason for asserting positively that there is no truth in the statement of Lieutenant Van Horne, "that the same individual is three times enrolled, under different names," is, that I made an attempt to muster those who embarked at this place, but owing to the great excitement amongst them, consequent upon leaving their country and friends, and many of them, too, being in a state of intoxication, I failed in accomplishing. The attempt was again made at Ross's, and subsequently at Gunter's landing, with the same result, and I was compelled to defer it until I reached Tusculum, Alabama. When the boats were ready to receive them at the latter place, I directed the Indians to convey all their baggage on board, and then compelled all to go to ashore, except Major Ridge, wife, and some six or seven old and sick. I then took the roll previously prepared, and had a plank laid from the shore to one of the boats, and directed the interpreter to call them by heads of families, as they were entered on the roll, and gave my whole attention to see that every member of each family, as there entered, passed into the boats on the plank. I stood so near that I could have touched any one that passed. This all took place during a period of great confusion on the shore. Some drunk, others quarrelling, &c., still no such error as that mentioned by Mr. Van Horne could possibly have occurred. If there was any error, it lay in having one family of Scrapers more on the roll than should have been there. This was either Long Shell or Soft Shell Scraper, I am not certain which. Some confusion existed at the time relative to these families, which I could not explain, but was in hopes Dr. Young would detect the error, if any, when they were mustered out of the boats. One error I committed, though not noticed in Mr. Van Horne's letter, was in omitting to place an idiot daughter of John Ridge on the roll. She remained in the boats with the old and sick, and the mistake did not occur to me until after I had forwarded the roll to your office.

I cannot imagine upon what authority Mr. Van Horne makes the assertions relative to the Black Bird families, &c., &c., without having been at the boat when the emigrants arrived at their destination. I am disposed to believe that the various assertions contained in his letters of the 7th and 11th ult. arose from his not understanding the roll handed him by Colonel Armstrong. This roll contained the names of all those who had commuted their transportation and subsistence east of the Mississippi, to embark the 14th March, 1837; those that moved themselves as well as those of the last detachment. From this roll it may appear that two-thirds have com-

mutated their transportation and subsistence, for it will be recollected that many commuted who were not removed by the Government, but have or will remove themselves.

I cannot conceive what motive could have influenced Lieut. Van Horne to make this gratuitous denunciation of an individual unknown to him. Presuming, however, that he was merely misinformed as to the true state of the case, I have only to request that he be required to furnish the names of the assistant agent and others who led him to make statements so totally at variance with the truth.

It is in your power, and I hope you will exercise it, to ascertain whether Mr. Van Horne or myself is correct. The muster roll of the detachment is in your possession, and by requiring the disbursing officers to forward the accounts of those who received commutation, and comparing these with said roll, should any be found, except McCameron and the Hicks's, who received their commutation, transported in this detachment, I shall not consider myself unfairly treated to receive a notification from you that the Department has no further use for my services.

As to Jackson King, mentioned in Mr. Van Horne's letter of the 11th, the Rev. Mr. Blunt, of the Brainard mission, informed me that he had lawfully married him to Maria Cade, a Cherokee woman now here.

The business of removing the Indians was entirely new to me, and I have found it very laborious and troublesome, owing to the great opposition to the treaty, throughout the nation; to obtain their consent to remove, occasions me much more trouble than to provide for them after they have consented. In what I have done I have exercised my best judgment. If any errors have been committed, they were not intentional; for I entered upon my duties with the fixed determination to remove the Indians in conformity with the wishes of the Government; and as much to the satisfaction of the Cherokees themselves as an upright decision, energetic and humane course, would effect. How far I have succeeded in this object remains for the commissioners to determine.

With respect to the extracts from the letter of Dr. Minis, I have to remark, that I believed the number of agents and interpreters employed indispensable to conduct the Indians to the west to their satisfaction. The medicines and hospital stores forwarded with them were no more than would have been necessary in case of detention on the way, and I considered it my duty to provide for a contingency of that nature, by no means unlikely to happen. Had an epidemic broken out amongst them, would I have been complying with the treaty, and with the common dictates of humanity, to have furnished them with an insufficient supply of medicines? In regard to the loss which Dr. Minis asserts the Government will have to sustain in consequence of having more provisions than it appeared were necessary, I think it will be found, should proper measures be taken to dispose of them, that the Government will gain by the transaction.

I have to apologize for the length of this communication. It is much longer than I intended it should be; longer, probably, than there is any necessity for. My anxiety to justify myself in your opinion must prove my excuse; and I hope that you will take the trouble to have all the facts connected with the last movement thoroughly investigated, and information of the result forwarded to me.

Could the commissioner make it convenient to visit this section of country and see the many difficulties the undersigned has to contend with, it would

be greatly for the interest of the service ; and I sincerely hope that he will be able to pass two or three weeks here in the course of the season.

I have the honor to be,
Very respectfully,

Your obedient servant,
NATH. SMITH,
Superintendent Cherokee Removal

HON. C. A. HARRIS,
Commissioner of Indian Affairs.

P. S.—I expect to be able to forward you my quarterly abstract by the next mail. N. S.

TUSCUMBIA, ALABAMA,
March 14, 1837.

SIR: You will take charge of the detachment of Cherokees now on board of the steamer Newark, at this landing, and deliver them at their homes in the country assigned them west, or to such agents as may be directed to receive them from you. Doctor Minis will accompany you as disbursing agent for the detachment.

Very respectfully,
NATH. SMITH,
Superintendent Cherokee Removal

Dr. JNO. S. YOUNG,
Conducting Agent.

COMMISSIONERS' OFFICE,
New Echota, June 5, 1837.

SIR: Mr John Ross has at last returned to this country. Being the master spirit of opposition to the execution of the late Cherokee treaty, we have not failed to keep a constant eye upon all his movements, as far as the circumstances would allow. He is, however, a very reserved, obscure, and wary politician.

We know of no overt act of direct opposition to the execution of the treaty, but we do know, that since his visit to Washington and his tour to the north (notwithstanding the prompt manner he was communicated with at Washington) the spirit of emigration among the Cherokees has subsided in a great degree. Those of the Cherokees who a few months ago were expected to have been off before this time, now say they intend going next fall ; and those who, some time since, spoke of going in the fall, now say that Mr Ross will attend the next Congress, and they still hope he will be able to obtain some change in, or modification of, the late treaty. A third and numerous class, who are enveloped in gross darkness, who know nothing, and will hear nothing from any one but Ross, say they will never leave this country ; that they intend to die here. The intelligent and wealthy, are zealous in settling their affairs, getting all the money they can under the treaty, and looking exclusively to their own interest, with

the most perfect indifference to the interests of the great body of their people.

The Indians are guilty of daily depredations upon the property of the whites, stealing their live stock, &c. ; never at any former period has there been so much daily theft committed by the Cherokees as at present.

The reports you may happen to see in newspaper paragraphs, boasting of the great success which attends the emigrating department, are altogether false and fallacious.

We see it stated that the Indians are daily enrolling in great numbers for emigration. We suppose this is intended to designate persons among the Cherokees who are so condescending as to receive the provisions of the Government, from the hands of its agents, and who promise they will emigrate next fall. These persons we consider as fattening on the bounty of the Government, in order to act as circumstances may hereafter incline them, either for good or evil. Our plan would now be, and indeed has always been, to carry off emigrants as fast as a sufficient detachment could be collected, and subsist them west instead of east. If we continue to feed and clothe them here, they will be content, and will never wish to leave.

We would still hope that this treaty may be executed without the effusion of human blood, but we are compelled to say that, since the return of Ross, we consider the issue much more doubtful than heretofore.

The military force in this country has not had the slightest effect in maintaining the quiet and good order of the Cherokee people. It has probably had some effect in restraining the white population from committing depredations on the Indians ; but, as heretofore stated, the Indians have been guilty of increased depredations on the property of the whites, and manifest but little regard or respect to the officers and agents of the Government. Indeed, we fear that the Indians are so silly as to construe the kind protection extended to them by the civil and military officers of the Government, in their rights and persons, as indicative of a want of power on the part of the Government to carry out and execute the treaty.

Ross is the cause of all this mischief, and we fear that his ambition will lead him to destroy this people, rather than it should be said that he had yielded anything to the most powerful Government on earth.

The amount of debt against individual Cherokees far exceeds our anticipations. We are still greatly pressed with claims of this description, and are able to detect, we believe, most of the attempts at fraud ; of which attempts much more originate with persons claiming native rights, than with others.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

June 5, 1837.

SIR: Since I had the honor to receive your letter of the 29th April, enclosing a copy of one from Col. Wm. Armstrong, superintendent west, I

have ceased to commute the year's subsistence for any Cherokee. I assure them that they will get it on their arrival west. Those who I believe capable of removing themselves I permit to do so, and commute their transportation, and give them a certificate, of which the enclosed is a copy.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

To Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

May 24, 1837.

The bearer, _____, the head of a Cherokee family, is permitted to remove himself and family, consisting of _____ Cherokees, and _____ slaves, to the country assigned the Cherokees, west of the Mississippi, having been paid _____ dollars for the transporting the same. He will report to the Cherokee agent on his arrival west.

NATH. SMITH,

Superintendent Cherokee Removal.

ATHENS, TENNESSEE,

June 6, 1837.

SIR: I have the honor to inform you that on the 13th of May I received from Richard Bennett a draft on the branch of the Planters' Bank of Tennessee, at Athens, for two hundred thousand dollars, to be disbursed under the Cherokee treaty of 1835; which draft has been returned to me protested, under the following circumstances:

The commissioners deeming it expedient to have \$100,000 delivered at New Echota, before the funds then on hand should be exhausted, requested that, as my personal services at New Echota could not readily be dispensed with, Dr. Reynolds should take my draft, proceed to Athens, and procure, for the present wants of the disbursing agent, \$100,000; twenty-five thousand to be in specie, and seventy-five thousand in notes of the Planters' Bank, payable at Nashville. The draft was accordingly presented by Dr. Reynolds at the bank, with the instructions of the commissioners with regard to the kinds of money wanted, when the cashier refused to pay any other money than notes of the Planters' Bank, payable at New Orleans.

Upon receiving this refusal, Dr. Reynolds had the draft formally protested, and returned it to me at New Echota.

It was omitted to be stated in the body of the protest that the notes offered were those payable at New Orleans. This being considered necessary by the commissioners and myself, who were the endorsers of the draft, I called upon the notary public who drew up the protest to have this inserted. He returned it to me, stating that the cashier declined any further answer.

When requested to state this fact, the notary was suddenly struck with the recollection that something else had been said, and refused a certificate as to his first assertion.

I have for several days been exerting myself to procure through him an answer from the bank to the simple question, as to where the notes offered to Dr. Reynolds were payable, and to have it inserted in the protest. The notary exhibiting so much evasiveness, I thought proper to call on the cashier myself this morning, and inquire if he had any objection to give an answer of some kind. The cashier received me politely, and replied he had no objection, and, after I left him, wrote me a note, a copy of which I transmit herewith.

Before writing to you, and after receiving this note, I thought proper to see the notary again, who had left me some hours previous, to ask the simple question before mentioned. He informed me that he had been to the bank and could obtain no satisfactory answer. I told him at once, sternly, that he and the bank were trifling with me, and that I must and would have an answer, or expose their whole conduct. This had the desired effect; and in ten minutes I obtained the certificate of the notary which is herewith transmitted. What could be the object of the bank in evading this question is more than I can divine; but that they have done so is very evident, and the notary himself said to me that a gentleman of the law, who is pretty well understood to be the bank's adviser, advised him that it was not necessary to trouble himself further with the protest.

You will readily perceive from the protest, a copy of which is herewith transmitted, that it is almost tantamount to no protest: for the notes therein stated to have been offered us payable on demand are not described, and, for all we can learn from that document, may be payable at Athens, New Orleans, or London. It is, no doubt, the fault of the notary that this was not inserted in the first instance; and it seems to me an extraordinary proceeding that the bank should evade, upon a second application of the officers of the Government, to state the whole truth concerning the matter.

When the commissioners were advised of the facts, they instructed me, as my funds were exhausted, to procure from Lieut. Bennett a draft for one-half of the two hundred thousand dollars which he had been advised was subject to his order, and placed in the branch of the Planters' Bank of Tennessee, at this place, payable at Augusta. I was further instructed that, upon procuring this draft, I would proceed to Augusta, and ask of that bank \$25,000 in specie, and \$75,000 in their own notes.

On my arrival at this place I found that the warrant for this money had not yet reached the bank.

A few days since, I presented the commissioners the order from the Adjutant General's office, recently transmitted to me through your office, and requested to know in what manner I was to be governed. I received on the following day a written answer, a copy of which is herewith transmitted.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,

Captain, and Disbursing Agent.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

STATE OF TENNESSEE, }
McMinn county. }

Be it known, that on the day of the date hereof, I, Samuel H. Jordan, notary public for the county McMinn, in the State of Tennessee, duly commissioned and sworn according to law, residing in the town of Athens, in said State, at the request of J. C. Reynolds, exhibited to William Clark, cashier of the office of said bank at Athens, the original check, whereof a true copy is on the other side written, and demanded payment from said cashier at said office, it being the place where said check was made payable, and I was assured by said cashier that "he is willing to pay said check, when properly endorsed, in the notes of the Planters' Bank of Tennessee, payable in specie on demand, which he believes is the kind of money contemplated by Government, in the contract with the Planters Bank, should be insured in payment of Treasury warrants, and that the Planters' Bank notes are always redeemed with specie when presented." Whereupon, I, the said notary, at the request aforesaid, have, and do hereby solemnly protest against the drawer of the said check, and endorsers, and all concerned, for all exchange, re-exchange, costs, damages, interests suffered and to be suffered for want of payment thereof. Thus done and protested at Athens aforesaid, this 27th day of May, 1837.

In testimony whereof, I have hereunto set my hand, and affixed my notarial seal, this day and year above written.

SAML. H. JORDAN,
Notary Public.

NEW ECHOTA, GEORGIA,
 May 13, 1837.

Cashier of the branch of the Planters' Bank of Tennessee, at Athens, pay to the order of Captain J. P. Simonton, disbursing agent, two hundred thousand dollars.

RICHARD BENNETT,
Disbursing Agent, &c.

Endorsed,

WILSON LUMPKIN,
 JOHN KENNEDY,
United States Commissioners.

J. P. SIMONTON,
Captain U. S. A., D. A. C. R.

COMMISSIONERS' OFFICE, NEW ECHOTA,
 May 27, 1837.

SIR: Being apprized that you have been notified that you might consider yourself relieved from duty here, as soon as you have performed the duties in which you are now engaged in the Indian Department, we deem it expedient to state to you, that the duties in which you are now engaged as disbursing agent, under the Cherokee treaty of 1835, will necessarily

quire the constant services of a disbursing agent to the end of the present year, or longer.

We take pleasure in adding, that if consistent with the public interest, it would afford us personal gratification to have your services at this station continued.

We are, very respectfully,
Your obedient servants,
WILSON LUMPKIN,
JOHN KENNEDY,
Commissioners.

Capt. J. P. SIMONTON,
Disbursing Agent, &c.

ATHENS, June 6, 1837.

I, Saml. H. Jordan, notary public for the county of McMinn, in the State of Tennessee, do hereby certify, that on this day I was requested by Captain J. P. Simonton to call upon the cashier of the branch, at Athens, of the Planters' Bank of the State of Tennessee, and to request of said cashier to state in what bank paper he was willing, or offered to pay the check presented by Dr. Reynolds, which check was for two hundred thousand dollars; said cashier said he was willing to pay \$75,000 in notes of the Planters' Bank, payable in New Orleans, and the balance depending where the doctor might want it.

Given under my hand, this 6th of June, 1837.

SAML. H. JORDAN,
Notary Public.

OFFICE OF THE PLANTERS' BANK OF TENN.,
Athens, June 6, 1837.

DEAR SIR: For your satisfaction, and for the information of the department, I beg leave to say, in explanation of the protest of Major Bennett's check, in your favor, for \$200,000, that in the conversation between Doctor Reynolds, who presented it, and myself, and in my communication to him before the protest, I stated, that I did not think I ought to issue any paper except payable at New Orleans. I was induced to believe so from the general suspension in the eastern cities, and the great revulsion in the money market of our whole country. But he refused to receive any of that kind, and as this refusal was not contemplated by the bank, inasmuch as Judge Kennedy has made a personal request to the president of this office, in April for \$75,000 of the aforesaid sum, in the notes payable at New Orleans, nothing more was said as to where the balance would be payable; but this would have been managed as satisfactory as possible, if Doctor Reynolds had been authorized to receive the \$75,000, agreeably to the judge's requisition, and which we had taken special pains to have here accordingly.

We are extremely anxious to accommodate, as far as possible, at all times, and I cannot conceive that we have been otherwise in this instance.

In haste, I am, very respectfully,
Your friend and obedient servant,
WILLIAM CLARK, *Cashier.*

To Capt. J. P. SIMONTON.

AUGUSTA, June 8, 1837.

SIR: A constituent and friend of mine, Major John Kerr, of the firm of Kerr, Graham, & Hope, complains that the Cherokee commissioners do him injustice, by (as he thinks) putting a wrong construction on the instructions of the department, for payment of claims against the Indians. The firm has a large *judgment* against Elijah Hicks, which he thinks should claim the same preference over other claims of a more doubtful nature and lesser dignity, which it has by the laws of Georgia, and perhaps of every other State. This certainly seems reasonable and right, but I know not the opinion or wishes of the department, and only request that if the instructions be misconstrued or misapplied, that immediate intimation be given to the commissioners, who will begin to pay I understand next week.

Please answer by express mail, directed to John Kerr, at this place; and oblige,

Most respectfully, &c.,
JOHN P. KING.

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

NEW ECHOTA, June 10, 1837.

DEAR SIR: The interest which I feel in the proper carrying out of the late Cherokee treaty, as well as my regard for the character and interest of our common country, will be my apology for troubling you at this time.

I proceed, therefore, at once to give you a succinct account of matters as they are at this place, and in doing so, I will say at once, that this treaty can never be carried out by the present commissioners, and in making the statement, I allude to one of them only, to wit, Mr. Kennedy. I believe that Governor Lumpkin would carry out the treaty with great propriety, and to the entire satisfaction of the parties concerned, if he had a proper associate.

But Mr. Kennedy, if he ever had the capacity and proper temper for such an office, has certainly outlived it; he has neither the one nor the other at this time. Such is the irritability of his temper, that few persons, whether Cherokees or white people, can approach the commissioners with their business without insult; and almost every opinion advanced, and every position taken by Governor Lumpkin, on questions of importance, is sure to meet his stubborn, unyielding, and insulting opposition; and to such a height is this carried that most of the important business connected with the carrying out this treaty is at a stand, and cannot be settled, unless Governor Lumpkin will yield to settle the same, according to the unaccountable whims and capricious prejudices of a man, who either does not understand, or will not do, what is just and proper. This state of things is notorious at this place, and I know I hazard nothing when I say, that the public service is greatly suffering on that account. I do not know whether Governor Lumpkin will inform the department at Washington of the facts above stated, but I know his regard for truth will compel him to substantiate every thing stated above, if an inquiry is addressed to him. If what is stated above, then, be true, the proper corrective should be applied. I believe the President has a right to appoint another commissioner to associate with these, or to supersede entirely either of them, and appoint others; and one course or the other must be

pursued, or the business here will never be performed. You are at liberty to make what use you please of this communication, except its publication in the public prints; the course, however, which I would prefer, is that the letter, or a copy of it, be forwarded to Governor Lumpkin, with a request to give the proper department his opinion of the truth or falsehood of its contents.

Respectfully,
WM. H. UNDERWOOD.

Hon. JOHN FORSYTH.

ATHENS, TENNESSEE, June 12, 1837.

SIR: I informed you on the 2d instant, that Dr. Reynolds had presented my draft for \$200,000, to the cashier of the bank at this place, and was tendered \$75,000, payable at New Orleans, and \$25,000 in specie, the other \$100,000 to be placed to his credit.

It seems I misunderstood Dr. R., as the specie was not tendered by the cashier, nor do I believe he intended to pay it.

Very respectfully,

Your obedient servant,

RICHARD BENNETT,

Disbursing Agent Cherokee Removal.

The Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

MOBILE POINT, ALABAMA,
June 12, 1837.

SIR: I have the honor to acknowledge the receipt of the "revised regulations, No. 5, concerning the emigration of Indians." In compliance with article 50, I have to report as having engaged Dr. Woodfin as a physician to accompany the party west. He entered upon duty, with the sanction of Capt. [redacted], on the 17th of March, with the pay of an assistant surgeon of the [redacted]; but I observe the compensation is fixed at \$5 per day, by the revised regulations.

The assistant conductor employed for my party is Mr. Noah Felton, formerly engaged by me, when located in the Creek nation, as an assistant in issuing rations. His compensation as assistant conductor, as per regulation, is \$3 per day.

The delay in transmitting my accounts for the last quarter, is in consequence of the absence of Captain Page, whose examination of them is required. I will thank the department for blanks for the rendition of my accounts for the present quarter.

I have received the confirmation of the department, respecting my present appointment, as also the letter advising me of the appointment of Captain

Batman, as superintendent of the Creek emigration. Captain Batman has not arrived.

I am, sir, very respectfully
Your obedient servant,

JNO. C. REYNOLDS,
Disbursing Agent Indian Department

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs,
Washington city.

NATCHEZ, June 13, 1837.

SIR: I have the honor to inform you that I have just presented to the Agricultural Bank at Natchez, the warrant drawn in my favor, No. 8,389, dated April 25, 1837, for one hundred and fifty thousand dollars, for carrying into effect the treaty with the Cherokees, per act 2d July, 1836. The bank being unprepared to pay out any other funds than their own paper, which cannot be at all disposed of in the Indian country or in the State of Arkansas, I have deemed it best to have the drafts protested, a notice of which will be forwarded to the Secretary of the Treasury. I am informed that Treasury drafts for from one to five thousand dollars can be disposed of at New Orleans, and perhaps one-half be obtained in specie, as it is believed that such drafts will be received by the collector of the customs, in payment for merchants' bonds. Specie is now worth in New Orleans from 18 to 19 per cent. premium.

With much respect,

I am, sir, your most obedient servant,
R. D. C. COLLINS,
Captain, and Disbursing Agent

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

TREASURY DEPARTMENT,
June 16, 1837.

SIR: I have the honor to enclose, herewith, for your information, a copy of a letter addressed by this department to the Planters' Bank of Tennessee, on the subject of the refusal of its branch at Athens to meet the authorized drafts of the agent of the Indian office, of which the commissioner gave me information yesterday.

Should the public service under your direction in that quarter require that the disbursing officers be furnished with specie, and it cannot now be obtained there, drafts upon the receivers of the public money at Montgomery, Alabama, as well as at several points in Mississippi, Missouri, Indiana, and Illinois, can be furnished by this department on your requisition, which will no doubt be promptly met with specie.

I am, sir, very respectfully,

Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

Hon. J. R. POINSETT,
Secretary of War.

TREASURY DEPARTMENT,
June 16, 1837.

SIR: I have been informed by the Commissioner of Indian Affairs, that the branch of your bank at Athens has refused to pay the draft of Captain Bennett, a disbursing officer of the Government, drawn upon a deposit made at that branch for the public service, under the direction of that office, from which refusal great embarrassment has arisen.

By the tenor of the existing obligations on the part of your bank, and the assurance recently given me by F. H. Fletcher, Esq., your agent, when here, I had entertained no doubt but your institution would meet the claims upon it for the public service in a satisfactory manner; and I now hope that all grounds of complaint will be forthwith removed, that the responsibility of preventing the execution of important public measures may not rest upon it.

The disagreeable results to all concerned which may arise from pursuing a different course, must be too obvious to require a detailed explanation.

I am, sir,

Very respectfully,

Your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

To the PRESIDENT of the *Planters' Bank*,
Nashville, Tennessee.

COMMISSIONERS' OFFICE,
New Echota, June 16, 1837.

SIR: With a view of keeping you correctly advised of the progress made and making, in furtherance of the execution of the Cherokee treaty of 1835, we submit the following facts: All the demands against individuals of the Cherokee nation, which have been presented to us since we entered upon the duties of our appointment up to the present day, (with the exception of a very few cases, postponed to allow time for procuring further testimony,) have now been fully investigated, and our final decisions become matter of record.

Of these claims against individual Cherokees many have been rejected; yet the number which have been allowed, and the larger portion paid, amount to upwards of three thousand cases.

We now have, upon our register of payments, the names of every Cherokee in the nation who has undisputed assets coming under our cognizance; whether for valuation, spoliation, or other claims arising under the treaty. Therefore, our books and records now begin to assume a tangible and office form. We can, upon any call, exhibit the state of the affairs of each Cherokee without loss of time, except in the comparatively few cases where litigation still remains. We still find, however, some old and valid claims almost daily coming in against the Cherokees, especially debts among the Cherokees themselves. The citizens of the United States, we presume, have generally brought forward their demands. We have also decided on all the claims of the Cherokees for spoliations, so far as they have been presented through the Indian committee or otherwise, with the exception of a few cases which require further proof and investigation.

We entertain no doubt, however, but that many of the Cherokees have just claims for spoliations which have not yet been presented; this arises from opposition to the treaty. Mr. Ross and his adherents (many of them at least) still stand off. And it is to be regretted that this omission to attend to their interests bears most heavily on the ignorant class of Mr. Ross's followers; for we find no men more vigilant in attending to their claims under the treaty, than the intelligent adherents of Ross.

We shall now have time and opportunity for, and shall devote ourselves to, the investigation of the more important cases arising under the treaty, viz: claims of citizens of the United States for services rendered the nation; claims for reservations, &c.; some claims of the description last named have, however, been already adjudicated and settled.

The whole of the missionary establishments were valued, and returned by the valuing agents in whose districts they were found, under the direction of Major Currey; and we have, in one instance, given our certificates for the amount of the valuation in terms of the treaty to the secretary of their board. Please to let us know whether, or not, we shall continue to make these settlements. We find ourselves embarrassed upon the subject of funds, to meet the payments under the treaty. We have informed you of our failure to obtain the funds from the deposit bank in Tennessee. We are here in suspense upon the subject, having neither funds nor information in regard to the prospect before us, except what is obtained through the public prints. In a word, sir, we have, by untiring exertions, brought our branch of the business to a point which will, hereafter, enable us to discharge all our duties with promptitude and despatch. We can, hereafter, send with emigrating parties, (if, indeed, we have any,) a full statement of their affairs.

As we suggested in our last, the prospects of emigration are by no means encouraging, and if anything is doing to promote or encourage emigration, it is unknown to us. We seldom see or hear from the emigrating agent, and we have so often devised and suggested plans of operation to promote the execution of this treaty which had been wholly unheeded, that we have, of late, tried to be content with a discharge of our own duty. These Cherokees might have been taken away peaceably under the treaty, but we despair of it now. Trouble will grow out of the present state of things. Every body but ourselves, so far as we can learn, are still trying to coax Mr. Ross, and he is still full of a spirit of determination never to yield to the treaty, and, as we learn, intends being a lobby member of the next Congress, &c. Thus the time stipulated by the treaty will expire, and the greater portion of the Cherokees will still be here. Then comes the evil; the white population will no longer forbear; these people will then have to go, and go quickly. No good man who witnesses the present state of things here, can fail to desire the speedy removal of these people. Every day that they remain here is pregnant with the hazard of one of the most horrid scenes that ever afflicted any country. The daily strifes and thefts which occur, afford cause to apprehend some outrage, which may terminate in the effusion of much human blood.

We have incidentally heard, that there was some change in the command of the army stationed in this country, but have no official advice on the subject, and are, therefore, unapprized who has the military command here at present. But let the command devolve on whom it may, it appears to us, most obviously, that the officer in command should be instructed by the

War Department vigilantly to watch the movements of John Ross, and that, instead of the troops remaining as they are, stationary, they should visit every portion of the country, and suppress any rising spirit of insubordination which may manifest itself among the Cherokees.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.

AGENCY, CHEROKEE NATION,
Tennessee, June 22, 1837.

SIR: In an interview with Brevet Brigadier General Wool on the 18th instant, after his return from Valley river, it was deemed best by him, and acquiesced in by me, for the promotion of the interests of the service, that he should continue in the exercise of the command until the 1st of July, proximo. In the mean time, I am authorized by him to take the necessary steps for replacing the force which will be discharged about that time, and to perform any other acts which may be provisionally proper, for the due administration of my military functions, on the assumption of the command.

I am informed by Mr. John Ross that he has issued notices for a convention of a Cherokee council, to be assembled about the 31st of July next. As it is my belief that the meeting of this council will have a bearing upon the relations of the Cherokee nation and the United States Government, highly injurious to the views of the latter in reference to the removal of the Cherokees as stipulated by the treaty of December 29, 1835, and as my instructions will not warrant me in permitting its convocation, I have interdicted the measure, and shall continue to do so, until I receive special instructions from you, advising me that a different course is required. There will be ample time to hear specially from you, on this subject, by mail; and to insure the receipt of this communication, I shall forward a duplicate of it by the next mail.

I am, very respectfully,

Your obedient servant,

WILLIAM LINDSAY,

Colonel.

Hon. J. R. POINSETT.

CHEROKEE AGENCY EAST,
June 22, 1837.

SIR: You will find herewith enclosed a quarterly abstract of issues to the Cherokees, for the quarter ending 31st March, 1837, which includes the issues made to the detachment on their way west, together with issues to

those who were collected with a view of starting another detachment during the spring.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
June 22, 1837.

SIR: In my letter to you of the — instant, I informed you that I would by the next mail enclose you my quarterly abstract, and should have done so, but, on the day I wrote, I received intelligence from the Valley River towns, that the Indians there had threatened to kill John Timson, one of their principal men, who has been advocating the views of the Government, and urging on his people the propriety of early preparing to emigrate under the treaty.

I repaired to that place immediately, reached on the 10th, and remained until the 18th instant. During that time I visited some of the principal men, and saw a great many of the Indians. I find a very great change in them since the last fall. I spent four months amongst them, at that time, in command of the first regiment of east Tennessee volunteers, and I can now discover a marked difference in their conduct: they appear much more stubborn and distant; they have also done much more labor in the improvement of their houses and farms than they have for the last five years; and my impression is that they will raise more corn this, than they have for the last two years.

With the exception of sixty or seventy that have enrolled for emigration, they will not talk at all on the subject.

They denied, to me, having threatened to kill Timson, and I could not establish the fact clearly enough to have them taken up, but I have no doubt they have it in contemplation.

The military are instructed by General Wool to use every precaution to prevent it.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

CHEROKEE AGENCY,
June 22, 1837.

SIR: Permit me to state that I have never received your reply to the letter which I had the honor of addressing you, in behalf of the Cherokee delegation, on the 4th ultimo, and also now to call your attention to the same.

I have this day had the pleasure of an interview with Colonel Lindsay, and, in conversation with him in reference to the duties intrusted to his

command in this nation, I regret to find that he has not as yet received such instructions as will justify him to depart from those heretofore given to General Wool, and on which that officer's general order No. 74 was based. As has always been customary, upon the return of the delegation, the general council of the nation has been called to be assembled on the 31st of next month, and which council, Colonel Lindsay states, he should feel himself bound, by the instructions heretofore given to General Wool, to suppress, unless he should otherwise be instructed.

The objects of the council are altogether of a pacific character; it is to receive the report of the delegation for the information of the nation, and that the Cherokees may confer and deliberate, in peace and brotherly feeling among themselves, upon their own affairs generally. An interference or interruption of the exercise of this acknowledged right and privilege of freemen, by suppressing the council, could not but produce some sensation, and be viewed as oppressive and unjust by the Cherokee people. As to the effect which the holding of the council may be supposed, by some, to have upon the minds of the Cherokee people in reference to emigration or the "treaty," I can assure you, sir, in sincerity and frankness, that, in my own opinion, it would make no serious change, one way or the other. I beg leave to ask that you may refresh your memory with the particulars of our several interviews, and especially of the assurance given by you that, whilst it was the determination of the President faithfully to execute the "treaty," no acts of *oppression* or *injustice* should be tolerated, and, if they occurred, to report them to you; that you would have us righted. Permit me to renew to you the expression of my most ardent desire to avoid every possible ground of difficulty between the officers of the Government and the Cherokee people, that all may walk in the path of peace and perpetual friendship.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

JOHN ROSS.

To the HON. JOEL R. POINSETT,
Secretary of War.

CHEROKEE AGENCY EAST,
June 24, 1837.

SIR: I have just learned that Mr. John Ross has called on the whole Cherokee people to meet him in council, at Red Clay, on the 31st of next month. His object in calling them together, he says, is to let them know what the delegation had done for them last winter at Washington. In this he may be honest; but I have no doubt, if they are suffered to meet at his call or request, they will again protest against the treaty, and appoint a delegation to visit Washington this winter, with a view of getting some alteration or modification of the treaty, and the consequence will be that I will be unable to get off one-eighth of the tribe this fall.

I do hope the honorable Secretary of War will not suffer this council to be held, or any act done that will destroy the prospects of emigration. If they are permitted to send a delegation this winter, very few of them will make any preparation to remove until the two years will have expired

granted them by the treaty, and will have a scene of confusion that will be shocking to humanity, and if we get through without bloodshed I shall be disappointed.

I remain, respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

To the Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

UTICA, N. Y., June 24, 1837.

SIR: In my letter of appointment I am informed that I am "to serve as physician in the emigration of Cherokee Indians, under the late treaty with those Indians."

The late treaty with those Indians provides that "every *emigrating party* shall be accompanied by a regular physician well supplied with medicines." I am instructed, also, in my letter of appointment, that "it will be my duty to render to the Indians such medical and professional services as their condition may require."

A question has arisen on which I wish to be instructed, viz: Whether those Indians who have not enrolled themselves, or made any definite arrangements for emigration, are entitled to the services of the emigrating physician? This query does not arise from any unwillingness on my part to render to every afflicted Cherokee any service in my power that may be consistent with justice and humanity. Indeed, I have cheerfully rendered my professional services to all poor Indians, whenever I found I could be of service to them. But there are some half-breed Cherokees and whites who have married Cherokee women, who are wealthy, possessing many slaves, who delay emigration only to speculate upon those who are the beneficiaries of the treaty. These have set up a claim to the services of the public physician, whenever their families are visited with sickness. I have uniformly disputed their claim to such services, and have argued that they have just as much right to subsistence, or any other benefit granted to an actual emigrant, as to this. And, moreover, it would be granting them a boon which would be denied to all who promptly complied with the terms of the treaty; for no physician is furnished to the emigrants after they arrive at their new homes west.

Please to instruct me whether my views on this subject be correct, or whether I am required to attend, in behalf of the Government, those Indians who have made no definite arrangements with the agents for emigration.

I have the honor to be, sir,

Your most obedient servant,

C. LILLYBRIDGE,

Physician to Cher. Emigration.

To Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

N. B.—Please to address me at Athens, Tennessee.

L.

CHEROKEE AGENCY EAST,
June 25, 1837.

SIR: My attention having been invited by the superintendent to the perusal of two letters from Lieut. Van Horne, under dates of the 7th and 11th of April last, accompanied by one from your department of a later date, all having relation to the Cherokee detachment recently emigrated under my charge.

Mr. Van Horne's communications, if not accusatory in their character, are, at least, full of severe strictures upon the conduct of the superintendent.

Being myself the agent of the superintendent, having the most intimate connexion with some part of the transactions alluded to, and by implication made to have contributed to some of the alleged causes of reprehension, I must very respectfully ask to be permitted to make explanations in justification of my own conduct, and to offer reasons why I did not pursue, strictly, the course indicated in the letters from your department. And in doing so, I must hope to be excused for a communication of some length, which is intended to be occupied in giving a detailed account of the different dispositions which have been made of my services under the present superintendent.

I was one of the agents of Gen. Smith's predecessor, and the first sub-agent that entered the Cherokee country after the conclusion of the late treaty; during all the time since I have been engaged in the heavy details of the service. It has always been my pride and pleasure to do my duty, unambitious of more distinction than I would be entitled to for a faithful and efficient discharge of such duties as were assigned me. Claiming for myself no discretionary power, it has been my maxim to receive and execute the instructions of the superintendent, so far as it was in my power to do so, reserving to myself no right to question the purport, object, ends, or results, of these instructions. I flatter myself that in the sequel I will be able to fully satisfy you that if I have in any way departed from the strict line of my duty, it has been for want of proper instructions, or been produced by circumstances in themselves uncontrollable.

The death of Major Currey occurred on the 16th of December. The arraignment returns, which had been delayed from a variety of causes, were not completed until the 1st of January; until after which no action could be had on claims by the commissioners. Nearly four hundred Indians had, in the interim, assembled to be removed by the Government, and nearly as many more of the better class, who had made every arrangement to remove during the preceding fall, and been disappointed, were still waiting to have their business settled, in order that they might set out as early as possible.

On the 25th of January Gen. Smith had the keys of his office delivered to him; on the 25th and 26th repaired to New Echota; on the 27th reported himself to the commissioners; on the 28th had the body of Indians above alluded to turned over to him to be subsisted, in addition to a multifarious train of other duties he had to perform. Doctor Minis's duties were at this time very laborious, and sufficient to occupy his whole time in the disbursement of money, which devolved upon Gen. Smith the adoption and execution of all measures rendered necessary, both in relation to subsistence and transportation of the detachment then getting ready to start. Thus it will be seen that whilst Gen. Smith was in his novitiate, and before he had time to read his instructions, he was called on to practically perform all the duties and to exercise all the functions pertaining to his appointment, and that

without many of the important aids which have since been thrown around him.

On the 7th day of February I received, at this place, the instructions of the superintendent to repair forthwith to Gunter's landing, a distance of 160 miles, on horseback, and after executing his orders in relation to that point, to go thence to Decatur, Florence, and Tuscumbia, Alabama, and close contracts for as many steamboats as might be deemed necessary for the comfortable transportation of not less than 600 nor more than 1,000 Indians, from the different points on the Tennessee river to the highest point it might be practicable to ascend the Arkansas river. Upon my arrival at Tuscumbia, and after fully satisfying myself that it was the only point which presented any prospect of success, I opened a negotiation with the Louisville and Tuscumbia Steamboat Company, (there being no competing interest in the place.) I soon found that a single steamboat, of the size and class capable of ascending the Arkansas river, would not accommodate one-third of the number with any sort of comfort, and to employ two steamboats would not accomplish the object in view, whilst an expense at once exorbitant and unreasonable would be incurred. To obviate the difficulty which presented itself, I employed the steamboat Newark to take in tow two keel boats, of 60 tons burden, and 80 feet long each, at \$13 per head, to take the detachment from Tuscumbia to Little Rock. This arrangement, in point of space for the accommodation of passengers, was more than equal to two, and in the quantity of tonnage drawn from the trade, nearly equal to two steamboats.

I would here take occasion to remark, that to the keel boats must be attributed a large share of the success which attended the expedition. They were spacious, well covered, painted, dry, kept constantly clean and well ventilated; by means of side doors, which afforded the Indians the means of sleeping without being exposed to the night air or inclement weather. On the top of each keel were three hearths, which, added to the one in the deck of the steamboat, made fire-places which enabled the Indians to cook and eat at regular periods without *it even being necessary for the boat to stop.*

After having made the above arrangement, and closing a contract with the D. C. & S. Railroad Company, accomplishing the objects of my mission so far as it was in my power to do, I returned on the 23d of February, and reported myself to the superintendent. Every necessary arrangement was immediately set on foot to have the detachment at Tuscumbia by the stipulated day, which was the 8th day of March. The detachment arrived on the 9th, and remained until the 14th; the superintendent in charge.

On the evening of the 14th the superintendent delivered to me the muster roll, together with a small leathern covered book, containing a list of the names of all such as had commuted subsistence or transportation, as well others as those belonging to the detachment. (This book, together with the muster roll, I delivered to Capt. Armstrong.)

Late in the evening of the 27th of March the detachment passed the line near Fort Smith, Ark.; at or near this point was the place where many of the Indians had determined to land, it being most convenient to the vicinities of their friends, and nearest to locations which had been selected for them, some of them having sent their horses, others their slaves, in advance of them, in order that situations might be prepared for their reception. They were of the treaty party; haughty and restive at best under the

authority of the Government, they had commuted their subsistence, which left them without any motive of interest to induce them to remain longer.

By no expostulation which I could use, nor by any moral force which it was in my power to bring to my aid, could I resist this determination to leave. In pursuance of which a little less than one-half the detachment, with Major Ridge at their head, did leave the boats two miles above Fort Smith, and disperse within three days. With the residue, (comprising, I believe, with one exception, such as had not commuted their subsistence,) I arrived at Fort Coffee on the morning of the 28th, and immediately, through an assistant agent, reported myself and the arrival of the party to Capt. Armstrong. The substance of Capt. Armstrong's reply to me is contained in his letter to your department, under date of April 2. At the suggestion of Capt. Armstrong, communicated through Mr. Jarnigan, I did a part of the surplus provisions at cost to such Indians as had commuted their subsistence. In order to secure the residue, Capt. Stewart very kindly placed a portion of his men, with a team, at my service, by means of which they were safely stored in one of the military store houses at Fort Coffee.

As the Indians left the boats, I made the best muster circumstances would permit, in order to satisfy myself that no numerical changes had taken place. The muster roll furnished by Gen. Smith I believed to be correct, as I was aware much pains had been taken in making it. On the morning of the 29th March I received a note from Capt. Armstrong, which I herewith enclose. Dr. Minis had not left, but did not feel authorized to make the disbursements requested by Capt. Armstrong in his note to me. On the morning of the 30th Capt. A. visited Fort Coffee, and gave me his receipt for the surplus provisions. Capt. A. acted with his characteristic frankness, and manifested the greatest disposition to promote the interests of the service.

On the evening of the 30th I went home with Capt. A., and spent the night. On the morning of the 31st left, for the residence of a brother-in-law, near Fort Smith, twelve miles distant. Immediately on my arrival at his house I was taken sick, and confined to my bed for fifteen days. I would here remark that Capt. Armstrong had, as I understood, directed issues to be made to such Indians as had not commuted their subsistence, and were awaiting the arrival of Mr. Van Horne. It was my intention, as I did, to return into the nation; but I do not recollect that I communicated this intention to Capt. Armstrong.

Mr. Van Horne complains that the surplus provisions, instead of being issued to the Indians, were turned over to him to spoil. Suppose that I had issued to the whole number of Indians for a time sufficient to consume the surplus provisions, or suppose that I had taken a less doubtful ground, and issued them to the small numbers who had not commuted their subsistence contrary to their wishes, when I was fully apprized that they deemed the question of their rights to receive money to be reserved for the decision of the proper person, I ask, would I not have been more culpable for the commission than I am for the omission? It is matter of much regret to me that Mr. Vanhorne should be displeased at receiving the provisions. Had I received the slightest intimation that it was contrary to his wishes, I would, in courtesy to him, have sought some other mode of disposing of them. Lieut. McKavat, the commissary at the post, very politely tendered me his aid in making any disposition of them I might desire. So far from

thinking that I was inflicting a grievance upon Mr. Van Horne I supposed I was extending an accommodation; provisions were scarce and at high prices in that country; those I had were good; the season was not far advanced, and Indians were expected to be arriving during the spring.

I acted for the best under the circumstances I was placed in and forced to conform to. To keep the Indians embodied, to be mustered by a western agent, was impossible, when they had every inducement to leave, and none to remain.

Prior to the departure of the detachment, General Smith had written to Captain Jacob Brown. He directed me to call on Capt. Brown for advice when I arrived at Little Rock. I was informed by Capt. Callan, the successor of Capt. Brown, that Gen. Smith's letter had not reached him.

On the 23d of April, after I had recovered, I returned to Fort Coffee, where I met Mr. Jarnigan, who informed me that Mr. Van Horne had met the Indians at Dwight mission, and paid them their commutation for subsistence; that some difficulty and confusion in names had occurred in the roll and lists furnished by Gen. Smith, but that by his aid, and that of Mr. Alexander McCoy, an eclaireissement had been effected, and that Mr. Van Horne had sold the surplus provisions to J. L. McCoy, a native. I then left the country, congratulating myself on the generally favorable results of an expedition, which, in its inception, had been attended with so many untoward circumstances.

From all that I learned of Mr. Van Horne he is an accomplished business man, and very correctly expects a punctilious discharge of duty from all officially connected with him; but could he have been conversant with some of the difficulties Gen. Smith had to contend with, he would look upon him with more forbearance.

If errors have been the result of Gen. Smith's administration, they were produced by the press of business, and for want of sufficient time to acquaint himself with his duties. Of his competence there is no doubt, and to his energy, zeal, and great desire to promote the interests of your department I can bear the most cheerful testimony.

Very respectfully,

Your obedient servant,

JOHN S. YOUNG,

Assistant Superintendent of Cherokee nation.

To the Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHOCTAW AGENCY, *March 29, 1837.*

SIR: It will be necessary to leave a muster roll of your detachment of Cherokees, marking those who have not been paid their commutation for provision.

If Doctor Minis has not started to Gibson, will you please to say to him that I would recommend the immediate payment to any who have not received their commutation for provision.

I have written Lieut. Van Horne, at Fort Gibson, and expect him here to-morrow.

I think it very important for both the emigrants and the Government, that the Cherokees should be paid money for their year's provision. I send

Mr. Clarke with this, who is the clerk in my office ; any arrangement you may wish to make about provision I will attend to, which I forgot to mention yesterday in my letter.

Respectfully,

Your obedient servant,

WM. ARMSTRONG,

Acting Superintendent Western Territory.

Mr. J. S. YOUNG,

Conducting Cherokees.

CHEROKEE NATION, ALABAMA,

June 25, 1837.

SIR : Your attention to one point relative these Indians.

Their lands should be surveyed the coming fall ; they will then be satisfied that the treaty will be carried into effect, and prepare to move.

If not surveyed until after the 25th May next, (the expiration of their time here, according to the treaty,) they will by that time have planted their crops, when it would be cruel to force them off ; besides, it would advance the idea that some are endeavoring to promote, that there is no real treaty, or that it will be altered, &c., and those of them unwilling to move to the west will be troublesome, and to let them remain another year there would be danger that the whites would butcher them at their homes.

To attract your thoughts to this matter is my object in writing.

Your obedient servant,

R. HATCH.

Extract from a letter of Lieut. Van Horne, Disbursing Agent, Indian Department, dated Fort Coffee, June 25, 1837.

I received your letter informing me that \$150,000 would be turned over to me by Captain Collins, for disbursements, under requisitions of Messrs. Spokin and Kennedy. I also received yesterday a letter from these latter gentlemen, enclosing a list of moneys to be disbursed, with their requisitions attached.

Not having yet received any part of the money named, I am unable to commend payment. I may add that there seems little prospect of getting it. I have not as yet received any rolls or information to enable me to discharge the dues to emigrants for transportation and subsistence, from the superintendent east of the Mississippi. It is much to be regretted, that payment of dues to Cherokee emigrants should not be promptly made, as it is calculated to generate dissatisfaction.

It is not probable that the funds turned over to me by Doctor Minis (Planters' Bank of Tennessee) will be received by them.

CHEROKEE AGENCY, June 26, 1837.

SIR : By the last mail I had the honor to forward to you a communication, from which the following is an extract :

"I am informed by Mr. J. Ross, that he has issued notices for a convention of a Cherokee council, which will assemble about the 31st July. As it is my belief that the meeting of this council will have a bearing upon the relations of the Cherokee nation and the Government of the United States, highly injurious to the views of the latter, in reference to the removal of the Cherokees, as stipulated by the treaty of December 29, 1835, as my instructions will not warrant me in permitting its convocation, I have interdicted the measure, and shall continue to do so, until I receive special instructions from you, advising me that a different course is required. There will be ample time to hear specially from you on this subject, by mail, and to insure the receipt of this communication I shall forward a duplicate by the next mail."

I will only observe in addition, that Mr. J. Ross professed that the sole object of this council was, to lay before the nation the proceedings of their delegation at Washington, in conformity with the immemorial usage of the Cherokee people; but when questioned by me, whether he or the council would give me a pledge that they would not discuss the merits or validity of the treaty, he distinctly replied that he could not say to what subjects the council would restrain themselves, nor could he prevent any discussion which they might think proper to enter upon.

I am, very respectfully,

Your obedient servant,

WM. LINDSAY,

Col. 2d Artillery.

HON. J. R. POINSETT.

CHEROKEE AGENCY EAST,

July 1, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th May, in which you notify me that you had transmitted to me, by mail, 40 copies of revised regulations No. 5; they have not come to hand. The call of Mr. Ross's council, or some other cause, have put a stop to enrolling for emigration; none have enrolled since I last wrote you; and some that had enrolled and expressed a willingness to remove at any time that I would call on them to go, and that were receiving rations, have ceased to draw within the last few days. Whether it is the presence of Mr. Ross, or what he says to them, that causes this falling off, I am unable to say.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

STATE OF TENNESSEE,

Bradley county, July 3, 1837.

HONORED SIR: I am brought under the necessity of appealing to you for redress under my present adverse situation: having been lately deprived of my dwelling house, and run off of my farm by the orders of the general

agent for the Cherokees, after being authorized to settle on this place, as I conceive it, being at a lawful distance from any native in the nation, I consider it a gross intrusion made upon me. I, therefore, apply to you for redress; and I also wish you to give me some direction how to proceed, in order to obtain justice in such case. When intelligence arrived that I was to be removed shortly, I hastened to adduce, as quick as possible, testimony that I had formed no intrusions upon the natives, which was disregarded, and no attention was paid to it, and I used all the means in my power to effect a reconciliation, but could not do it; and I was, therefore, driven out of the country without ceremony, and I am stripped of house and home; my crop is going to destruction—a desolated family bemoans its loss now, and will, perhaps, suffer during the ensuing year. After I was driven from my place, several Cherokees, authorized by the *pro tem.* agent, went into my farm to work. Intelligence of this reached my ears; I asked Gen. Smith, who is agent, about it, and he said he never authorized such a course of procedure, &c. Sir, send me a communication on the subject as soon as possible, and I will remain

Your most obedient and
Affectionate friend,
THOMAS GIBSON.

COMMISSIONERS' OFFICE,
New Echota, July 3, 1837.

SIR: We have received your letter of the 15th ult., on the subject of funds, &c. We have to regret that we are still out of funds to meet the requisite payments under the treaty. This failure of funds has, and will, operate most injuriously upon the minds of the ignorant Indians, who are already indisposed to emigrate to the west. Their leaders, who are opposed to the treaty, find no difficulty in so misrepresenting this want of suitable funds, as to induce the ignorant to credit all such statements as may be calculated to impress their minds with the belief that the late treaty is invalid, and will certainly fail to be executed by the Government. In the disbursing department, under the treaty, with which we stand more immediately connected, we have found ourselves, throughout, embarrassed for the want of a disbursing agent being set apart for this specific duty.

The first disbursing agent sent to our relief, Doctor Minis, during his continuance here, always professed to be charged with so many other and important duties that he could rarely be kept long at a time in the service of making the payments authorized by us. Since Doctor Minis left here to accompany the emigrants west, we have never had a disbursing agent placed under our instructions at all, to our knowledge. It is true that, after the departure of Dr. Minis, General Wool politely and voluntarily did the business of the disbursing agent, which prevented much delay and embarrassment in that department at the time.

Capt. Simonton, to whom Gen. Wool turned over the business, discharged the duties of disbursing agent to our satisfaction as long as he was in funds. Since the funds gave out, and we were informed by you that \$200,000 had been placed in the Planters' Bank of Tennessee, and a like sum in the Augusta Bank, Georgia, to meet our estimates, subject to the

draft of Capt. Bennett, when countersigned by us, we made the call upon the Tennessee Bank, of which you are apprized, and of the result.

As soon as we ascertained that funds could not be procured from the Tennessee Bank, it occurred to us that we would apply to the Augusta Bank, Georgia, where we believed, and still believe, that the draft of the Government would be honored. We, therefore, immediately requested Capt. Simonton to go in search of Capt. Bennett, who is understood to be the army disbursing agent, and obtain his order on the draft to enable us to obtain the necessary funds from the Augusta Bank, if practicable. We think that Capt. Simonton left here nearly a month ago, and did not return until yesterday, when he reported to us that Capt. Bennett declines giving his order upon the Government draft to another person until he shall have first ascertained that the funds are ready in the Augusta Bank. Thus you have all the reasons that we are able to give you why we have been kept here in this painful suspense for a month past.

None of these disbursing agents consider themselves under our instructions, nor have we authority to say that they are. We know that the most important disbursements which have been, or are to be, made under the Cherokee treaty are immediately connected with our office, and yet we have never had the first disbursing agent who considered this branch of the business his most important duty.

One disbursing agent is wholly occupied in paying a few military officers and volunteer companies; another is employed in attending the emigrating agent and his department, while no Indians are emigrating; and a third seems to have no definite duty assigned him; and, though well disposed to perform any reasonable duty, can do nothing for the want of authority to draw the funds.

As to the kind of funds which would be received at this time here, in discharge of claims under the treaty, it is proper to remark that every recipient would prefer specie, because it is worth more than the paper of any bank which has suspended specie payments. Yet all recipients who expect, or intend, to use their funds in Georgia, would take the bills of the Augusta Bank rather than lie out of their money.

The recipients who wish to use their money in the State of Tennessee, will be satisfied with nothing but specie, and would not take the bills of the Tennessee Bank at all in payment of their demands against the Government. Our only object in giving you this retrospective sketch is to afford the means of correcting the evils of which we complain hereafter.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.

CHEROKEE AGENCY,

July 4, 1837.

SIR: The fifth paragraph of a letter from your department to the superintendent under date of June 16th, in relation to the muster roll of a party recently despatched, has been read to me by the superintendent.

Against the conclusions contained in the paragraph alluded to, I have much reason to complain. Although I am placed beyond any official recognition by your department, I have too much confidence in its justice to presume that all that which can result from a want of capacity, wanton selection of duty, and an assumption of powers that did not belong to me, are to be set down in judgment against me, and for which, through the superintendent, I am made the subject by your department of severe castigation for doing that which I did not do, and not doing that which it was placed out of my power to do. All without the privilege of being heard.

Your department has sent to General Smith for correction the roll which I made out and sent from Fort Coffee, whilst General Smith's own roll is kept out of view, thus making me an innocent sufferer by throwing upon my shoulders all the guilt of committing the errors taken for granted to exist upon the suggestions of Mr. Van Horne, resolving the whole matter into this: Mr. Van Horne suggests errors, Doctor Young commended them, and General Smith is called on to correct them. I am made the scape-goat to bear the sins of others, suffering a degree of demerit commensurate with Mr. Van Horne's complaint, when, indeed, I have no direct or indirect concern with the question in issue between General Smith and Mr. Van Horne.

Before the party left Tuscumbia, General Smith mustered it in *person*. I was on the ground, but not immediately cognizant of the muster. He delivered to me a copy of the roll, (which is the one now in the hands of Mr. Van Horne, and upon which the complaints are based.) He sent another copy to your office certified, the receipt of which I am advised you acknowledged in your letter (the latter part of it) dated April 25th.

I did not send a roll to your office, not intending to claim for it any official censure, only so far as it might be taken as evidence of no change, a matter by the proper person west being, under the circumstances, utterly inapplicable.

There is no official censure that I could have avoided for not keeping the party embodied to be mustered. The river was so low that the boat with its burden could not ascend high. The Indians were not willing to go. Mr. Van Horne was nearly a hundred miles off, (and indeed at that time I did not know he was the mustering officer.) The Indians had nearly all commuted their *subsistence*, and without any motive of pride, patriotism, or interest to keep them embodied, they chose rather than remain a week in a cane brake, to repair to the hospitable mansions of friends, and some of them to homes of their own already prepared for them.

If that which was forced upon me as the result of uncontrollable circumstances is to be set down against me, as evidence of ignorance of duty, I cannot avoid the censure.

I am fully aware that General Smith does not wish to avoid responsibility in an issue with Mr. Van Horne touching the correctness of his official conduct. My location and associations for ten years have given me sufficient personal knowledge of the head of the Indian Department, to know that he will be disposed to appreciate my desire to be relieved from unmerited censure, and when he makes examination into the transactions alluded to, he will change opinions formed perhaps to my prejudice. Although I occupy an humble station, I feel conscious that I have honestly and faith-

fully discharged my duty, and feel as jealous of my reputation as those occupying higher places.

Very respectfully,

Your obedient servant,

JOHN S. YOUNG.

To C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

COMMISSIONERS' OFFICE,
New Echota, July 6, 1837.

SIR: We expect this to be handed to you by Doctor Reynolds, who repairs to Washington in search of available funds to make the necessary disbursements under the provisions of the late Cherokee treaty. The necessary arrangements to effect this object devolve on the Government at Washington; we are not prepared to give any advice on that branch of the subject.

We deem it proper to state, for the information of the Government; however, that under the existing state of things, aggravated as it is by every description of brokers and shavers, nothing can at this time fully supply the place of specie. It is true that most of the bills of the banks in the several States continue to be received and paid, in the ordinary business transactions, as good and current money.

But let it be known here, that we have mixed funds, part specie and part paper, and every recipient will prefer the specie, because he can obtain a premium for it in paper.

If we had nothing here but paper, and no hope of anything else, many of the payments could be made in paper; but paper will not be received whilst the prospect of specie is entertained, except by those operated on by necessity.

Very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

To C. A. HARRIS, Esq.

CHEROKEE AGENCY EAST,
July 7, 1837.

SIR: I have the honor to acknowledge the receipt of your letters of the 16th and 20th ultimo, the first accompanied by some blanks, blank paper, and the muster roll forwarded you by Doctor Young, from Fort Coffee, with directions that I should make such corrections as truth would permit, &c. This is not the roll that I forwarded to your office on the 29th March, the receipt of which you acknowledged in your letter to me of the 25th April. That roll is a true copy of the one now in my office, by which I mus-

tered the Indians into the boat, as named in my letter to you of the 5th of June, and was made out on two sheets of large paper, that I found in one of the covered rolls and forwarded you in letter form, certified as the regulations require; all of which, I am confident, are correct, except the one family of Scrapers, and Ridge's daughter, as mentioned in my letter of the above date. And I do confidently assert, that Mr. Van Horne is mistaken, and that I can take the roll furnished him by Dr. Young and identify every Indian that is living, that went with that detachment. His not understanding the roll, and having his prejudices whetted by Doctor Minis, has caused him to come out in his letters as he did.

I will instance one fact stated in his letter, that I think will convince you that he has been induced to make representations from motives unconnected with the good of the service, viz: he says "within six inches on the same page of the roll the same individual is mustered three times under different names, opposite one paid and another unpaid." Now, how is it possible that Lieut. Van Horne could have ascertained this fact of his own knowledge, even if it were so, unless he had been at the boat and mustered them out, or had them altogether and mustered, which he says he did not do? And I must again repeat that the rolls, as certified by me, are correct, with the single exceptions named in my letter of the 5th ultimo.

Very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. CAREY A. HARRIS,
Commissioner of Indian Affairs.

HEAD QUARTERS, ARMY C. N.,
Agency, July 7, 1837.

SIR: I have received a communication from Captain S. Cooper, inviting my attention to a complaint made by Judge Underwood and requiring me to furnish you with such information as I may be able to obtain, as to the truth or falsehood of that complaint. After premising that I know nothing personally on the subject, I do not hesitate to advise that a commission be appointed by the department to inquire into it, inasmuch as every assertion made by Judge Underwood is sustained by the general rumor of the country.

I am at a loss to conceive upon what principle the number of the commissioners was limited to two; for, supposing them both to be honest and intelligent, a difference of opinion would naturally arise on many subjects, between even two such individuals, and there being no umpire or casting vote, all the cases in which that difference of opinion might occur, would necessarily become unfinished business, postponed, certainly, for a time, and, perhaps, finally unadjudicated. But, supposing Judge Underwood's assertions to be sustained after a full and proper investigation, there would be still stronger reasons for appointing a third commissioner. No doubt is entertained that the commission, as at present organized, will not be able to get through the mass of business devolved upon them by the 25th of May next, the period allotted for the removal of the Indians. A recurrence of the facts connected with this subject will enable you to test the soundness

of this opinion, without the necessity of any suggestions on my part. The treaty was ratified on the 25th May, 1836, and a month or six weeks elapsed before the commissioners under it were appointed. I am officially informed by Bt. Brig. General Wool, that six months subsequent to their appointment were lost in the discharge of their official duties, in consequence of absence from their posts. The entire loss of time, therefore, to the prejudice of the Cherokees, may be fairly stated at seven months. This time, however, was running against the Cherokees, who must necessarily remove at a certain period, whether ready or not. In fact, a wise and just policy would have dictated that all their grievances, whether of person or property, should have been adjudicated by the month of September next, or at least six months prior to their allotted time for emigration. But, so far from this being the case, the conduct of the commissioners is calculated to bear with the Indians the aspect of wanton and vexatious delay; for, many of them, who were ready to emigrate if their claims had been settled, have, after expensive and, perhaps, repeated trips to New Echota, been told by the commissioners, "we are exclusively engaged in the settlement of the claims of the whites against the Indians, and until this business is finished, we will not take up any Indian claims." But another view will present the subject in a still stronger light. The commissioners have been, perhaps, faithfully and diligently engaged in the discharge of their duties, from the 26th December, 1836, to this time, the 7th July, 1837. In that period they have adjusted the claims of 2,000 out of the 18,000 constituting the Cherokee nation; and it is known that there is not a Cherokee family within the limits of Georgia, and but few in other parts of the nation, which have not sustained injuries of property by theft and spoliation, and of person by outrageous violations of laws, vainly ordained for the protection of a weak and dependant people, and to whom the only and single hope of redress presented is in the award of these commissioners. Test this question by the rule of three, and if the commissioners in the last thirteen or fourteen months accomplished so much, how much will they be able to effect in the next ten or eleven?

But it is asserted that, for the last six weeks, for the want of money, they have done little or nothing. I give you this fact as I hear it, without vouching for its truth. A fond and habitual reverence for the justice of the United States Government has induced these people hitherto to rely, that the beneficial provisions of a treaty, pronounced by them fraudulent and surreptitious, would be faithfully dispensed to them. It is even urged by them and their advocates, that the time thus irretrievably lost, and not by their fault, should be liberally extended to them; and that this circumstance alone would constitute a just pretext for delaying their departure after the period stipulated by the treaty. But if the Government of the United States should be inexorable in their determination to force them off at all hazards, at that time, and if the department should adopt the opinion of the inadequacy of the commission as at present organized, for accomplishing the ends of justice, there would seem to be no other recourse but in the appointment of a third commissioner, without whom the existing tribunal cannot be said to have the power of decision.

With respect to the individual to be selected, as there is already one commissioner from Georgia and another from Tennessee, I presume the choice would be made from Alabama or North Carolina, these being the States most directly interested. I know an individual in Alabama, who,

if he could be prevailed upon to accept the appointment, is amply qualified by integrity, talents, and business habits, for the discharge of its duties. The name of A. F. Hopkins may not have reached Washington, as he has never fairly entered upon the arena of federal politics; but possibly I may bring him to your favorable recollection, by the stand which he took in the Alabama Legislature in 1833 or 1834, in favor of the Union and against the nullifying party. He is now one of the Judges of the Supreme Court of that State.

I respectfully request that I may be permitted to retain Major M. M. Payne in his present situation as acting inspector, as his services are indispensable to me. I also request that I may be permitted to employ a clerk, who can be obtained at a compensation of \$3* per diem. I trust this request will not be considered exorbitant, when I state to the Secretary thatrevet Brig. Gen. Wool, with two talented and diligent aids, in addition to his own personal exertions, with great difficulty got through the writing necessary for the command; and when he adverts to the fact that my grade deprives me of all personal staff, except the adjutant of the regiment, whose time is filled up with the discharge of his appropriate duties, I think he will accede to my request.

I am, very respectfully,

Your obedient servant,

WM. LINDSAY,

Col. 2d Art., Com. Army C. N.

Hon. J. R. POINSETT.

Extract from a letter of Lieut. Van Horne, Disbursing Agent, Indian Department, dated Fort Coffee, July 12, 1837.

"I have not yet received the \$150,000 for payment of Cherokee claims. The emigrants are very impatient to receive their dues. Nor have I yet received any of the rolls or any other information to enable me to liquidate the claims of Cherokee emigrants for transportation and subsistence. Numbers have been in their country west for a considerable time, and have just cause of complaint at not receiving their dues, which were promised them on their arrival."

NEW ECHOTA, GEORGIA,

July 13, 1837.

SIR: I reached this place on the 11th instant, on my way to Cherokee, Floyd, and Paulding counties, in the State. Accounts agree from all parts of the nation in representing the Cherokees as becoming more distant, and less disposed to mix with the whites. Many of them from the above named counties have already removed to the mountains, and more are preparing to go. The white inhabitants in those counties have become very much alarmed, and petitioned the Governor of Georgia for military

*Should \$3 be deemed too high, the Secretary will please inform me the highest sum which will be allowed.
W. L.

aid. It appears to be the general opinion that there will be blood shed shortly. Colonel Lindsay arrived at this place on the 11th instant, with a view of ascertaining the situation of the country; he informs me that his forces will soon be organized. The prospects for emigration have not brightened any since I last wrote.

Very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA,

July 15, 1837.

SIR: I have a ferry about a mile from this place, and when Dr. Minis and General N. Smith were about starting the emigrant Cherokees from this place for Arkansas, I agreed with Dr. Minis to set the emigrants over at half the lawful rates of ferriage. I soon saw General Smith, who was then on the ground, and agreed likewise with him, not doubting but that the money would be paid as soon as they passed the river. I applied to Dr. Minis, and he said he could not pay it without General N. Smith's requisition; and General Smith says Dr. Minis ought to have paid it, and refuses to do it himself, because it is not a written contract.

Herewith, I send you a copy of the account, which I am ready to have proved by the ferryman, and you will please give such instructions about the matter as you may think mete.

Very respectfully, yours, &c.,

WILLIAM J. TARVIN.

Hon. C. A. HARRIS,

War Department, Washington city.

UNITED STATES

TO WILLIAM J. TARVIN, Dr.

To ferriage of emigrant Cherokees, from the 1st of February to the 10th of April, 1837:

28 large wagons, at 25 cents	-	-	-	-	\$5 50
7 small wagons, at 12½ cents	-	-	-	-	87½
44 horsemen, at 6½ cents	-	-	-	-	2 75
294 foot persons, at 3½ cents	-	-	-	-	9 18

\$18 30½

NASHVILLE, July 17, 1837.

SIR: I am informed that it is in contemplation by the Government to appoint another commissioner under the Cherokee treaty. If this should take place, I would suggest to you the propriety of appointing John F. Gillespie, of Madisonville, East Tennessee. I know he is well qualified, and in all

respects a suitable and proper person for the place. I speak from personal knowledge of him; he is a good lawyer, and has frequently been a member of our Legislature.

Yours, with great respect,
FELIX GRUNDY.

Extract from a letter of Lieutenant J. Van Horne, disbursing agent, Seminoles, dated Fort Gibson, July 18, 1837.

I have not yet received any rolls or information from the superintendent east of the Mississippi, to enable me to satisfy the numerous emigrant Cherokees who apply to me. Nor have I yet been informed from your office whether all who emigrated since May, 1834, are to receive the allowance provided for under the treaty of 29th December, 1835.

I have not yet received the \$150,000 for paying Cherokee claims.

CHEROKEE AGENCY EAST,
July 20, 1837.

SIR: Enclosed you will find my quarterly statement of officers for the second quarter of this year. I had to delay forwarding until now, for the purpose of getting from the collecting agents and the depots the names of such persons as they might have to employ, temporarily, as interpreters, &c.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent of Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY, July 20, 1837.

SIR: I returned to this place last evening from the Georgia part of the Cherokee nation. I found the Indians there, as in the North Carolina part, distant and sullen, and not disposed to talk on the subject of emigration. Ross's intended council appears at this time to engage their whole attention. If he is not suffered to hold it, I think I shall be able to get off five or six thousand Indians this fall. I discover, in travelling amongst them, that there is not as much cause of alarm at this time as many of the whites who live amongst them represent. I find in many counties of the Cherokee country, volunteer companies are raised, who wish to be called into the service of the United States, and I have no doubt there are many deserving persons among them who exaggerate, or even encourage the Indians to show signs of hostilities, for the sake of being called into service. Yet I believe there is at this time a settled determination in at least one-third of the Cherokees to die on their lands here, in preference to a removal west. Colonel Lindsay has sent two companies

of volunteers into the counties of Cherokee, Floyd, Paulding, and Gilmore, and will station them in some one of these counties, if thought necessary by the commanding officer, Captain Morrow.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

TREASURY DEPARTMENT,

July 26, 1837.

SIR: I send for your perusal a letter just received from the president of the Planters' Bank of Tennessee, with regard to the conduct of its branch at Athens, which has heretofore been the subject of correspondence.

Be pleased to return the letter after you have read it, as it should be kept on our files.

Respectfully yours,

R. ELA.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

PLANTERS' BANK OF TENNESSEE,

July 14, 1837.

SIR: Your favor of the 16th ult. is received. I regret exceedingly occurrence therein stated, which has caused you so much dissatisfaction and inconvenience. The draft referred to was dishonored without our knowledge or direction.

I have written to our cashier at Athens, and he states, in justification of himself, that the draft was presented after knowledge of the suspension of nearly all the banks in the country, and before we had directed him to suspend; that twenty-five per cent. was demanded in specie, and the balance in notes, which he expected would be presented forthwith for specie, and, rather than pay out all his specie, preferred taking the responsibility of refusing the draft.

We consider the debt we owe the Government of the highest character, and the first to be paid. We have directed the cashier at Athens to make every exertion to pay the public officers in a satisfactory manner, and to give ten per cent. in specie, and more than that, rather than dishonor a Government draft.

I trust that in future we shall give no farther cause of complaint. Be assured that we shall do all that is possible to prevent a like unpleasant occurrence.

I am, very respectfully,

Your most obedient servant,

M. WATSON, *President.*

HON. LEVI WOODBURY,

Secretary of the Treasury.

CHEROKEE AGENCY EAST,
July 27, 1837.

SIR: By the mail of the 25th, I had the honor to receive your letter of the 12th instant, in which you inform me that a special agent will be sent to the intended council to make known the views and intentions of the Government.

This I deem a very judicious arrangement, and I have no doubt will result greatly to the benefit of the Cherokee people, and to the honor of our Government, and prevent the shedding of much human blood. On the receipt of your letter, I immediately handed it to Colonel Lindsay, whose head quarters is at this place, and he immediately despatched an express to Mr. Ross, informing him of its contents, that the Indians might know in time that the council would be held, to get as many of them as possible together, &c. I saw Mr. Ross yesterday, and he told me that he would not be surprised if a large majority of the whole tribe were present. I anticipate favorable results from the deliberations of this council, viz: If the Government will make some slight modification of the treaty, so as to satisfy the Ross party, which I think will not be difficult to do.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CONASAGUE PLAINS, July 27, 1837.

SIR: As the carrying into effect the late treaty between the United States and the Cherokee Indians is of vital importance to the Government, and as I have been a near settler to the Indians for many years, you will please excuse me for presuming to give my views on the subject of settling their business and their removal to the west.

There is, in the adjudication of their accounts, many difficulties which cannot be settled by two commissioners, and there should be three for facility and furthering the business.

The Indians, or many of them, are dissatisfied with the treaty, but would subscribe to, and acknowledge it, provided the business could be done with promptness and punctuality. The time is set for their removal, and every thing on the part of the Government should be ready, and let not the cause be delayed by our part.

The Tennessee Indians, and those in North Carolina, are opposed to going to Georgia to have their business settled, but would rather meet at Calhoun, and that place would have saved to the United States many dollars on account of the cheapness of provisions.

Notwithstanding a great many of the Indians are opposed to the treaty, they will all go off peaceably; but it is highly necessary for every drop of ardent spirits to be kept out of the nation, for I believe if any outrage should be committed, it will be under its influences.

You have a force sufficient to keep out spirituous liquors, if the officers will be vigilant.

I will recommend John F. Gillespy as a fit person to make a third commissioner, and one with whom all who are now engaged would be willing to associate themselves with.

With sentiments of high respect,

I am your obedient servant,

NICHOLAS S. PECK.

PRESIDENT of the *United States*.

N. B.—The commissioners have adjourned to meet the first Monday in September next; a third commissioner should be appointed, so as meet with them at that time.

N. S. P.

TREASURY DEPARTMENT,

July 31, 1837.

SIR: I have, herewith, the honor to transmit a letter this day received from the President of the Planters' Bank of Tennessee, enclosing a correspondence, by which it appears that want of advice as to the person to whose credit the remittances made under the direction of your department have been ordered to be placed at Augusta, has produced some inconvenience at Athens.

I am, sir, very respectfully,

Your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury

Hon. J. R. POINSETT,
Secretary of War.

PLANTERS' BANK OF TENNESSEE,

July 22, 1837.

SIR: I received the enclosed by the last mail, and am induced to forward it to you for the reason that our cashier at Athens states that great dissatisfaction is expressed by the public officers at his refusal to comply with the request of Captain Simonton. I trust that you will agree with me in opinion, that the course pursued by our cashier at Athens is correct. We have declined declaring any dividends for the last six months, for the reason that we have suspended specie payments. When this state of things exists, is it right or honest to pay dividends? I consider the present state of things contrary to all principle, and that it is our primary duty to comply with our moral obligations, and it would be a violation of duty not to prepare to resume payments of specie as soon as possible.

Very respectfully,

M. WATSON,

President.

Hon. LEVI WOODBURY.

FORT CASS, July 8, 1837.

SIR: I have just received a letter from the commissioners, who are anxious to obtain the funds, \$200,000, supposed to be in the bank at Augusta. They desire that you should draw in my favor, for me to endorse. I received a letter from the Commissioner of Indian Affairs, who informs me that the money is there. I shall also give a draft independent of yours, so that the money may be obtained, should it be there already to my credit.

Respectfully, yours, &c.,

RICHARD BENNETT.

WM. CLARK, Esq., *Cashier.*

P. S.—Please deliver the draft to Captain J. P. Simonton.

R. B.

ATHENS, TENNESSEE, July 8, 1837.

SIR: I have been directed by the commissioners for carrying into effect the Cherokee treaty of 1835, to procure from you a draft for \$200,000, which they are assured has been deposited in the Bank of Augusta, Georgia, for the purpose of carrying out said treaty. The commissioners have directed, this because it appears uncertain whether the funds are deposited in the aforementioned bank to your credit, or that of Major Bennett. It is, therefore, their desire that I shall take a draft from each of you for the amount above stated, and that draft alone is to be made use of which will procure the funds. I will receipt to you for the draft.

I would remark further, that this course has been resorted to in consequence of the emergency of the case. The Cherokee business is now, and has been for some time past, at a stand for want of funds, and for the sake of despatch it was deemed proper to pursue this course.

Will you please give me an early answer to this note, and oblige

Your obedient servant,

J. P. SIMONTON,

Captain, and Dis. Agent Cher. Rem.

WM. CLARK, Esq., *Cashier, &c.*

OFFICE PLANTERS' BANK OF TENNESSEE,
July 8, 1837.

SIR: Your letter of this date, requesting my draft on the Bank of Augusta, Georgia, is before me. It would afford me great pleasure to be able to comply with your request, or to afford you and the commissioners any other facility for carrying out the treaty alluded to in your letter, but it would be highly improper in me to draw upon any bank, without first knowing, officially, that I have funds there. In this case, I do not know it, nor have I good reasons even to suspect it; for on the 1st May I received a letter from William B. Lewis, Esq., stating that a warrant would be issued in my favor, and transmitted to me, for \$200,000, payable at Augusta, which has never come to hand; and on the 12th May, I informed him that it had not then reached me, to which I have received no reply. I therefore con-

clude that a mistake occurred in addressing the letter to me instead of the cashier at Augusta, and have no doubt the warrant has been passed to Major Bennett's credit in that bank.

I hope you will discover the impropriety of my drawing, as you request, and be assured that how much so ever I feel disposed to accommodate you and the commissioners, I decline it altogether, through a sense of my official duty.

I will take this opportunity to say to you, and for the information of the commissioners, that I should take great pleasure in honoring the drafts of Major Bennett for the amount to his credit; and that if the Louisiana money, which Judge Kennedy required, should not answer the purpose, he has only to intimate the fact, and I will pay that redeemable at Nashville. I am authorized to pay five per cent. in specie, but if that should not suffice, would pay a greater proportion.

In haste, your obedient servant,

WILLIAM CLARK,

Cashier.

Captain J. P. SIMONTON,

United States Army, present.

ATHENS, TENNESSEE,

August 1, 1837.

SIR: Yours of the 20th ultimo is before me, in which you say that Messrs. Lumpkin and Kennedy, commissioners, had informed you that they "requested Captain Simonton to call on me, and procure authority to draw the sum of \$200,000, which I had been advised, on the 20th of April last, would be placed to my credit in the bank at Augusta, Georgia; but that I declined a compliance, on the ground that I must first ascertain that the money was there and subject to my draft, and that you confess your surprise that I should have refused to conform to the wishes of the commissioners." Now, sir, be assured I was equally surprised in reading your letter.

It is true I did receive two letters 20th of April, from the 2d Auditor; one informing me that a requisition had been issued in favor of the cashier of the branch of the Planters' Bank of Tennessee, at Athens, for \$200,000, to be placed to my credit; which was received by the cashier and placed to my credit. The other letter informed me that a requisition had been issued *in favor of the cashier of the branch of the Planters' Bank of Tennessee, at Athens*, payable at Augusta, Georgia, to be placed to my credit *here*; a copy of which is herewith transmitted to you. The cashier received a letter at the same time, from the same source, and of the same import, but the draft did not nor never has come to hand. I showed both my letters to the commissioners, and suggested at the time that it would be best to place the \$200,000 already standing to my credit at Athens, to the credit of one or both of the disbursing agents out here, as I had a great deal of duty assigned to me, and should be travelling about for a long time in paying discharged troops in East Tennessee. And agreeably to their direction, I drafted in favor of Capt. J. P. Simonton for the \$200,000, which was presented and protested at the bank here, as you have been heretofore apprized. About the middle of June, just at the moment I was about to start to Nash-

will on business connected with the payment of discharged troops in East Tennessee, Captain Simonton applied to me to draw a draft in his favor on the cashier of the bank at Augusta, Georgia. Believing at the time, from all the information in my possession, that there were no funds to my credit in Augusta, I declined it; but after leaving Athens, I regretted that I did not do, as it struck me that he might first ascertain whether it was there before presenting the draft. Captain Simonton had been at Athens a week or more, and never suggested it before, and did not say that the commissioners had requested it, and I conceived it was an idea of his own, as I still think.

About eight or nine days after my return from Nashville, Capt. Simonton came from New Echota with a letter from the commissioners, requesting me to draft on the bank at Augusta, Georgia, saying they were certain it must be standing to my credit at Augusta. I gave him my draft without a moment's hesitation.

So far, sir, from having the slightest disposition to throw obstacles in the way, or retard the operations of the commissioners, I regretted it was not in my power to render them aid; and so far from appearing dissatisfied they expressed to me a desire to have me with them altogether, and I regretted that I had other duties that prevented it. It certainly was my desire to act promptly in the performance of all the duties which might devolve upon me, in relation to the disbursements in which they were concerned. It has been impossible for me to disburse for them, as they must be well convinced, in consequence of the almost constant travelling I had to perform in the charge of my other duties. For some time past they have not needed my services.

Since my return from Nashville on the 1st of July, I commenced paying troops, and it will take me to the end of September to complete my payments, having yet to travel through the greater part of East Tennessee and Cherokee country.

As disbursing to claimants under the treaty seems to conflict with my duties in making payments to troops, I would most respectfully request to be relieved from that duty.

I have the honor to be, sir,

With great respect,

Your obedient servant,

RICHARD BENNETT.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

TREASURY DEPARTMENT,
Second Auditor's Office, April 20, 1837.

SIR: A requisition, No. 8,366, dated 19th instant, drawn by the Secretary of War on the Treasury, has this day been received, and sent to the proper office for a warrant to be issued in favor of the cashier of the branch of the Planters' Bank of Tennessee, at Athens, Tennessee, payable at Augusta, Georgia, for two hundred thousand dollars, which will be transmitted to him the Treasurer of the United States, to be placed to your credit and subject to your order, in all cases to be countersigned by Gov. Wilson Lumpkin,

and John Kennedy, commissioners, &c., or either of them, and for which sum you are held accountable under the following appropriation :

Carrying into effect the treaty with the Cherokees, per act

2d July, 1836 - - - - - \$200,000 00

You will be pleased to forward an acknowledgment to this office therefor.

Respectfully, sir,

Your most obedient servant,

W. B. LEWIS.

Lieut. RICHARD BENNETT,

Disbursing Agent, &c., Athens, Tenn.

HUNTINGTON, MACON COUNTY, N. C.,

August 5, 1837.

SIR: I have the honor to acknowledge the receipt of your letter dated 24th of April last, and directed to Calhoun, but which I did not receive until the 29th of July. Whether the cause of its detention was owing to irregularities of the mails, or was in the post office, I have not been able to learn. I think it proper to inform you that there has been for some time past, and is at present, much disease (dysentery) among the Indians in this part of the country, and is rapidly increasing; there is no physician nearer than fifty miles, and they have suffered much from want of medical aid.

Since I have been in the country, I have given them medicine and advice, and have attended on them as much as my duties in the army would permit. Having left the service on the 12th of July last, I have since that time been constantly engaged in visiting the sick, and administering to their relief as far as was in my power. I know of no portion of the Cherokee country where the appointment of a physician is so much needed.

I have, agreeably to your advice, referred the matter to Gen. N. Smith, but have not as yet received any answer. Accept my sincere thanks for the prompt and kind manner in which you responded to my communication, and be assured

I am, with the greatest respect,

Your obedient servant,

C. E. ISAACS.

Hon. C. A. HARRIS,

*Commissioner of Indian Affairs,
Washington, D. C.*

RED CLAY COUNCIL GROUND,

August 5, 1837.

SIR: Mr. Mason, the special agent, arrived last evening late, and has given the council notice that he would address them on Monday next, at 2 o'clock.

On yesterday, Mr. Ross nominated eight of the Cherokees as a delegation to visit Washington this winter to settle the affairs of the nation with the

Government, &c. This nomination is to be acted on early next week and I have no doubt will be approved.

It is estimated that there are 3,000 Indians in attendance.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

HUNTSVILLE, August 7, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, in which you informed me that the number of commissioners under the Cherokee treaty of 1835, would be probably increased, and that you had been instructed by the Secretary of War to ascertain, unofficially, from me, whether I would, should it be deemed necessary to make an additional appointment, accept it.

I am practising law, and the professional engagements that I have entered into would oblige me to decline the office, the duties of which I might, in other circumstances, take pleasure in endeavoring to perform.

Very respectfully,

Your obedient servant,

A. F. HOPKINS.

C. A. HARRIS, Esq.,

*Commissioner of Indian Affairs,
Washington city.*

ATHENS, GEORGIA,

August 10, 1837.

SIR: I have the honor to inform you that since my last to you in June, I have been endeavoring to procure the fund deposited in the Bank of Augusta, Georgia, for the purpose of carrying out the Cherokee treaty. I have finally procured \$200,000, and am now on my way to New Echota. Ten thousand dollars was all that was offered in specie, ten thousand in United States bills, and the balance in the bills of the Bank of Augusta. After consulting with Commissioner Lumpkin, it was thought best to comply with these terms, as the demand for money by the holders of certificates has been very urgent.

Much delay has been occasioned by the information received at Athens, Tennessee, that the warrant for this money would be drawn in favor of the cashier of the bank at that place. Major Bennett was unwilling to give me a check on the Augusta Bank until he could hear more certain information from the department. After some weeks' delay, and nothing more having been heard, he finally consented to give me the check at a venture, which has been honored as above mentioned.

My instructions from the commissioners in the first place was to demand \$50,000 in specie, which the bank considered unreasonable in the extreme. It was not until after several days' negotiation that I was able to effect the

present arrangement. It is the best, I believe, under existing circumstances that could be made. The credit of the Bank of Augusta stands high in the country, and I think there will be little difficulty in disposing of the amount of this bill, which I have drawn, to the numerous certificate holders among the whites. It is, however, of great importance that some speedy arrangement should be made to procure specie for the Indian recipients.

As I have been necessarily absent from New Echota for more than two months, I have been unable to send an abstract of my accounts for the last three months. They will, however, be forwarded at as early a period as possible.

Governor Lumpkin, one of the commissioners, with whom I have this day had a conversation, is of the opinion that the commissioners' certificates are negotiable by a simple endorsement. I do not feel satisfied of that fact, and wish your opinion on the subject, at as early a period as possible, as I expect some cases of the kind as soon as I return to New Echota.

I would add, to be fully understood with regard to Commissioner Lumpkin's views on the subject of negotiating the commissioners' certificates, that he supposes the certificates may be transferred by endorsement, and that the last holder may receipt for the amount called for.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,

Captain, and Dis. Agent Cherokee Removal.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

NASHVILLE, August 11, 1837.

SIR: If on receipt of this letter a third commissioner has not been appointed under the Cherokee treaty, I take the liberty of recommending most earnestly for the office, Colonel James C. Guild, of Sumner county, who has recently been elected a member of the Senate, but he can employ all the month of September in the business, and the moment the General Assembly adjourns, he can return. Colonel Guild was a very efficient friend of the late administration, and he is equally devoted to the present one. He was a Colonel on the late Seminole campaign, and discharged all his duties honorably.

He is well qualified for the appointment, and it would be gratifying to me if he succeeds.

Most respectfully,

WM. CARROLL.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

WASHINGTON CITY, August 11, 1837.

SIR: I have the honor to transmit, herewith, the account and vouchers for disbursements for the removal and subsistence of Cherokee Indians, up to the 10th day of July, 1837.

The abstracts were made up to this period, (ten days before the usual quarter,) on account of the uncertainty of my being retained in the Indian service, and I was anxious to close up my accounts entirely.

Very respectfully,

Your obedient servant,

JOHN C. REYNOLDS,

Disbursing Agent Cherokee Removal.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

CHEROKEE AGENCY,

August 12, 1837.

SIR: Colonel Mason, special agent, delivered his talk to the Cherokees on Monday last, and although a very rainy day, and raining at the time, there were present, I think, near 2,500 chiefs and warriors, who paid great attention to what he said. What effect it may have upon them, I am unable at this time to say. But from their deportment to him and the balance of the Government officers present, both before and after the talk, I predict much good will grow out of it. His good character and gentlemanly deportment at once gained him the confidence of all present, (whites as well as Indians,) and the Cherokees treated him with marked attention and respect, such as no Government officer has received from them since 1817. On the next day (Tuesday) they took the vote on the nomination of the delegation, and although still raining, about 2,000 were present, and unanimously approved the nomination, and that the delegation proceed immediately to Washington, and on Wednesday the common Indians left the council ground apparently well pleased. The committee and council, I am informed, will rise this day.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

HEAD QUARTERS,

Agency, August 14, 1837.

SIR: I have the honor to enclose you a letter of Dr. Hetzel, a clerk in the employment of General Smith, superintendent Cherokee emigration, and whose case will be rendered intelligible by a short statement of facts. The Indians who are applicants for the disbursement of the Cherokee poor fund, are principally those who have been driven from their homes, and dispossessed of their property by the whites.

As these people are necessarily houseless wanderers, they have been induced by the circumstance of there being a few old empty cabins around New Echota, to quarter there, and this, in addition to the fact that my distributing agent issued rations and clothing, has occasioned a collection of something like 500 Indians about that point. The novelty of their food, and perhaps the insalubrity of the location, have produced epidemic diseases, and dysentery has been extensively prevalent amongst them. Ap-

plication was made to General Smith, superintendent Cherokee emigration, to furnish them with medical attendance, and he replied that the physicians attached to his department had been instructed not to administer to the Indians, unless they were collected at a depot for emigration. As no relief could be obtained, and the sufferings of these Indians were constantly increasing, Dr. Hetzel, urged by motives of humanity, voluntarily stepped forward and prescribed for them and furnished them with medicines out of his own private stores; and has done so since 8th March last. The Indians have derived great benefit from his attendance, and have manifested the liveliest gratitude for his services; and as I think him fairly and honorably entitled to remuneration, I respectfully submit to you for my government, whether the Cherokee poor fund may be legally charged with furnishing the Cherokees with medical attendance, perhaps as indispensable to them as food and clothing.

I also herewith transmit a memorandum, hastily placed in my hands by Edward Gunter, a member of the Cherokee council, which explains itself, and furnishes another and appalling instance of the wrongs practised upon this unhappy people.

By the Cherokee laws, the child belongs to the mother; and this man Vought has not been satisfied with spending her property and deserting her, but with the malignity of a demon, he has parted with his own offspring, in order that he may kidnap and secrete it from the mother. Edward Gunter is a truly respectable man, and his name is not signed to this paper, because it was written in a hurry, as I was mounting my horse and about to leave him. I promised him I would try to affect the restitution of the child to the afflicted mother, and, after revolving every expedient in my power, I have concluded to submit the case to you for such action as you may deem most proper.

I have just received an order directing me to transfer the command of second regiment of artillery to the lieutenant colonel, who, it is said, will be with it the last of September. The sole objection I have to this order is, that it deprives me of the only legitimate staff to which I am entitled. I had just appointed Lieutenant Mackay adjutant of the regiment, and ordered him to join me at this place; and was consoling myself with the relief and assistance he would render me in the numerous and diversified employment of such a command as this. I assure you, sir, I cannot get through my duties without a staff officer, and even at this time I am dependant upon the gratuitous services of Lieutenant Adjutant Shaw, of the Georgia volunteers, who renders me the most faithful and able assistance, but he has not long to serve, and when he has withdrawn my situation will be truly helpless. I therefore request that I may be permitted to retain Lieutenant Mackay, on his arrival here, and that Lieutenant Colonel Crane be directed to designate an active adjutant for the use of the regiment.

I am, very respectfully,

Your obedient servant,

WILLIAM LINDSAY,
Col. 2d A., Com. A. C. N.

To the Hon. JOEL R. POINSETT

James B. Vought, who married Catharine Gunter; after squandering all his wife's property, left her and took away her child—a girl about

ten months' old, with red spot on the head, of a small size. This man, B. Vought, is living in Jackson city, Alabama.

The child is said to have been taken to Milledgeville, Georgia.

NEW ECHOTA, GEORGIA,
July 27, 1837.

SIR: I have the honor to inform you that I have given my professional attendance and medicine to poor Cherokee Indians at this place, since about the 10th of March last. Within the last two months, there has been considerable sickness among them, so as to require me to pay two visits almost every day to the place where they are encamped, and give considerable medicine.

I have recently consulted the superintendent and the commissioners, with regard to the likelihood of getting some compensation for my services, &c, and I have been referred to you, sir, as having control of the poor fund, out of which, only, it is presumed, I could be remunerated.

I, therefore, respectfully request that, if consistent with your views of propriety, a per diem allowance be granted me from the above mentioned period, and to continue during your pleasure, or that I be paid for my services, &c., according to the regular prices.

Very respectfully,

Your most obedient servant,

J. N. HETZEL, M. D.

Col. W. LINDSAY,

Comd'g Army, Cherokee Nation.

CHEROKEE AGENCY, EAST TENNESSEE,
August 14, 1837.

SIR: I have the honor to state that, in obedience to your instructions, I proceeded, with the least possible delay; to the council of the Cherokee nation, which, I found, was held at Red Clay, in this State, about twenty five miles south of this place. The Indians began to assemble on the 31st ultimo, but did not organize their council for business till the 2d instant.

The number present was estimated at near 4,000, of whom, about one-third men, women, and children, and lads, who did not vote. On the 3d, Mr. John Ross, the principal chief, delivered a written talk, in English, which was rendered orally into Cherokee by an interpreter, sentence by sentence. The next day, 4th instant, I reached the ground, where I found General Smith, the agent for emigration, and Colonel Lindsay, the commanding officer. The commissioners were not present; they had adjourned about three weeks before, to meet again the first Monday in September, and are at their respective residences: Mr. Kennedy, at Jonesboro, Tennessee, and Governor Lumpkin, at Athens, Georgia. My talk was delivered on Monday, the 7th. It was heard with respectful attention by chiefs and people. General Smith's interpreter was employed on the occasion, and, as I am assured by persons who were present, and speak both languages, that his translation was faithfully made, I have no doubt the talk was fully under-

stood by every Indian within hearing. At the request of the council, I gave them a copy of it. On the 8th, the mass of the Indians dispersed; their conduct, during the whole time, as far as I observed or heard of it, was as orderly and quiet as possible. They seem to understand their position, and are evidently excited; but I am sure they have no intention or disposition just now to proceed to hostilities.

The council have appointed another delegation to Washington, composed of John Ross, and seven other chiefs; they are to set off on the 12th September. I came to this place with General Smith and Colonel Lindsay, at the request of the former, to examine his arrangements for facilitating the emigration of the Indians, in order to have a full conference with Mr. Ross, which took place yesterday, and which there was no opportunity to hold at the council ground, because of the heavy rains and want of shelter during the last three days, and to obtain transportation for the further prosecution of my journey. I shall set out to-morrow for Jonesboro, and thence return by Athens, Georgia, and reach Washington about the 10th September.

I have the honor to be, sir,

Your obedient servant,

J. MASON, JR.

The Hon. J. R. POINSETT,
Secretary of War.

Special Order, }
No. 63. }

ADJUTANT GENERAL'S OFFICE,
Washington, August 18, 1837.

I. At the instance of the Surgeon General, the Secretary of War directs that assistant Surgeon J. C. Reynolds be instructed to close the business on which he is now employed, in the Indian Department, with as little delay as a due regard to the public interest will permit, and that, at its termination, he proceed to Fort Gibson, where his services are required, and report for duty to the commanding officer.

II. Hereafter no officer of the medical department of the army will be employed on similar business connected with Indian bureau.

By order,

R. JONES,
Adjutant General.

CHEROKEE AGENCY EAST,
August 20, 1837.

SIR: On my return from the Red Clay council, I had the honor to receive your letter of the 18th July, enclosing a copy of a letter from Thomas Gibson to the honorable Secretary of War, in which he says he was put out of the Cherokee nation by some agent, and that I had told him that I did not direct it to be done. In this he has stated a positive falsehood. He was put out by the United States troops, by request of Doctor Young, under my direction, for the following reasons, viz: 1st. He took forcible possession of an Indian's (John Watts's) field. Secondly. He has a set of very

bad children, who refused to let Watts's family get water to use out of their own (Watts's) spring, and were moreover in the habit of destroying the garden and fruits of Watts. Thirdly, He, Gibson, is considered a notorious rascal and thief. The settlement from which he was removed is a thickly settled one by the whites, and every man in it, I believe, was gratified at his removal.

Since he received his letter from the Secretary of War, he has returned to this side of the river, and built a camp about a mile from Watts. If he lets the Indian alone, he may remain; but if he interferes with him, I will put him out again, for reporting to the department what was untrue.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

August 23, 1836.

SIR: Enclosed you will find the accounts of James S. Bridges and William Mayfield, for the board, &c., of the witnesses in the suit of the State of Tennessee, vs. James Foreman and Anderson Springston, charged with the murder of John Walker, jr. It appears that Major Currey, the former Superintendent, directed the Indian witnesses to the houses of the above named persons, and assumed the payment of the bills. The accounts, as made out, were submitted to the commissioners at New Echota, who refused to recognise them as belonging to the class of claims upon which they had to act.

Will you be pleased to give me some instructions in relation to them, as I am unadvised of any fund out of which they can be paid at present?

I also send you, enclosed, a copy of a letter which I addressed to your office in the month of May last, to which I have received no answer. The subject alluded to in that letter is one of much interest to the persons concerned, and the cause of considerable embarrassment to me, there being a number of Indians having claims for old valuations who are in a state of preparation to emigrate so soon as they can have those claims settled.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA,

August 25, 1837.

SIR: I have the honor to acknowledge the receipt of several letters from you, on my return from Augusta to this place, dated 14th and 15th of June, and 7th, 20th, 25th, and 26th of July, 1837.

In relation to what is said of the notes of John L. McCoy, in that of the 14th of June, I have to state, that by reference to your letter to Dr. Minis, of the 15th of October, 1836, you will perceive that they are ordered to be paid upon the requisition of the superintendent, B. F. Currey, under the act of 28th June, 1834. In reference to that of June 15th, I have to state, that the amount for building a house, mentioned in the accompanying account, is just, and has not been paid. This was not, however, forgotten, when I left Logansport. I remained in that place a week or more to settle all claims against the Government, for expenses incurred at the Pottawatomie and Miami payments. It was known to the whole country that I was to leave as soon as possible, and notice to that effect was given at the close of the Miami payment, where I believe all the parties concerned then were.

Mr. Miller was a clerk in the house of Ewing & Walker, and it was always my understanding that the debt was due him. With this understanding, when all my business was closed with the exception of this account, I called at the house of Ewing & Co., and found Mr. Miller absent from the place. The season was far advanced, and it was impossible for me to wait longer. I, therefore, left a message for Mr. Miller at the house of Ewing & Co., to transmit his account to me at Washington, immediately, that I might receive it before I closed my accounts, and I would transmit the money by General Tipton on his return home. This is the history of the transaction. I have not now any funds in my hands applicable to the payment of the account, and, therefore, transmit it to you for your disposal. The account could not be received as a voucher under any circumstances, as the account is in the name of one individual, and the receipt signed by another.

With regard to your letter of July 20th, I would say, that I suppose, before this, you are apprized, by my letter of the 10th instant, from Athens, Georgia, of my success at the Bank of Augusta.

The requisition mentioned has been complied with, and the Treasury drafts received. These drafts are very well received by the people, though they would be more popular if drawn on eastern banks. I do not believe that it will be by any means necessary to negotiate the drafts of the denomination of \$1,000 and under, as the recipients, both whites and Indians, take them very readily. In speaking of Indian recipients, it must be understood, however, that there are two classes, the intelligent and the uncultivated. For the latter, specie is absolutely necessary. It is not to be disguised, either, that specie is in the first place demanded in almost every instance, by all classes of recipients. When, however, they are told that it is not to be had at present, they seldom go away without taking such money as I have to give them. A few instances have occurred where individuals have preferred holding their certificates to drawing anything but specie. The small proportion of specie which I was able to procure from the Bank of Augusta, I have deemed it policy to reserve especially for the Cherokees, who know no other money and who are about to emigrate.

I have received from Captain Bennett another check for the amount which was protested in May last. Prior to the protesting of the check alluded to, when the funds at this place were exhausted, I drew several checks upon the bank at Athens, Tennessee, to satisfy commissioners' certificates, having in that bank on deposit \$100,000. I regret to say that very many of these checks have been protested. I presume the cause of the protest was the demand made by the holders for specie. The \$100,000

just mentioned, is that which was placed to my credit to be disbursed upon the requisition of the superintendent of removal, and it was intended to replace what was taken from it, out of the draft of Captain Bennett.

The several copies of the regulations sent to me in May last, and with yours of the 26th of July, have been received.

My accounts for the second quarter of the present year are ready, and will be forwarded as soon as signed by the special agent, who is expected here in a few days.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,

Disbursing Agent Cherokee Removal.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

August 25, 1837.

Sir: Since I last wrote you I have ascertained that the late Cherokee council has re-organized their late Indian system, appointed judges, clerks, &c. This will have a very injurious effect upon the emigration this fall. It has inspired the common Indians with fresh hopes that their country will yet be restored to them.

I have commenced preparations for starting a detachment on the 12th of next month. I hope to be able to start 1,000 or 1,200 by that time.

Should the number that may be ready to start at the same time amount to 1,200, I will divide them into two detachments. I think by this arrangement they could be better provided for, whilst greater expedition would be insured.

Preston Starret, Esq., will conduct the first detachment; his appointment has been heretofore submitted and approved by your department. I have appointed S. A. Kincannon, Esq., to contract for the first detachment on the route west. For his character and qualifications, you are referred to the enclosed recommendation. I have also appointed John W. Webb as agent to assist in the collection of Indians.

Dr. Fownsend will be physician, and Dr. Reynolds will be disbursing agent to the first detachment.

I will instruct that the upper route be travelled, through Kentucky, Illinois, and Missouri; these are green growing countries, which will make supplies more plenty and cheaper. I have neglected, heretofore, to inform you that I had appointed Mary Moore, a white woman, and wife of a Cherokee, hospital matron, at this place, and interpreter to the attending physician. Also Betsy Downing, a half-breed Cherokee, matron and interpreter at Ross's landing. They are both intelligent, and speak both languages fluently. I allow each one dollar per day, with rations for their families; five and a half rations to Moore's and three to Downing's. These appointments were rendered necessary, because of the great prejudice amongst Indians against taking medicine. It cannot be administered except by persons having influence over them. When they first receive rations they are

apt to be affected by the change of diet, which brings the most of them at first under the care of the physician.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

Gen. NATHANIEL SMITH :

SIR: The undersigned being informed that it will be necessary to employ some trusty person to furnish provisions to the Cherokee Indians the ensuing summer or fall, until they arrive at their place of destination beyond the Mississippi, would recommend to your favorable notice Mr. Landon A. Kincannon, of McMinnville, Warren county.

Mr. Kincannon is a merchant, and at present doing business in McMinnville, and, as we believe, in every respect able to furnish any amount of provisions which may be required to support any number of Indians which may remove from the Cherokee nation. If security should be required for the faithful performance of his trust, we believe he is able to give it to any amount.

His only object in soliciting the appointment is the restoration of his health; close confinement for many years at the mercantile business has impaired it; he believes that travelling would improve it; he would be satisfied with a moderate compensation for the trouble and labor he would be put to. We conclude with earnestly recommending him to you, as a man, in every respect, qualified to discharge the duties of the office which he solicits.

Respectfully yours,

J. F. MOSFORD,

JAMES CAMPBELL.

I have every confidence in the ability of Mr. Kincannon to perform the duties which may be assigned him.

SAML. SEAY.

I concur in the statement made by Mr. Samuel Seay.

O. LORING.

We concur in the above statement of Mr. Seay.

CONNER, McALLISTER, & Co.

We concur in the foregoing recommendations to their fullest extent.

MORGAN ALLISON & Co.

I am personally acquainted with Mr. Kincannon, and would have undoubted confidence in his discharging the duties of the appointment with integrity and ability.

JAMES RUCKS.

I have no personal acquaintance with Mr. Kincannon ; but do not hesitate to say, from the foregoing statements, some of them being from persons with whom he has had considerable pecuniary dealings, that Mr. Kincannon may be implicitly trusted with the appointment in question.

R. J. MEIGS.

An intimacy of some years' standing, growing out of extensive mercantile transactions, with Mr. Kincannon, authorizes us to say that there is no man in this community that we think better qualified, in all respects, for the business proposed, and we know none entitled to more unreserved confidence.

DOUGLASS, WOOD, & Co.

I fully concur in the foregoing recommendations, and should be much gratified should Mr. Kincannon be employed, as I believe the public interest would be promoted by his appointment.

FELIX GRUNDY.

The undersigned has had the pleasure of knowing Mr. L. A. Kincannon personally, almost from childhood, and, with but few interruptions, up to the present moment, at which time fortune has liberally crowned his meritorious exertions, and can truly say that no business, if integrity, industry, and intelligence are adequate to its accomplishment, could suffer under his control and management.

ALEXANDER F. MCKINNEY, *M. D.*

KANKLIN, *April, 1837.*

I have no personal acquaintance with Mr. Kincannon, but from the foregoing testimonials, and other information, in which I have the most implicit confidence, I heartily concur in recommending him for the employment which he seeks.

JAMES K. POLK.

APRIL 17, 1837.

I have for some time been intimately acquainted with Mr. L. A. Kincannon, and know him to be well qualified to discharge any trust that may be committed to his care. He has proved himself to be industrious, honorable, and punctual in all his business transactions, and as such I take great pleasure in recommending him for the appointment he seeks.

M. HILL.

MCMINNVILLE, *April 20, 1837.*

GALLATIN, *September 1, 1837.*

I received yesterday a letter from General Jackson, informing me that you would give me the appointment of 3d commissioner under the Cherokee treaty, in the event of my resigning my seat in the Senate of Tennessee, (believing that the two stations were incompatible with the constitution of Tennessee.) The General informed me that he replied that I could not, under the present state of politics in Tennessee, resign my seat. In this I fully concur, and wish my application withdrawn.

There is no constitutional prohibition, yet I would be fearful that I could not devote that time which would be necessary to the immediate discharge of the duties of that station, and requested, when the application was made to you, Generals Armstrong and Carroll to inform you of my situation, being fearful at the time that my attention would be immediately required.

In ordinary times I might resign; but while the other States of this Union, with few exceptions, have given up their opposition to the late and present administrations, through the intrigues of John Bell and others, Tennessee is to be made a Federal State, and chained to the ear of H. Clay or Daniel Webster. This is a good cause to fight in, and it becomes every democrat to be at his post.

For your kindness please accept of my grateful acknowledgements,
I am your obedient servant,

JO. C. GUILD.

Hon. J. R. POINSETT,
Secretary of War.

P. S.—Next spring it is probable that I may apply to you for the appointment of superintending the removal of the Cherokees.

J. C. G.

NEW ECHOTA, GEORGIA,
September 4, 1837.

SIR: I have the honor to inform you that there are a number of Cherokees who are steady and estimable men, and well qualified to remove themselves, who wish to draw their commutations of both transportation and subsistence east of the Mississippi. From the circumstance of many of them having been concerned in making the late treaty, they are unwilling to emigrate, until they see that peace and harmony is restored in the nation west, but intend to leave this country within the time specified.

Should you think proper to make exceptions of such cases, to your instructions communicated in your favor of the 20th of May, it will operate considerably in making many disappear from the nation east, whether they go immediately to Arkansas or not. Your early attention to this is respectfully requested.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

FORT GIBSON, *September 5, 1837.*

SIR: Herewith is a statement of letters received by me during August, 1837.

I have not yet received any muster-rolls from the east of the Mississippi. Cherokee emigrants continue to arrive, and present themselves to receive

their dues; but they bring no certificates of identity or emigration, as required by the plan of removal.

Unless the emigrants are supplied with these, which on their arrival can be presented to the disbursing agent here; and unless rolls of parties, and monthly statements of individual certificates, or all certificates issued by the Superintendent east, showing the names of the heads of families, and designating each member as wife, son, daughter, &c., are promptly transmitted to the disbursing agent here, so that he can compare the two, impositions and errors will probably occur, and delay, suffering, and dissatisfaction produced.

Is it to be optional with all emigrants to choose whether they will receive provisions in kind, or the commuted allowance of \$33 33 each, for the year's subsistence, agreeably to the suggestions mentioned in the plan for removal of 28th August, 1836, without regard to the provisions of the Treaty of 1835, as referred to in the latter part of my letter of 5th July, 1836?

Are all those who have emigrated since June, 1833, on their own expenses or on commutation allowance, and who have not yet received, (because no rolls of them were forwarded,) to receive the commutation allowance of \$33 33 each?

Applications continue to be made to me for payment for improvements abandoned east of Mississippi, by members of the party which arrived in 1834, as referred to in mine of 11th July and 23d August, 1836. If any of those funds remain unpaid, in the hands of Captain Brown, it seems to me the amount should be sent here to meet such demands.

Very respectfully,

Your obedient servant,

J. VAN HORNE,

Lieut. and Dis. Agent Cherokees.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

I have not in my hands the \$39 70, referred to in yours of 17th July last.

Letters received during August, 1837.

No.	Dates.	When received.
1	7 July, 1837.	8 August, 1837.
2	17 do.	15 do.
3	22 do.	22 do.
4	26 do.	29 do.

J. VAN HORNE,

Lieut. and Disbursing Agent.

NEW ECHOTA, GEORGIA,
September 7, 1837.

SIR: I have commenced collecting a detachment of Cherokees, to leave the Agency for their new homes on the 20th instant. The prospect for emigrating this fall is much more flattering than I had heretofore calculat-

ed on. I reached this on the 4th instant, and have enrolled 216 Cherokees to leave in the first detachment. I have appointed Aaron Haynes, Esq., of Jacksonville, Alabama, enrolling agent, and Colonel Thomas C. Hindman, of the same place, wagon master for the Alabama detachment. I greatly fear that we shall get out of the kind of money that the Cherokees will take. Captain Simonton received at Augusta \$200,000, thirty thousand of which were United States notes, ten thousand in specie, and the balance in Georgia banks. The Treasury drafts he received, \$200,000, are all payable at the southern banks, and will not be received by the Indians. They, with a few exceptions, will not receive any of them.

If there could be Treasury drafts sent on of a size from \$100 to \$5,000 payable at the eastern cities, the Cherokees would take them as readily as specie, for all the silver in the country could be commanded for them. Mr. Mason left this on the 5th instant, for Washington. On his arrival he will inform you of the true situation of our moneyed affairs.

Very respectfully,

Your most obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal

HON. C. A. HARRIS,
Commissioner of Indian Affairs.

COMMISSIONERS' OFFICE,
New Echota, September 8, 1837.

SIR: Your several letters of the 8th, 20th, and 25th of July, together with the enclosures therein referred to, came duly to hand, and were satisfactory on the several subjects to which they relate. These several communications would have been promptly acknowledged, but for the fact that they were received at this office during a recess which we had taken to visit our families and recruit our health.

Since our return to this place, on the 1st inst., we have been so incessantly engaged in business with persons here in attendance, that we have had no time left for correspondence, except in cases where it could not be delayed.

Since we obtained the funds from the Augusta bank, and the Treasury drafts, we have had but little difficulty in meeting the requisite payments under the treaty. It is true, however, that almost every recipient would prefer specie; confidence in paper not having yet been restored, and because specie can still be sold for a premium. We hope, however, to experience but little difficulty hereafter upon the subject of funds.

Captain Simonton is here at his post, in the discharge of a laborious disbursing duty, and we are pleased to add, that we now hear no complaints of the disbursing officer assigned to this branch of the public service.

We regret to learn from Lieut. Van Horne, as well as from several of the late emigrants to the west, that the funds forwarded to pay the emigrants cannot be made available for that purpose; we learn that nothing but specie will suit their wants and wishes.

No arrangement has yet been made with the Tennessee bank, nor can there be any at present, upon the terms proposed by the bank, viz: from 7½ to 10 per cent. in specie, and the balance in its own bills. Public con-

fidence in the bills of the bank is not such as to reconcile any of the recipients under the treaty to the reception of these bills in the payment of their dues from the Government.

We are now busily engaged in settling up all the affairs of such Cherokees as have determined to emigrate this fall; and if you were here to witness the bustle and business now going on, you would be ready to conclude that the spirit of emigration among the Cherokees was such as to remove all doubt of their yielding to emigration without further trouble to the Government. But, sir, there is still a very large portion of the Cherokee people who hold no communication with the officers and agents of the Government, and who are quietly waiting the result of Mr. Ross's further efforts at negotiation with the Government. Indeed, many of these people believe, as Mr. Ross says, that there has been no treaty yet made with the Cherokee nation, and, to use his language, "*that thing called a treaty, is a fraud upon the nation.*"

Your letter of the 12th of July was not received until the Indian council at Red Clay was over. We have since communicated freely with the special agent who attended that council.

We are, very respectfully,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners.

Hon. C. A. HARRIS,

*Commissioner of Indian Affairs,
War Department.*

COMMISSIONERS' OFFICE,
New Echota, September 11, 1837.

SIR: In reply to your letter of the 25th of last month, we have to state, that General Smith was altogether under a misapprehension in regard to the claims of David Carter. We have not yet decided on the conflicting claims to which you refer; we deem it proper, however, to state, that we have allowed to David Carter a spoliation claim, arising under the late treaty, and recommended for payment by the Indian committee, for the sum of \$4,542, and have advanced to said Carter, on said claim, the sum of \$3,500, to enable him to emigrate according to his desire, as expressed to us. David Carter's papers in the case you refer to being on our files, afforded us an important part of the testimony upon which we allowed his spoliation claim, as above stated.

This spoliation claim was in the nature of a claim for rent of lands and mills, from which the claimant had been dispossessed for three years.

The dispossession of the claimant took place in consequence of his enrolment for emigration under the treaty of 1828; and having actually gone to the west as an emigrant under said treaty, and the Government having failed to pay the said claimant according to the stipulations of the treaty, he was, from these circumstances, necessarily forced to return to this country, in prosecution and defence of his rights. And the time which he has been kept out of his possessions, as well as their valuation, allowing a fair estimate for rent, amounts to the aforesaid sum of \$4,542.

This claim is supported by a number of written affidavits and certificates of respectable persons deemed to be entitled to full credit; and, upon a full view of the whole premises, was allowed by the commissioners, as before stated.

Although the commissioners have not decided the conflicting claims of Carter, to which you refer, you will perceive in the foregoing an indication of their impressions in regard to said claims.

Very respectfully,

Your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.,
*Commissioner of Indian Affairs,
War Department.*

CHEROKEE AGENCY EAST,
September 14, 1837.

SIR: I have the honor to request that I may be furnished with instructions relative to the pay of the emigrating physicians, Doctors Lillybridge and Townsend. Their letters of appointment promise them the per diem pay of six dollars, and the revised regulations limit the pay to five. I enclose a copy of the letter of appointment of Dr. Lillybridge. I have not in my possession a copy of the other, but I recollect, and you will find, on reference, that it also calls for the six dollars per day. It would obviously be improper for me to act contrary to the printed regulations, without some authority from the department.

I do not know that I am called upon to make any remarks of my own upon the subject, further than this, at their request, referring the matter to the department; but I beg leave to throw out the suggestion, that where the regulations cut off the pay of an agent previously employed, that the first allowance be continued till the expiration of a year from their first employment, after which any alteration could certainly not be objected to.

Very respectfully,

Your most obedient servant,

J. C. REYNOLDS,
Disbursing Agent Cherokee Removal.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub., Washington, October 10, 1836.

SIR: By the authority of the acting Secretary of War, you are hereby appointed to serve as physician in the emigration of the Cherokee Indians, under the late treaty with those Indians. You will please signify to this office your acceptance or refusal of the appointment. Should you accept it, you will, with all convenient despatch, proceed to the Cherokee agency.

Calhoun, Tennessee, and there report for service to Benjamin F. Currey, superintendent of the Cherokee emigration, or, in case of his absence, to the commissioners, Wilson Lumpkin and William Carroll, Esquires.

Your compensation will be at the rate of six dollars a day, to commence from the time of your reporting, as above stated, for service. But after your arrival west, with a party of emigrants, your per diem allowance will cease till you again return to the Cherokee nation east to accompany another party, and, instead thereof, you will be allowed six dollars for every thirty miles you may travel, in returning by the nearest route.

It will be your duty to render to the Indians such medical and professional services as their condition may require. You will submit an estimate for the requisite medicines to the superintendent, Benjamin F. Currey, who will draw a requisition for the same upon the disbursing officer. Should any medicines or hospital stores for the sick be needed on the route westward, the disbursing officer accompanying the party will supply it upon requisition. You will keep a regular journal of the incidents connected with your functions whilst on the road.

After your return from the west, you will report yourself again to the superintendent. To this office you will transmit your journal and make occasional reports, copies of which you will also transmit to the superintendent.

Very respectfully,

Your obedient servant,

GEORGE GIBSON,

Commissary General of Subsistence.

To Dr. C. LILLYBRIDGE,
Norfolk, Virginia.

CHEROKEE AGENCY EAST,
September 14, 1837.

SIR: Rumor informs us that Judge Hopkins, of Alabama, has been appointed third commissioner, to be associated with Messrs. Lumpkin and Kennedy in the adjudication of Cherokee claims. If it be true, as alleged, that the Judge has withdrawn from the bench, for the more lucrative employment of the bar, we have conjectured that he might decline the office of commissioner. In that event, we have no knowledge of any gentleman whose appointment would prove so decidedly gratifying to the Cherokees, and acceptable to the whites interested, as your very worthy friend, John Mason, junior, Esq. Since the origin of Cherokee difficulties, no delegate or other officer of the General Government has had so clearly accorded to him the confidence, respect, and esteem of this people; evidences of cordial good will were, in their humble way, exhibited towards him, without parallel in the history of recent negotiations with this tribe. Our observation and experience in the business of *reconciliation* and *emigration* of this people, satisfy us that, in the choice of officers, no matter is of such paramount importance as the selection of those who may be acceptable to them. The Indian prejudices in reference to agents, as well as to particular localities, (associated with disagreeable recollections,) admit of no reconciliation: in view, therefore, of the fact of Mr. Mason's enjoying so happily the confidence and esteem of both the red and white men, may we take the liberty

(though unconsulted) to invite you to a consideration of his peculiar fitness for the office of commissioner?

With very sincere regard and esteem,

We are, sir, very respectfully,

Your sincere friends and humble servants,

NATH. SMITH,

Superintendent Cherokee nation.

J. W. LIDE,

Med. Director Cherokee Em.

HON. J. R. POINSETT.

CHEROKEE AGENCY EAST,

September 14, 1837.

SIR: The prospect for emigration this fall continues very flattering in all parts of the Cherokee country, except the mountains. (Valley towns;) there, since the late council, nothing can be done. P. Starrett, enrolling agent for that region, had fifty-six enrolled, to remove in the first detachment that should start this fall. On the 3d instant, I instructed him to bring *them*, and all others who might be willing to remove to this place by the 12th instant, with a view of starting directly a party, of about seven hundred, that had been enrolled at McNair's and Ross's landing. He made the attempt to start them, and forty-six ran off, and are now lying in the mountains.

In the lower part of the nation, particularly Alabama, there are very flattering prospects. I have enrolled, since the 4th instant, *over one thousand*, which, added to those heretofore enrolled, will make about eighteen hundred. Of these, and what I yet hope to enrol, I will make three detachments, and send them off as speedily as possible. I have appointed Aaron Haynes, George Massey, and Henry McCoy, of Alabama, and E. D. Terhune, of Georgia, enrolling agents, and James Lauderdale, of Tennessee, collecting agent. These gentlemen are making vigorous efforts throughout the nation, enrolling and sending to this place, where the detachments will be formed. Captain Simonton having been assigned as disburser, under the direction of the commissioners, renders it necessary to have three other disbursing officers in the emigrating service, viz: two to accompany parties, and one to remain with me, at this place, to pay those who may be permitted to remove themselves, their commuted transportation, &c.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

September 14, 1837.

SIR: I have this day presented a requisition to the disbursing agent for pay for my services. He has declined paying, without definite instructions

from the department, for the time I was absent on furlough during the past season, from the circumstance that the time specified in my furlough, and of my absence, exceeded sixty days, and has shown me, as his authority, "revised regulations, No. 3, article 15." As my case is a peculiar one, I beg leave to make a brief statement of facts.

On my return from Arkansas, in May, whither I had accompanied a detachment of Indians, I found in the post office at New Echota a letter from my family, informing me that Mrs. Lillybridge was dangerously sick; that she had been confined to her bed eight weeks, and, at the instance of her physician, the termination of her case was doubtful. I immediately submitted the case to the superintendent, and he, in turn, to the medical director and the commissioners. All these gentlemen approved and advised that I should forthwith receive a furlough and visit my afflicted family; and in consequence of the great distance, all were disposed to grant me as much time as could be consistently done without detriment to the service in which I was engaged. Accordingly, on the 6th of May, I received a furlough till the 15th of July, "unless sooner recalled;" a copy of which is herewith transmitted.

This privilege, peculiarly dear to me at this time, I enjoyed, and returned to my post on the 20th of July, having been unavoidably detained four days on the route by derangement of the stages.

You will perceive that this absence was dictated, as expressed in my furlough, by feelings of humanity; at a time when there were no specific instructions to guide my superior officers in regard to leave of absence, the "revised regulations" having been adopted on the 1st of June, and that the idea of infringing upon any regulation of the department or the stopping my pay did not occur to any one.

I beg you to consider the great distance by which I am separated from my family, they residing at Utica, New York. Had I been as fortunate as some of my fellow officers are, whose families are within one or two days' ride of their post, I might have made occasional visits to them without inconvenience to myself or the service; but, in my case, much time and expense to myself must be taken for a visit, or it cannot be enjoyed at all. I hope, therefore, you will take a favorable view of my case, and will instruct Dr. Reynolds, the disbursing agent, to pay my account.

I have the honor to be,

Most respectfully,

Your most obedient servant,

C. LILLYBRIDGE,

Physician to Ch. Emigration.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

The undersigned have examined the within statement of Dr. Lillybridge and have no hesitation in attesting its correctness, in reference to the most important and material facts, which are of our own knowledge.

NATH. SMITH,

Superintendent Cherokee Removal.

J. W. LIDE, M. D.,

Med. Dir., Ch. Emigration.

NEW ECHOTA, GEORGIA,
May 6, 1837.

From circumstances of a peculiarly pressing character connected with the family of C. Lillybridge, M. D., physician to Cherokee removal, it is believed by me that the privilege of going on to New York on furlough till the 15th day of July next, unless sooner recalled to his post in the Cherokee nation, is clearly dictated by humanity, and is regarded uninjurious to the service in which he is employed.

J. W. LIDE, M. D.,
Med. Dir. Cherokee Emigration

Gen. NATH. SMITH,
Superintendent Cherokee Removal.
Approved, May 6, 1837.

NATH. SMITH,
Superintendent Cherokee Removal.

The Second Auditor, to whom the case of Dr. Lillybridge has been referred by the Secretary of War for a report as to what has been the practice heretofore in similar cases, has the honor to state :

That it does not appear on record, or from recollection, that a case similar to that of Dr. Lillybridge has been presented to his office.

That, in an act to provide for the organization of the Department of Indian Affairs, passed the 30th of June, 1834, in the 10th section, it is said, "Nor shall any agent, sub-agent, interpreter, or person employed under this act, receive his salary while absent from his agency or employment, without leave of the superintendent or Secretary of War: provided such absence shall at no time exceed sixty days."

That the regulations established by the War Department concerning the emigration of Indians are silent with regard to furloughs or leave of absence. All the agents or persons employed in that branch receive a per diem, with the exception of the superintendents, who receive an annual compensation. The pay of an attending physician is five dollars per day. His duties are to accompany any parties, and perform all services in the line of their profession which may be required.

That it would appear from the regulations, that a discrimination is made between the agents, &c., contemplated in the act of June 30, 1834, for "the organization of the Indian Department," and those employed in the emigration, the former being allowed leave of absence of sixty days, and the latter not.

That it has happened in some instances, in the emigration accounts, that compensation or per diem, to commissioners or disbursing officers, has been continued for periods when it was known that they were absent from their duty; and in some of those cases, the Commissary General of Subsistence, then charged with the removal of the Indians, gave for reason, (why the pay was continued, although not actually employed,) that it was to secure the services of the disbursing officer, which would soon be required again, and which he might lose by withholding his per diem for the short time that he was out of service. In all such instances, the cases were submitted to the Secretary of War by the accounting officers.

That, in the present case, the furlough was obtained from the superintendent of the Cherokee removal, on the very feeling letter from the directing physician to that officer; and as the 11th section of the regulation says the directing physician "will, where it may be necessary, perform the duties of attending physician," it is to be presumed that he actually performed the duties of the absent officer.

The Second Auditor would, therefore, had the case been presented to him for settlement, have submitted it to the Secretary of War for his favorable consideration.

The documents in relation to the above are herewith returned.

W. B. LEWIS.

To the Hon. the SECRETARY OF WAR.

HOUSE OF REPRESENTATIVES,
September 15, 1837.

SIR: I have in my possession papers belonging to Major John Dawson, one of the agents to enrol Cherokee Indians under the late treaty, to go west of the Mississippi, and claiming to be reimbursed for advances made to the Indians he enrolled. These claims I understand have been approved by Messrs. Lumpkin and Kennedy, the United States commissioners, but referred to the War Department for payment. The claimants presumed too much upon my knowledge of these matters. Will you be so kind as to cause me to be informed what report has been made by commissioners in relation to claims of this kind, and where I am to apply to receive what may be awarded claimants of this character?

I have the honor to be,

Most respectfully,

WM. C. DAWSON.

To J. R. POINSETT,
Secretary of War, Washington city.

CHEROKEE AGENCY EAST,
September 17, 1837.

SIR: I have had the honor to receive "special order No. 63," a copy of which is herewith transmitted, which I am ready to obey as soon as the department shall have taken the proper measures, or pointed out the mode of carrying it into effect.

Although I have maturely considered the order, I have to confess that I have not been able to satisfy myself as to its exact meaning, that is to say: whether I am to cease transacting any new business connected with the Cherokee removal, and proceed to wind up the old; or whether I am to stop in my operations only when "a due regard to the public interest will permit." The former construction was the one which I applied to it at first, but when I considered that the department had not sent, nor given me any information of any person being about to be sent, to relieve me, there being no one provided to whom I could turn over my property, and no mode prescribed by which I could be relieved of the public funds in my possession, I must confess that the latter construction was to my mind rendered proba-

ble. This probability was increased by calling to mind the written decision of the honorable Secretary of War, made on the 10th or 11th of August, upon the application of the Surgeon General, which contemplated my separation from the Indian business whenever it could be done, consistently with the interests of the service, and with justice to myself.

After that decision was made, upon which the order purports to have been based, the department proceeded to place further funds in my hands. I was despatched to the west, where I made deposits of funds, and made other arrangements for the route of a party of Cherokee emigrants, which I was to accompany to the west. On my arrival here, on the 13th instant, I was met with this order, which, under all the circumstances, I am exceedingly perplexed in what manner to interpret; especially am I at a loss to know whether it is still contemplated that I shall proceed to Arkansas with this party.

It is proper to add, that I have consulted (as it was my duty to do) the commanding officer in this country, Col. Lindsay, who gave to the order that construction which contemplates an immediate relinquishment of Indian duty, but that I could not do, until some one was provided to relieve me of the property and public funds in my possession.

In conclusion, I have only to say, that whatever the construction of the order may be, I am of course ready to obey.

Very respectfully,

Your most obedient servant,

JOHN C. REYNOLDS,

Disbursing Agent Cherokee Removal

Hon. JOEL R. POINSETT,
Secretary of War.

Special Order. }
No. 63. }

ADJUTANT GENERAL'S OFFICE,
Washington, August 18, 1837.

I. At the instance of the Surgeon General, the Secretary of War directs that Assistant Surgeon J. C. Reynolds be instructed to close the business on which he is now employed in the Indian Department, with as little delay as a due regard to the public interest will permit, and that at its termination he proceed to Fort Gibson, where his services are required, and report for duty to the commanding officer.

II. Hereafter no officer of the medical department of the army will be employed on similar business connected with the Indian Bureau.

By order,

R. JONES,
Adjutant General.

CHEROKEE AGENCY EAST,
Calhoun, Tenn., Sept. 17, 1837.

SIR: I have had the honor to receive your letter of the 24th of August, enclosing "special order No. 63," for my information and government. I

enclose a letter addressed to the honorable Secretary of War, which I request may be laid before him. I enclose also a copy of my letter to the Adjutant General, acknowledging the receipt of the order.

Very respectfully,

Your most obedient servant,

JOHN C. REYNOLDS,

Disbursing Agent Cherokee Removal.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
Calhoun, Tenn., September 17, 1837.

SIR: I have the honor to acknowledge the receipt of a letter from the Commissioner of Indian Affairs, dated the 24th of August, enclosing to me "special order No. 63," which I hold myself in readiness to obey as soon as the department shall have taken the proper measures, or pointed out the mode for carrying it into effect. To that end I have addressed a letter to the honorable Secretary of War, of which I enclose you a copy. I also enclose a copy of the letter of the Commissioner of Indian Affairs, transmitting the order, which is the only communication or information furnished me on the subject.

Very respectfully,

Your most obedient servant,

JNO. C. REYNOLDS.

R. JONES,

Adjutant General.

CHEROKEE AGENCY EAST,
September 17, 1837.

SIR: I have to acknowledge the receipt of your letter of the 29th August, transmitting copies of the circular of the Secretary of the Treasury, of May 17, and of the letter of that officer to the President, approved by the latter, and, also, of the circular of August 9, 1837, with the remarks of the Secretary of War, all of which will be duly attended to in the settlement of my accounts.

If any report is desired from me relative to the Treasury drafts furnished me, previous to the time my accounts may be handed in, I shall be glad if you will call on me for it.

Very respectfully,

Your most obedient servant,

JNO. C. REYNOLDS,

Disbursing Agent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
September 17, 1837.

SIR: Having been busily engaged when the last and only mail since my arrival at this place was despatched, I neglected to transmit to you a letter announcing my return. I reached this place on the 12th instant. When I left Washington, I proceeded to the north, to possess myself with notes of the United States Bank, which would be easily carried, and equal to specie, on my route accompanying the Indians. I accordingly converted the greater part of my draft (\$7,500) upon New York into such paper.

Hence I proceeded to Louisville, Kentucky, to ascertain what kind of funds could be furnished me there, so as to act understandingly in all my arrangements. The Bank of Kentucky declining to pay any specie, and it being, in my opinion, absolutely necessary to be provided with further eastern funds, the cashier of the bank, at my request, endorsed them in the manner prescribed by the Secretary of the Treasury. The amount of the draft upon the Louisville Savings Institution (\$2,500,) was tendered to me in specie. I at first intended to carry this amount with me in the stage, but the charge was so great in proportion to the sum that I declined doing it. I left it in deposit in Louisville, and when I arrived at Nashville, I sought and found a gentleman who was willing to give me specie in Nashville for specie in Louisville; accordingly, I exchanged with him. I then deposited the specie in the bank, and took a draft payable in silver at the branch at Athens. In this manner, I transported the specie to this place without cost to the United States, and without any delay or risk to myself or the Government. Twenty thousand dollars in specie remains in the land offices at Shawneetown and Kaskaskia, Illinois, to be taken up on my journey to the west, if, indeed, it be intended that I should accompany a party of Indians. My arrangements are entirely complete whenever the Indians shall start. I have specie, eastern funds, and Tennessee paper to carry the party to the Ohio river, and specie, &c., to answer for the remainder of the journey.

I use no specie or eastern funds here, except for one object, and it is one which I entirely forgot to urge upon the department while at Washington, and which has increased my demand for specie or eastern funds. I allude to the commutation of those removing themselves. I have already paid some such accounts, and have not hesitated to use the specie in my hands.

It is thought by the superintending emigrating agent that we shall start two parties in two or three weeks, consisting of about 700 each. There being no disbursing officer but myself here, or, if one should arrive, it being absolutely necessary that one should remain here, I have concluded, if I shall receive authority to go at all, to start the two parties within a day's journey of each other, and try and act as disbursing agent to both. This seems to be the only mode in which it can be done. To be sure it doubles the amount of my labor and trouble, but if I can accomplish it, I shall by no means complain.

I have been so busily engaged since my arrival here that I have not been able to visit the commissioners or Captain Simonton personally, and, therefore, can give you no information respecting their movements, except that I have been desired by Captain Simonton to send him down \$10,000 in specie, for which he would give United States paper.

I should be glad to have some definite authority from the Secretary of War, respecting my continuance or relinquishment of the Indian business.

Very respectfully,

Your most obedient servant,

JNO. C. REYNOLDS,

Disbursing Agent Cherokee Removal.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,

September 18, 1837.

SIR: Doctor J. C. Reynolds, disbursing agent for Cherokee removal, handed me an order from the Adjutant General of the United States army, in which I find he is ordered to Fort Gibson, Arkansas. Colonel Lindsay, commanding the army of the Cherokee nation, gives it as his opinion that Doctor Reynolds should immediately close his accounts, and repair forthwith to the post assigned him by said order. If this be done, it will place the emigrating service here in an awkward situation. I am now on the eve of starting a detachment of Cherokees west, and shall have no disbursing officer to accompany them, except Doctor Reynolds; Captain Simonton having been assigned to disburse exclusively at New Echota, for the commissioners.

I shall very shortly need two in addition to Doctor Reynolds, viz: one to accompany each of the detachments that I intend shortly to start, and one to remain at this place, where I have to remain to muster and order the commutation of transportation of those who may be permitted to receive and remove themselves; and for Doctor Reynolds to leave now will completely arrest emigration this fall, unless his place is filled before his departure.

I therefore respectfully request that the honorable Secretary of War will intermand his order, and let Doctor Reynolds remain on this service, a service that he is peculiarly well qualified to perform. And I take pleasure in bearing testimony to you, not only of the fitness of Doctor Reynolds and Captain Simonton for the stations they occupy, but the gentlemanly manner in which they do their business; giving entire satisfaction to all with whom they have to transact business; a very important trait in the character of an officer in a Government like ours.

Very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

SENATE CHAMBER, *September 18, 1837.*

SIR: We, the Senators from the State of North Carolina, recommend the appointment of James W. Gwinn, Esq., of Macon county, one of the commissioners of the United States under the last treaty with the Cherokee Indians.

R. STRANGE,

B. BROWN.

Hon. J. R. POINSETT.

HOUSE OF REPRESENTATIVES,
September 19, 1837.

SIR: I beg leave respectfully to solicit your early and particular consideration of the accompanying papers. The writer of the communication, Mr. Hoyt, is an humble citizen of the district which I represent, and earnestly begs you to examine his appeal.

I have the honor to be,

Very respectfully,

Your obedient servant,

WM. KEY BOND.

Hon. J. R. POINSETT,

Secretary of War.

NEAR GREENFIELD, HIGHLAND CO., OHIO,
April 4, 1837.

MUCH ESTEEMED SIR: Yours of January 16th, and also that of January 28th, enclosing the communication from the War Department, have been very gratefully received. The benevolent interest you take in my welfare is a source of great pleasure to me, and will continue to be so, whatever disposition Government may finally make of the subject of my complaint.

The report from the Office of Indian Affairs is altogether "unsatisfactory" because it *really*, though I have no doubt *unintentionally*, does me great injustice. Take a plain statement of facts.

When I was a boy, my father, feeling deeply the injury done to the Indian race, by a series of aggressions continued almost uninterruptedly from the first settlement of this continent by the whites, and being, as a citizen of the United States and a minister of the gospel of peace, anxious, so far as his influence might extend, to wipe off the disgrace from his country as well as from the church, determined, at the sacrifice of every thing valuable in this world, to devote himself and family to the work of christianizing and civilizing the various Indian tribes throughout the United States. Accordingly, under the direction of the American Board of Commissioners for Foreign Missions, and with the cordial approbation and sanction of the President of the United States, he moved with his whole family into the heart of the Cherokee nation. For the purpose of forwarding the object of my father's mission, and convincing the natives of the sincerity of our professions of friendship, I became connected by marriage with a daughter of a distinguished chief; she having previously been educated in the mission school, and become an object of special attachment in my father's family, as one of the first converts to the Christian faith. I would not allude to these facts, had I not been told by an agent of Government, that I had disgraced myself by marrying an *Indian*, and thereby forfeited all claim to the protection of Government. But I proceed:

Before I enrolled for emigration, I was in possession of a large farm, in a high state of cultivation; a saw mill and a grist mill; horses, cattle, hogs, &c.; dwelling-houses, out-houses, &c.; and a fine summer retreat upon the mountain, adjacent to some mineral springs, and a place of resort for invalids. This property I had accumulated around me, not by fraud or speculation, but by honest industry and the blessing of God. Had I been

allowed to continue there unmolested, I might have enjoyed almost a paradise on earth. The soil was rich and well watered, (I had five beautiful clear springs,) the climate was healthy, and peace and plenty seemed to vie with each other, to see which could contribute most to the happiness of the possessor.

I have no disposition to write poetry, but I can never look back upon that quiet home (such a home as I shall never see again) without the most painful regret that I was forced to leave it. But why did I leave it? I will tell you.

In consequence of certain measures taken by the State Government, hordes of abandoned whites rushed in upon us, polluting, like harpies, every thing which they touched. One of them knocked down my miller, and, after grinding for himself, went off without paying toll. At another time, two of them came up to me, while peaceably at work upon my own premises, and threatened to kill me if I struck another blow. I was obliged to protect myself by giving a significant look at my axe, the only weapon I had about me. On another occasion, I was obliged to show my rifle to a man, who was threatening to break violently into an inner apartment, where my aged mother was sitting trembling with anxiety.

On another occasion, still, I was under the painful necessity, not only of showing my rifle, but of coming within a hair's breadth of taking a fellow creature's life, in order to protect myself against a band of ruffians who had come for the express purpose of taking, not my money, but my person. The object of these men, or rather of their instigators, (for the men themselves were mere tools,) undoubtedly was to frighten me into a willingness to emigrate. My farm was too tempting to be passed by without some violent struggle to obtain it. I stood my ground, however, until I learned from the President that the treaties designed to protect the Cherokees from such intrusion had become "inoperative," and that the General Government could not interfere. At these tidings I gave up all hope of any thing like peace where I was. I could not bear the idea of living in perpetual broils, and especially of bringing up my family among ruffians and renegados. Reverse as I have always been to war, I would rather have died with my rifle in my hand.

In company with a friend, I went to the United States agent, at the Cherokee agency, for the sake of ascertaining, *definitely* and exactly, the precise terms upon which Government was willing to treat with individuals who disposed to emigrate west of the Mississippi; for I well knew that remarkable discrepancies had often occurred, between what the Cherokees had understood as the promises of the Government, and what they had actually *realized* as the fulfilment of those promises. I told the agent expressly that, before I could think of enrolling as an emigrant, I must know exactly and unequivocally the conditions of emigration which Government proposed; and, also, have an assurance that those conditions should be strictly complied with. The agent assured me, in the name of Government, that if I would consent to emigrate, 1st: the enrolling agent should take the number of my family; and that, in addition to \$18 per head for transportation and subsistence by the way, I should receive, instead of provisions for a year's subsistence after my arrival, \$32 for each individual thus enrolled, and that this last should be paid to me *immediately* on my arrival at Cantonment Gibson, west of the Mississippi. The agent east of the Mississippi, Mr. Montgomery, (I forget his christian name,) I believe to be

an honorable man, and he will, I doubt not, testify to the truth of this statement. If he should not, I can prove it in another way.

On my way I left a part of my family on account of their feeble health; with the intention of sending for them as soon as I could prepare a suitable place for their reception.

When I arrived at Cantonment Gibson, our number was *eleven*—not “ten persons only,” as the report from the office of Indian Affairs has it. The truth is, the agent west paid no attention to my wants and importunities, until by a series of sufferings and privations my whole family became sick, and one of our number died; so that some time in December, more than six months after my arrival, when the agent began to think of supplying us with provisions, he found only “ten;” and, in a very comforting way, told me that as I had lost four during the first half of the year, it was reasonable to suppose I would lose four more during the remaining half, and he would therefore set the number for the year at “ten persons only.” Suppose, instead of leaving a part on account of ill health, and losing one by death after arrival, I had left four at some school to complete their education, would the agent west have been authorized to refuse to fulfil the promise of Government through the agent east, that *for the number enrolled* I should receive \$32 per head?

The report says I arrived “on the 16th of May, 1834;” and proceeds, “upon the 31st of December, 1834, he (Milo Hoyt) had received in kind the whole of the year’s subsistence.” Now if I had received anything before the 31st of December, it would doubtless have been mentioned to show that there was not that “unjustifiable delay” which the report intimates there might possibly have been; so that the report itself has saved me the trouble of proving, what I could easily prove, that I received nothing for the year’s subsistence until the 31st of December, more than “seven” months after my arrival. This delay was a serious disadvantage to me, but I should not have complained of it had the agent, even at this late day, paid me the \$32 per head, or anything like an equivalent for it. I can prove that for the “year’s subsistence” for me, Government did not pay more than \$135, and that the provision was not worth more than that; an amount, any one knows, altogether insufficient to support a family even of “ten persons only” for a year. The report says “it does not appear from any evidence in this office that Mr. Hoyt was entitled to demand \$32 per head, in lieu of a year’s subsistence for each member of his family.” The former agent for the Cherokees east of the Mississippi, Mr. Montgomery, can furnish such evidence; if he does not, I can furnish it myself from another source. The report proceeds—“had he been so entitled, he lost all claims to it when he received the provisions in kind.” Why so? Government, through her agent, had engaged to pay me \$448 for a “year’s subsistence.” Seven months had elapsed since the amount was to be paid. The Government, through another agent, had repeatedly refused to pay it. At last, however, this same Government, through its agents, holds out a morsel, (\$135 worth,) and says: “Take that or starve.” What could I do? I was in pressing need of provisions. I could not obtain *all* which was due. I took *what I could get*; and thereby, it seems, “lost all claim” to justice! “Thus, it appears, that Mr. Hoyt’s complaint on this point is entirely unfounded.”!! Because the agent west, after a series of frauds and insults upon the dependant and helpless, has not, forthwith, sent up to head

quarters plain and positive "evidence" of his guilt! So much for the reasoning of the report intended to show that my first complaint is "entirely unfounded."

2d. The agent west assured me that, upon my consenting to emigrate, a valuing agent, or valuing agents, should call upon me as soon as practicable, and make a fair valuation of my improvements; and that half of *this valuation* should be paid *down*, and the remaining half immediately on my arrival at Cantonment Gibson. Under this head the report, *unintentionally*, misrepresents my claim. The agent had engaged to pay *cash down* for half the valuation, *as soon as I should be prepared to emigrate*. I accordingly applied to the agent *east*, but, instead of *cash down*, I "could only obtain attested notes, which passed generally at twenty-five per cent. discount." This, of course, was not on my arrival at Cantonment Gibson, as the report understood me to say, but *before I set out for the west*. I wanted the money for the purpose of purchasing wagons, and various other articles, which I wished to take with me. I could not move to the west with any prospect of making myself comfortable without these articles; and yet I *must* move, for I had enrolled, and if an *enrolled* person refused to emigrate it was customary to *drag him off by force*. I told the agent I must have the money he had promised. "I cannot give you money," said he, "but I can give you *attested notes*." The mode of giving these notes was this: some *compassionate* speculator says, I will give you \$75, cash down, for your note of \$100 *attested* by the agent. As this is better than nothing, I give my note, the agent *attests* it, deducts the amount from my valuation, and Government becomes responsible for the note. I took of these "attested notes" to the amount of \$1,600. The report very politely calls them, "*debts acknowledged to be due*."!!! N. B. These \$1,600, "attested notes," were worth \$1,200, *cash down*. But \$400 out of a man's pocket is nothing, especially when it is in the way of paying \$1,600, "debts acknowledged to be due."

The report acknowledges that there was, on the part of Government, "a delay" of payment, and accounts for it by saying, "in consequence of complaints and alleged frauds, and injustice in making them," that is the "valuations," &c. Who made these "valuations?" *Agents of Government*. If there were "frauds and injustice in making them," who were the authors of these "frauds" and this "injustice?" *Agents of Government*, of course, for no other persons had anything to do with it. Government took the whole business into her own hands, and appointed just such agents as she chose, and these agents were left entirely free to make the valuations as they pleased, except as they were restricted by instructions from Government. Now, if these agents were guilty of "frauds and injustice," who is responsible? It appears from the report, that Government appointed bad agents; that these agents practised "frauds and injustice," and thus Government was obliged to make a delay of payment; now, in consequence of this delay of payment, I and my family are almost ruined. To whom shall I go for redress? Not to the bad agents, for they will tell me that they are responsible only to Government, of course; if I know anything about justice, Government is bound to indemnify me for losses which I have sustained, in consequence of a delay of payment, occasioned solely by "alleged frauds and injustice" on the part of agents of Government. I speak now of the delay, from the time of my arrival west, "16th of May, 1834," until Captain Brown "commenced payments, on the 20th of July, 1835." As to the delay of payment from this latter date, until "9th December," occasioned by my "having returned east," it would be easy to show that Govern-

ment is responsible even for this, but I am afraid I shall weary your patience.

I hasten to the third item of my complaint, the deduction of \$265 amount of valuation of the Chickamauga improvement in Tennessee. It is true that in 1822 I received \$300 from the missionary establishment at Brainard, for these improvements. What right had I, then, to have them valued as my improvements? *I did not claim any such right, but told the valuing agents expressly, that I had sold these improvements to the missionary establishment.* Why, then, were they valued to me? The explanation is this: For the sake of accommodating an individual who owed me, I had, *at his own offer*, received an "improvement" from him, in payment of the debt. I had, also, an improvement upon the mountain, the *retreat* of which I have already spoken. The agents said they did not like to value small and scattered improvements; and when the list of valuations was presented to me, I found that *the two improvements above mentioned were NOT VALUED*, but that a valuation had been made of my former improvements upon the Chickamauga. *The agents took their own course. I had nothing to do with it whatever. I did not know that the Chickamauga improvements were to be valued, until I saw them on the list.* The agents said it was their duty to value improvements made by *citizens* of the Cherokee nation; that the missionaries, not being citizens, had no claim, and, consequently, my title, in view of Government, was as good as ever it was.

It was the farthest possible from my wish, to have any embarrassment thrown in the way of the missionary claim. But what could I do? I had no voice, no power whatever, in making the valuations. Government had committed the business entirely and exclusively to her *agents*. If they managed it awkwardly or fraudulently, *am I responsible for it?* For the *two* improvements of which I have spoken, I have never received a cent. The \$265 are due for *them*, if not for those upon the Chickamauga. In view of these facts, I ask any candid man if my complaints are "entirely unfounded," as the report seems to think they are? But I have not done.

The agent west, in answer to my demands for justice, demands made in the most respectful manner, told me that, notwithstanding I was legally married to a Cherokee, and had a Cherokee family, yet the mere fact of my being a white man deprived me of all claims whatever among the Cherokees; that I was not entitled to ground upon which to walk, or grass for my horse to eat; and that any white man, who should "cross the path of Government," he would turn out of the nation immediately; explaining himself to mean, that any one who should presume to take the least exception to anything which Government or any of her agents might do, would be considered as "crossing the path of Government." This was the most trying of all.

I must not only be wronged and insulted, but *my mouth must be forever closed against the possibility of uttering a compliant.* I could bear the loss of property, but to be *gagged and trampled on, and made the slave of a servant of servants*, was what I could not brook. It was this which induced me, myself and family, sick as we were, to sacrifice what property I had left, and crawl out of my sick bed towards the land of Ohio, a land where I had been told the stranger might find a home, and where the injured and disconsolate could find a friend. It was this, sir, which placed me so far beyond the control of my feelings, when in *you* I found a friend, a friend indeed. May God bless you for your kindness. Here I am, sir, my property almost gone, my prospects for life almost blasted, and is there

no redress? I trust, sir, that through your influence Government will do me justice, or at least do something for me. Had Government fulfilled her promises, made to me through her agent east of the Mississippi, I should have received half my valuation *cash down*, before I moved west, and the remaining half, together with \$448 for a year's subsistence, immediately on my arrival at Cantonment Gibson. I should have been treated by the agent west as a *human being*; and thus I might have been saved the sacrifice of property, a great deal of sickness as well as vexation, and probably the painful affliction suffered in the loss of my child. I might have settled myself for life, with a fair prospect of making myself and family comfortable, and of promoting the happiness of the people with whom I had connected myself, for the purpose of rendering my influence among them more effectual, in the advancement of individual and national character. If my claims can be brought before Government in the light of truth, I have no doubt that \$2,000 will be regarded as a small indemnity for the losses which I have sustained.

As to the questions whether the Cherokees who had removed west of the Mississippi river before the conclusion of the treaty of 29th December, 1835, with the Cherokees, are entitled to a portion of the benefits of that treaty, and, if entitled, to what extent, they have nothing to do with the subject of my complaint. They are questions, however, about which, as the report has alluded to them, I ought to say a word. When I emigrated I relinquished my title *only to improvements*. Government promised that emigrants should have an equal share with those who stayed behind, in any disposition which should thereafter be made of Cherokee lands on this side of the Mississippi. Of course I am entitled to an *equal share* "of the benefits of that treaty," except so far as the treaty has reference exclusively to "improvements." The author of the "report" had probably forgotten the terms of emigration, when he said the above questions "remain yet undecided." The object of my inquiry in my last letter was, simply to learn when and where to apply for my share of the benefits.

I have now finished my "comments" upon the "report," and very gladly and thankfully accept your proffer of "aid" "in a further effort." With sentiments of the highest esteem,

I am, very unworthily,
But most respectfully
And sincerely, yours,
MILO HOYT.

Hon. W. K. BOND,
Member of Congress.

P. S.—I hope nothing which I have said will be construed into a censure of Government, or of any of its agents, except the agent west.

Even this agent I would not have censured, if I could have avoided it. I do not complain of Government; I only come to her as a suppliant, and in a respectful manner ask her to indemnify me for losses which I have suffered, in consequence of certain measures of hers, or of her agents; for which she may not be to blame, but for which she certainly is *responsible*, as I think I have clearly shown. I am not complaining of *men*, but of *facts*. I ask not that individuals should be censured, *but that justice should be done to me*.

N. B.—Please compare 1st, 2d, and 3d, of the above comments, with 1st, 2d, and 3d of the "report," which is herewith returned.

WESTPORT, JACKSON COUNTY, MISSOURI,
September 20, 1837.

SIR: By your instructions of July 5th, 1836, I was required to cause the surveys of the Cherokee lands to be completed, and to supply every deficiency connected with the subject, which, at that time, prevented the issuing of a patent.

The surveys have been completed, the field notes of which are herewith respectfully submitted, together with duplicate plats of each tract of Cherokee land; also, a summary description of the boundaries, and the quantity of acres embraced therein.

The surveys being made agreeably to the requisitions of the treaty, necessarily divides the Cherokee lands into two distinct tracts, the northeast corner of the one approaching the southwest corner of the other, within the distance of thirty chains. This intervening tract is a slip of unappropriated land lying north of the *Quapaws*, one mile forty-five chains and fifty links wide, and extending from Neosho river, the place where the two Cherokee tracts approach each other, east, twenty-five miles thirty-six chains and fifty links, to the western boundary of the State of Missouri, containing 24,813,039 acres.

The 2d article of the Cherokee treaty provides that if the salt plain, at which Indians of various tribes procure salt, "should fall within the Cherokee lands, the right should be reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees."

It appears that there are two noted places at which the Indians, from time immemorial, have collected salt. *One is on the Cherokee lands.* It is a plain on which salt is formed by solar evaporation, situated on the salt fork of Arkansas river, about fifteen or twenty miles south of their northern boundary, and about two hundred and twenty miles west of the State of Missouri.

The other is said to be a salt rock. It is on the Creek lands, eight or ten miles south of the southern boundary of the Cherokee lands, and about two hundred miles west of the State of Arkansas.

The surveyor was unable to visit either of these places; but Osage Indians, who were hunting in the vicinity at the time he passed, pointed out to him the locations of both.

Notwithstanding the Cherokee lands are divided into two separate tracts, the 2d article of the treaty requires both to be included in the same patent.

The 5th article of the treaty requires that the laws which the Cherokees may enact, shall be consistent "with such acts of Congress as have been, or may be, passed regulating trade and intercourse with the Indians." Also, the 3d article stipulates that the patent to be issued shall be "according to the provisions of the act of May 28, 1830." This act provides that the lands patented "shall revert to the United States, if the Indians become extinct, or abandon them."

Therefore, while it is required that the patent should secure the lands to the Cherokees, and their heirs and successors, it provides that it withholds from them the right to convey the same to others than Indians.

To this matter I beg leave to solicit particular attention. It is the hinge upon which turns the weal or wo of all the tribes for which the Government is making provision in this Indian territory, and vitally affecting the

benevolent design of the Government in securing to the tribes the possession of their lands.

If the conveyance be made in terms which could hereafter, by possibility, be construed to authorize the Indians, either collectively or individually, to convey the whole, or any portion thereof, to others than Indians, either for ever or for a limited time, white residents would be introduced, and the Indians be crowded out.

Last winter, four chiefs of the Delaware nation, professing to act by authority, and in behalf of the whole, were induced to petition the Government for permission to lease to a certain white man, (a citizen of the United States,) and his children, one section of land. I mention this fact, known to yourself, as evidence that between the citizens of the United States and the Indians, negotiations have already been commenced, by which the former hope to obtain a footing within the Indian territory.

In issuing the patent, it will be necessary to *do more* than to guard against *selling* and *leasing*. These two avenues to the ingress of white population being effectually barred, a third will be sought under the pretext of being employed to perform some useful service for the Indians. If an Indian be allowed to introduce a white man into the Indian country as a partner in business, as a clerk, as a laborer, as a physician, or in any capacity whatever, the indulgence will be abused by the avaricious individuals, or companies of Indians will be hired to form either nominal or real contracts for the introduction of white men, under the name of employees of the former.

None of the tribes are capable of guarding their own interests, and if they were, in such transactions as these under consideration, human nature should not be supposed to be beyond the influence of the temptations of money. The right of introducing into the Indian country any white persons, citizens of the United States, or of any other country, can never be safely possessed by any of the tribes, until their condition becomes so improved that they can mingle with white men without inconvenience.

In the present condition of the tribes, this subject is guarded by laws of Congress; but if the right to the soil be conveyed to the Indians by patent, without reserving, in the same instrument, their right to connect white men with them in the occupancy of the land, the power of Congress subsequently to forbid it by law may well be doubted.

This subject acquires importance from the following facts, which, I hope, will apologize for the earnestness with which I respectfully press its consideration, namely, the case of the Cherokees, now under consideration, is the first that has occurred of issuing a patent to an Indian tribe. The whole, or portions of twenty-three tribes, are already within this Indian territory. In all probability the number of tribes will soon exceed thirty. The patent now to be issued will be quoted as a precedent for the future, and no tribe will be content with less authority than is granted to the Cherokees. But irrespective of other tribes, the introduction of white men into the Cherokee country alone would prostrate the designs of the Government to render the Indians secure in their possessions; for, the Cherokees' lands, embracing, in the whole, more than fourteen millions of acres, extend from the east to the west of the country designed for Indian settlements, and divide in two.

We cannot consistently plead, in this case, that if the Indians choose to introduce white men into their country to their own destruction, the fault will be theirs, and not ours. The same might have been pleaded heretofore

in relation to laws for the preservation and welfare of the Indian tribes. Justice towards a very large majority of them, who are incompetent either to understand or take care of their own interests, and humanity towards the whole, requires that our Government continue its guardianship.

By the prohibition above alluded to, no inconvenience could arise to any Indians whose circumstances required the assistance of white men. The matter being under the control of the Government of the United States, its laws regulating intercourse with the Indian tribes could always be such as to provide for the emergency. Laws providing for the temporary residence of white men in the Indian country, either for the benefit of the Indians or the Government of the United States, can be amended or repealed whenever their provisions are found to be exceptionable; but the patent under consideration will be unalterable. Of this, I presume the Government will be fully aware, and will guard against wiles which afterwards it would be unable to remedy, and which would produce a failure of the experiment so auspiciously entered upon by the Government for the improvement of the condition of this hitherto unfortunate race of men.

Sir, I have the honor to be,

With great respect,

Your obedient servant,

ISAAC McCOY.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

BOUNDARIES AND AREA OF THE SOUTHERN TRACT OF CHEROKEE LANDS.

Beginning at a mound of rocks, four feet square at base, and four and a half feet high, from which another mound of rocks bears south one chain, and another mound of rocks bears west one chain, on what has been denominated the old western territorial line of Arkansas Territory, twenty-five (25) miles north of Arkansas river; thence south twenty-one miles and twenty-eight chains, (miles 21, chains 28,) to a post on the northeast bank of the Verdigris river, from which a hackberry, 15 inches diameter, bears south $61^{\circ} 31'$ east 43 links, marked C. h. L., and a cotton-wood, 42 inches diameter, bears south $21^{\circ} 15'$ east 50 links, marked C. r. k. L.; thence down the Verdigris river, or the northeast bank, with its meanders, to the junction of Verdigris and Arkansas rivers; thence from the lower bank of Verdigris river, on the north bank of Arkansas river, south $44^{\circ} 13'$ east, fifty-seven chains, (57 chains,) to a post on the south bank of Arkansas, opposite the eastern branch of Neosho river, at its junction with Arkansas, from which a red-oak, 36 inches diameter, bears south $75^{\circ} 45'$ west, 24 links, and a hickory, 24 inches diameter, bears south 89° east 4 links; thence south 53° west one mile, to a post from which a rock bears north 53° east 50 links, and a rock bears south $18^{\circ} 18'$ west 50 links; thence south $18^{\circ} 18'$ west thirty-three miles twenty-eight chains and eighty links, (miles 33 28.80 chains,) to a rock, from which another rock bears north $18^{\circ} 18'$ east 50 links, and another rock bears south 50 links; thence south four miles, (miles 4,) to a post on the lower bank of the north fork of Canadian river, at its junction with Canadian river, from which a cotton-wood, 24 inches diameter, bears north 18° east 40 links, and a cotton-

wood, 15 inches diameter, bears south 9° east 14 links; thence down the Canadian river, on its north bank, to its junction with Arkansas river; thence down the main channel of Arkansas river, to the western boundary of the State of Arkansas, at the northern extremity of the eastern boundary of the lands of the Choctaws, on the south bank of Arkansas river, four chains and fifty-four links, (4.54 chains,) east of Fort Smith; thence north $7^{\circ} 25'$ west, with the western boundary of the State of Arkansas, seventy-six miles sixty-four chains and fifty links, (76 miles, 64.50 chains,) to the southwest corner of the State of Missouri; thence north, on the western boundary of the State of Missouri, eight miles forty nine chains and fifty links, (miles 8, 49.50 chains,) to the north bank of Cowskin, or Seneca river, at a mound six feet square at base, and five feet high, in which is a post marked on the south side Cor. n. Ch. L. d.; thence west on the southern boundary of the lands of the Senecas, eleven miles and forty-eight chains, (miles 11, 48 chains,) to a post on the east bank of Neosho river, from which a maple, 18 inches diameter, bears south 31° east 72 links; thence up Neosho river, with its meanders, on the east bank, to the southern boundary of Osage lands, thirty-six chains and fifty links (36.50 chains) west of the southeast corner of the lands of the Osages, witnessed by a mound of rocks on the west bank of Neosho river; thence west on the southern boundary of the Osage lands, to the line dividing the territory of the United States from that of Mexico, two hundred and eighty-eight miles thirteen chains and sixty-six links, (miles 288, 13.66 chains,) to a mound of earth six feet square at base, and five and a half feet high, in which is deposited cylinder of charcoal, twelve inches long and four in diameter; thence south along the line of the territory of the United States and of Mexico, sixty miles and twelve chains, (miles 60, 12.00 chains,) to a mound of earth six feet square at base and five and a half feet high, in which is deposited cylinder of charcoal, 18 inches long and three inches diameter; thence east, along the northern boundary of Creek lands, two hundred and seventy three miles fifty-five chains and sixty-six links, (miles 273, 55.66 chains,) to the beginning; containing within the survey thirteen millions five hundred and seventy-four thousand one hundred and thirty-five acres and fourteen hundredths of an acre—13,574,135.14 acres.

BOUNDARIES AND AREA OF THE NORTHERN TRACT OF CHEROKEE LANDS.

Beginning at southeast corner of Osage lands, described by a rock from which a red-oak, 20 inches diameter, bears south 27° east 76 links, and a post-oak, 30 inches diameter, bears south 59° west one chain; and another burr-oak, 30 inches diameter, bears north 8° west 1.37 chains; and another burr-oak 40 inches diameter, bears north 30° , west 1.81 chains, and running east twenty-five miles, (miles 25,) to a rock on the western line of the State of Missouri, from which a post-oak, 10 inches diameter, bears north $48^{\circ} 30'$ east 4 chains; and a post-oak, 12 inches diameter, bears south 62° east 5 chains; thence north, with the western boundary of the State of Missouri, fifty miles, (miles 50,) to a mound of earth five feet square at base and four and a half feet high; thence west twenty-five miles, (25 miles,) to the northeast corner of the lands of the Osages, described by a mound of earth six feet square at the base and five feet high;

thence south along the eastern boundary of Osage lands fifty miles, (miles 50,) to the beginning. Containing eight hundred thousand acres—800,000 acres.

Recapitulation.

Area of the southern tract	- - - - -	13,574,135 $\frac{1}{100}$ acres.
Area of the northern tract	- - - - -	800,000 acres.
		14,374,135 $\frac{1}{100}$

ISAAC McCOY.

WESTPORT, MISSOURI, Sept. 20, 1837.

MEANDERS OF NEOSHO RIVER.

May 6, 1837. In accordance with instructions of Isaac McCoy, commenced at the northwest corner of Quapaw lands, on the east bank of Neosha river, and run thence up with the meanders of the same.

Magnetic variation, 10° 30' east.

Length of chain, 4 poles.

Distance noted in 4 poles chains.

Course.	Distance.	Remarks.	
	<i>Chains.</i>		
N. 21° 30' W.	6.50	Through rich heavy timbered bottom land. Growth : Oak, hickory, elm, walnut, ash, &c.	
N. 63° 45' W.	16.50		
West	23.50		
S. 50° 15' W.	6.50		
S. 71° 45' W.	9.50		
N. 10° 15' W.	7.50		
N. 2° 15' E.	34.50		
N. 22° 30' W.	8.50		
N. 4° W.	33.00		
N. 46° 45' W.	31.00		
N. 39° W.	9.50		
N. 45° 30' W.	11.50		
	198.50		2 miles and 381 $\frac{1}{2}$ chains to the south line of the Osage reservation.

SOUTH LINE OF OSAGE LANDS.

Commenced at the southeast corner of the Osage lands, and run thence west on said line, for the purpose of finding a point on the same due north of the northeast corner of Creek lands.

Magnetic variation, 10° 45' east.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
		Proceeded through rich, heavy timbered, bottom land to—
West	36.50	To the east bank of Neosho river, course southeast, then up in the channel of the same to—
West	64.50	Left, in heading north, prairie comes to the river on the west side this point, about 2 miles below the mouth of Le Bete creek.
West	80.00	To the 1st mile.
West	80.00	To the 2d mile.
West	80.00	To the 3d mile.
West	80.00	To the 4th mile.
West	80.00	To the 5th mile.
West	80.00	To the 6th mile.
West	22.00	To a small brook 25 links wide, course north, some brush and scattering trees on it.
West	80.00	To the 7th mile.
West	12.00	To a small brook, course northeast, some scattering timber below.
West	80.00	To the 8th mile.
West	—	To the 9th mile.
West	63.50	To a small brook, course north, some brush on it. Prairie continues high and rolling, and points of hills occasionally covered with limestone.
West	80.00	To the 10th mile,
West	80.00	To the 11th mile,
West	80.00	To the 12th mile,
West	80.00	To the 13th mile,
West	80.00	To the 14th mile,
West	74.50	To the old corner, as established by Mr. Donelson in 1832, being due north of the northeast corner of Creek lands.
		Proceeded thence south, on a line, for the purpose of ascertaining the width of the Cherokee outlet.
South	—	Over high, rolling, and somewhat rocky, prairie; soil first rate.
South	80.00	To the 1st mile.
South	80.00	To the 2d mile.
South	56.00	To a small branch, course southwest, some brush and timber on it, thence down it, crossing several times.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
South	80.00	To the 3d mile in the creek.
South	15.00	Entered prairie, and left the creek, bearing southwest.
South	66.50	Another creek 25 links wide, course west, some timber on it.
South	70.00	Entered prairie.
South	80.00	To the 4th mile.
South	18.00	To a creek, course west, 25 links wide, entered timber.
South	27.50	Entered prairie.
South	41.00	Crossed small brook, course west, some timber on it, 25 links wide.
South	80.00	To the 5th mile.
South	58.50	To a brook, course west, some timber on it.
South	80.00	To the 6th mile.
South	80.00	To the 7th mile.
South	74.00	Entered rich timbered bottom land.
South	80.00	To the 8th mile.
South	8.00	To a creek $\frac{1}{2}$ chain wide, course south, in timber.
South	17.00	Crossed again, course northeast.
South	17.00	Crossed again, course southwest.
South	28.00	Crossed another small brook, course northwest; entered prairie on the south bank.
South	80.00	To the 9th mile.
South	80.00	To the 10th mile.
South	80.00	To the 11th mile.
South	55.50	To a creek, course west, 25 links wide, some brush and timber on it, and extends for 1 mile above.
South	80.00	To the 12th mile.
South	80.00	To the 13th mile.
South	80.00	To the 14th mile.
South	80.00	To the 15th mile.
South	80.00	To the 16th mile.
South	80.00	To the 17th mile.
South	80.00	To the 18th mile.
South	80.00	To the 19th mile.
South	80.00	To the 20th mile.
South	15.00	Crossed a small brook, course southeast, then over hilly and rocky prairie.
South	80.00	To the 21st mile.
South	80.00	To the 22d mile.
South	80.00	To the 23d mile.
South	80.00	To the 24th mile.
South	80.00	To the 25th mile.
South	27.00	To a small prairie brook, course east, then over hilly prairie, the hill-side covered with sand-stone.
South	80.00	To the 26th mile.
South	80.00	To the 27th mile.
South	80.00	To the 28th mile.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
South	12.50	To the former corner of Creek lands.
South	70.00	Entered timber; low, scrubby-oak; soil poor and sandy.
South	80.00	To the 29th mile.
South	80.00	To the 30th mile.
South	50.00	Entered prairie; level, rich soil.
South	80.00	To the 31st mile.
South	80.00	To the 32d mile.
South	80.00	To the 33d mile.
South	62.00	Entered timber.
South	80.00	To the 34th mile.
South	80.00	To the 35th mile.
South	80.00	To the 36th mile.
South	80.00	To the 37th mile.
South	31.50	Entered prairie.
South	67.50	Entered timber.
South	80.00	To the 38th mile.
South	24.00	Entered prairie.
South	80.00	To the 39th mile.
South	18.50	Entered prairie.
South	49.50	To a small creek, course south, and down it to—
South	60.00	Left it and entered prairie.
South	80.00	To the 40th mile.
South	48.50	Crossed the same creek noted above, course south, 15° east.
South	80.00	To the 41st mile.
South	70.00	To Pryor's creek, course east, 1 chain wide, some timber on its banks, then entered level, fertile prairie.
South	80.00	To the 42d mile.
South	80.00	To the 43d mile.
South	80.00	To the 44th mile.
South	80.00	To the 45th mile.
South	80.00	To the 46th mile.
South	80.00	To the 47th mile.
South	80.00	To the 48th mile.
South	80.00	To the 49th mile.
South	48.00	Entered timber; elm, oak, hickory, &c.
South	51.50	To Pryor's creek, course southwest, then through rich timbered bottom to—
South	68.50	Entered prairie bottom.
South	80.00	To the 50th mile.
South	80.00	To the 51st mile.
South	34.50	Entered timber.
South	39.00	To Pryor's creek, course south and down it, crossing three times.
South	77.50	Entered prairie, and left the creek bearing east.
South	80.00	To the 52d mile.
South	80.00	To the 53d mile.
South	80.00	To the 54th mile.

Crossed small brook, course west, through poor, sandy, and somewhat rocky timbered land; growth, oak and hickory.

Gently rolling prairie land; soil first rate.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
South	80.00	To the 55th mile.
South	80.00	To the 56th mile.
South	63.50	A creek, course east, some brush and timber on it.
South	80.00	To the 57th mile.
South	80.00	To the 58th mile.
South	80.00	To the 59th mile.
South	80.00	To the 60th mile.
South	12.00	To the northeast corner of the Creek lands, and the termination of the line, to ascertain the width of the Cherokee outlet, which is 60 miles and 12 (4 pole) chains.

MEANDERS OF THE ARKANSAS RIVER.

Field notes of the survey of the meanders of Arkansas river, from a point opposite the east bank of Neosho river, to a point opposite the east bank of Verdigris river, on the south side. Set a post opposite the mouth of Neosho river, from which a red oak, 36 inches in diameter, bears south, 75° 45' west, 24 links blazed, and a hickory, 24 inches in diameter, bears south, 89° east, 4 links blazed, from thence proceeded,

North 80° 30' west	-	-	-	14 chains
North 33° 15' west	-	-	-	19.50 chains
North 67° west	-	-	-	12 00 chains

to a point opposite the east bank of Verdigris river, at which set a post from which a cotton wood, 10 inches in diameter, bears north 17° west, 20 links, marked "Crk. 45½ chs.," and another, 8 inches in diameter, bears east, blazed, and from this point to the post on Verdigris river, on the east bank, is 29 chains and 81 links.

Field notes of the meanders of Verdigris river, on its east bank, from a post on the east bank, at its junction with the Arkansas river, to the point where the dividing line between the Cherokee and Creek lands leaves it.

Magnetic variation, 10° east.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
N. 20° 45' W.	5.50	Rich heavy timbered bottom growth, walnut, hickory, ash, hackberry, elm, spice-woods &c. &c.
N. 40° 30' W.	16.00	
N. 20° 30' W.	5.00	
N. 44° 45' W.	14.00	
N. 80° W.	6.50	
N. 45° 15' W.	32.50	

Course.	Distance.	Remarks.	Chains.
	<i>Chains.</i>		<i>Chains.</i>
N. 30° 30' W.	28.00	Proceeded west over high top	28.00
N. 8° 15' W.	23.00	and sandy and points of hills	23.00
N. 17° 30' W.	8.50	and sandstone.	8.50
N. 2° E.	13.00	Set a rock for first mile.	13.00
N. 13° 30' W.	5.50	Raised mound for 3 miles.	5.50
N. 5° 15' E.	31.50	and more fertile.	31.50
N. 22° 15' E.	12.00	Set a rock for 3 miles.	12.00
N. 11° E.	4.00	Raised mound for 1 mile.	4.00
N. 21° 45' E.	6.00	Set rock for 5 miles.	6.00
N. 4° 15' E.	21.00	To the source of a creek, course	21.00
N. 4° W.	32.00	crossed small brook, course	32.00
N. 11° 30' E.	6.50	timber and brush on it.	6.50
N. 4° 45' E.	8.50	Set rock for 5 miles, granite	8.50
N. 16° E.	14.50	Raised mound for 7 miles.	14.50
N. 18° W.	6.50	Raised mound for 5 miles.	6.50
N. 49° 45' W.	20.00	Set rock for 7 miles.	20.00
N. 68° 45' W.	8.00	Set rock for 10 miles, opposite	8.00
S. 82° 30' W.	26.50	the hills are covered with	26.50
S. 81° 15' W.	17.00		17.00

To the point where the line dividing the Creek and Cherokee lands leaves the Virdigris river, at which set a post, from which a hackberry, 15 inches diameter, bears S. 61° 31' E. 43 links, marked "Ch. L." $4\frac{1}{2}$ m. and a cottonwood, 42 inches in diameter, bears S. 21° 15' E. 50 links, marked "Crk. L." opposite this station the Falls of Virdigris. Commenced on the north bank of Arkansas river, at the point where the old Territorial line crosses it, and run thence north on said line 25 miles, for the purpose of ascertaining the northeast corner of "Creek lands," from the Virdigris to said corner. This line has already been marked, therefore proceeded to the corner, and established the same, by erecting a mound of rocks, 4 feet square at base, and $4\frac{1}{2}$ feet high, and erected another S. 1 ch., and another W. 1 ch. Then, May 20, 1837, proceeded west, on a line dividing the Cherokee and Creek lands. Mag. Variation, 10° E. Length of chain, 4 poles.

	60.00	Proceeded west over high top	60.00
	72.50	Raised low wet bottom points covered with water	72.50
	80.00	Set stake in same for 18 miles, ground being not	80.00

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West		Proceeded west over high rolling prairie; soil poor, and sandy, and points of hills covered with limestone and sandstone.
West	80.00	Set a rock for first mile.
West	80.00	Raised mound for 2 miles; soil becomes less sandy and more fertile.
West	80.00	Set a rock for 3 miles.
West	80.00	Raised mound for 4 miles.
West	80.00	Set rock for 5 miles.
West	60.00	To the source of a creek, course southwest.
West	79.50	Crossed small brook, course southwest, some scattering timber and brush on it.
West	80.00	Set rock for 6 miles, prairie level, and soil good.
West	80.00	Raised mound for 7 miles.
West	80.00	Raised mound for 8 miles.
West	80.00	Set rock for 9 miles.
West	-	Set rock for 10 miles, opposite this, $\frac{1}{2}$ mile to the north, the hills are covered with white oak and black jack timber, on the Osage road, bearing northwest and southeast.
West	64.50	A creek 25 links wide, course south, some timber on it below.
West	80.00	Set rock for 11 miles, prairie continues level, and soil good.
West	80.00	Set rock for 12 miles.
West	3.00	To a small brook, a large body of timber on it, $\frac{1}{4}$ mile below, to southwest.
West	80.00	Set rock for 13 miles.
West	80.00	Set rock for 14 miles.
West	67.50	Entered a point of oak brushes and timber, bearing southwest.
West	73.50	Crossed small branch, course south, 25 links wide.
West	77.50	Entered timber.
West	80.00	Set stakes, from which a burr oak, 30 inches diameter, bears north $89^{\circ} 45'$ west, 16 chains, 40 links, marked "Ch. L. 15 M.," for 15th mile.
West	16.50	Entered timber, bearing north and south, small oak, then through rich timbered bottom.
West	40.50	Crossed small branch, course northwest, 25 links wide.
West	45.30	Crossed it again, course southwest, rich bottom land; growth, oak, hickory, elm, walnut, ash, &c.
West	60.00	To the east bank of Virdigris river, course south, 4 chains wide, then under growth, brush, vines, &c.
West	72.50	Entered low wet bottom prairie, covered with water from 6 to 8 inches deep.
West	80.00	Set stake in same for 16 miles, ground being too wet to make mounds.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	20.00	Entered brushy, wet, wood land, and through the same.
West	62.50	Entered high, open, timbered land, growth oak and hickory.
West	80.00	Set a stake, from which a double white oak, 24 inches in diameter, bears south $62^{\circ} 45'$ east 1.10 chains, marked "Crk. L. 17 M.," and another, 10 inches diameter, bears north 14° east 1.55 chains, marked "Ch. L. 17 M.," for the 17th mile, soil poor and sandy.
West	80.00	Set a stake, from which a white oak, 24 inches, bears north $74^{\circ} 30'$ west 53 links, marked "Ch. L. 18 M.," and a black oak, 8 inches diameter, bears south 15 links, marked "Crk. L. 18 M.," for 18th mile, then through same description of land.
West	59.00	Entered prairie, north and south.
West	80.00	Raised mound for 19 miles, then over high, dry, rolling, prairie land; soil first rate.
West	80.00	Raised mound for 20 miles.
West	80.00	Set rock on the north side of a high hill for 21 miles.
West	34.00	Crossed large Osage road bearing northeast and so th-west.
West	80.00	Set stake, from which a white oak, 12 inches in diameter, bears north 89° west 7 chains and 70 links, marked "Ch. L. 22 M.," for 22d mile.
West	8.00	Entered poor oak timbered land.
West	73.50	To a creek, course north, $\frac{1}{2}$ chain wide, entered prairie on the west bank.
West	80.00	Set a rock; a white oak, 18 inches in diameter, bears north $65^{\circ} 30'$ east 3 chains and 15 links, marked "Ch. L. 23 M.," and another, 12 inches diameter, bears south 87° east 3 chain and 11 links, marked "Crk. L. 23 M.," for 23d mile, then over rocky prairie.
West	80.00	Set rock for 24th mile.
West	56.50	To a small branch; course south, some brushed timber on it.
West	80.00	Set rock for 25 miles.
West	80.00	Raised mound for 26 miles.
West	80.00	Raised mound for 27 miles, prairie continues high and dry, but less fertile.
West	80.00	Set rock for 28 miles.
West	80.00	Set rock for 29 miles.
West	60.00	Entered timbered bottom.
West	68.89	To a creek, course north, 1 chain wide.
West	80.00	Set a stake, from which a blackjack, 12 inches diameter, bears north 21° west 66 links, marked "Ch. L. 30 M.," and another, 20 inches diameter, bears south 45° east 10 links, marked "Crk. L. 30 M.," for 30th mile.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	10.00	Entered rich, high, rolling prairie.
West	80.00	Raised mound for 31st mile.
West	80.00	Raised mound for 32 miles; prairie same description as above.
West	80.00	Raised mound on west side of ravine, course north, with some trees on it, for 33 miles.
West	41.75	To small brook, course north, some timber on it.
West	80.00	Raised mound for 34 miles.
West	80.00	Raised mound for 35 miles; prairie continues high, rolling and fertile.
West	80.00	Raised mound for 36 miles; a large body of timber commences $\frac{1}{2}$ mile to south.
West	80.00	Set a rock, from which a white oak, 12 inches diameter, bears north 75° west 2 chains, marked "Ch. L. 37 M.," for the 37th mile.
West	2.50	Entered timber through oak and hickory land; soil second rate and sandy.
West	80.00	Set a stake, from which a white oak, 12 inches diameter, bears north 82° east 50 links, marked "Ch. L. 38 M.," and another bears south 87° east 59 links, marked "Crk. L. 38 M.," for the 38th mile.
West	80.00	Set a stake, from which a black oak, 24 inches diameter, bears north 45° east 29 links, marked "Ch. L. 39 M.," for 39 miles.
West	5.00	To a small brook, course southwest, 12 links wide.
West	49.50	Crossed a creek 40 links wide.
West	58.50	Crossed another, course southeast, 25 links wide.
West	80.00	Set a stake, from which a black oak, 8 inches diameter, bears north 89° east $\frac{1}{2}$ chain, marked "Ch. L. 40 M.," and another, 8 links diameter, bears southwest 5 links, marked "40 M.," for 40th mile; at this place the Arkansas river is about 1 mile to south, bearing southwest, and heading west, then through brush, briars, &c.
West	47.50	Crossed small creek, course south, 25 links wide, then country becomes hilly, poor, and covered with sand stone.
West	80.00	Set a stake, from which a white oak, 8 inches diameter, bears south 75° 15' east 1 chain and 90 links, marked "Crk. L. 41 M.," and another, bears north 87° 15' east 1 chain and 77 links, marked "Ch. L. 41 M.," for 41st mile.
West	17.25	To a creek, 25 links wide, course south.
West	21.50	Crossed again, course northeast.
West	80.00	Set a stake, from which a white oak, 8 inches diameter, bears north 37° 30' west 61 links, marked "Ch. L. 42 M.," for 42d mile.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Set a rock, from which a black oak, 8 inches diameter, bears north 42° 30' west 33 links, marked "Ch. L. 43 M.," and a black oak, 8 inches diameter, bears south 62° east 11 links, marked "Ck. L. 42 M.;" land continues poor, hilly, and somewhat rocky, but timber tolerably good.
West	80.00	Set a stake, from which a black oak, 10 inches diameter, bears north 16° 30' west 40 links, marked "Ch. L. 44 M.," for the 44th mile.
West	77.50	To a creek 50 links wide, course south.
West	80.00	Set a stake, from which a black oak, 8 inches diameter, bears north 44° east 30 links, marked "Ch. L. 45 M.," and a white oak, 18 inches diameter, bears south 45° east 3 links, marked "Crk. L. 45 M."
West	80.00	Set a stake, from which a black oak, 12 inches diameter, bears north 86 links, marked "Ch. L. 46 M.," then over same description of land to a
West	68.50	Creek, 75 links wide, course south.
West	80.00	To a black oak tree, 12 inches diameter, marked "Ch. L. 47 M.," then, after ascending steep, rocky precipice, the country becomes more level, and soil second rate.
West	80.00	Set a stake, from which a black oak, 8 inches diameter, bears north 30° 15' east 55 links, marked "Ch. L. 48 M.," and another, 8 inches diameter, bears north 26° east 17 links, marked "Crk. L. 48 M.," for the 48th mile.
West	23.00	To a small brook, course south, 12 links wide.
West	80.00	Set a stake, from which a white oak, 11 inches diameter, bears north 45° west 9 links, marked "Ch. L. 49 M."
West	25.50	A small brook, course south.
West	55.00	Opposite this $\frac{1}{2}$ mile, to the south, is the United States fort.
West	80.00	Set a stake, from which a hickory, 10 inches diameter, bears south 2° 45' east 73 links, marked "Crk. L. 50 M.," and a white oak, 12 inches diameter, bears north 78° 45' west, marked "Ch. L. 50 M.," then over same description of land.
West	80.00	Set a stake, from which a black oak, 12 inches diameter, bears north 1° 45' east 48 links, marked "Ch. L. 51 M.," and another, 10 inches diameter, bears south 42° 45' west 1.57 chains, marked "Crk. L. 51 M.," for 51st mile.
West	52.50	Descended into the river bottom, rich heavy timbered land.
West	80.00	Set a stake, from which a black oak, 36 inches diameter, bears south 45° east 5 links, marked "Crk. L. 52 M.," for the 52d mile.
West	6.00	To the east bank of Arkansas river, course south, about half a mile below the mouth of Red Fork, twenty

Course.	Distance.	Remarks.
	<i>Chains.</i>	chains across the river, then through Sandy cotton wood bottom to
West	55.00	Ascended high rocky hill, bearing north and south, then through second rate oak land to
West	80.00	Set a stake, from which a white oak, 12 inches diameter, bears north 85° east 23 links, marked "Ch. L. 53 M." for the 53d mile.
West	58.50	To the south bank of the Red Fork; course northeast; 20 chains wide on the line; general width about 10 chains.
West	80.00	To the 54th mile, in the river near the north bank, then through open oak land; soil poor and sandy.
West	80.00	Set a stake, from which a black oak, 10 inches diameter, bears north 14° east 79 chains, marked "Ck. L. 55 M.;" and another, 8 inches diameter, bears south 80° east 25 links, marked "Crk. L. 55 M." for 55th mile;
West	58.50	To the Red Fork; course southeast, 15 chains wide; entered high fertile prairie on west bank.
West	80.00	Set rock for 56th mile.
West	80.00	Set rock, from which a white oak, 24 inches diameter, bears north 77° west 5 chains and 25 links, marked "Ch. L. 57 M.," then through scattering oak and hickory,
West	75.00	To the Red Fork; course north, 10 chains wide.
West	80.00	To the 58th mile, near the north bank.
West	80.00	Set stake, from which a white oak, 12 inches diameter, bears north $57^{\circ} 30'$ east 32 links, marked "Ck. L. 59 M.;" and black oak, 10 inches diameter, bearing south 22 links, marked "Crk. L. 59 M.," for the 59th mile.
West	10.00	To a small spring branch, course south; the river here is about 1 chain to south; course east.
West	80.00	Set a stake, from which a white oak, 18 inches diameter, bears south 63° west 1 chain and 2 links, marked "Crk. L. 60 M.," for the 60th mile.
West	64.00	To a creek, 2 chains wide; course south, continues open oak and hickory land; soil second rate, and timber good.
West	80.00	Set a stake, in brushy bottom land, for 61 miles.
West	80.00	Set a stake, from which a white oak, 18 inches diameter, bears south 53° west 44 links, marked "Crk. L. 62 M.," for 62d mile, then over broken sandy land.
West	80.00	Set a stake, from which a black oak, 12 inches diameter, bears north $74^{\circ} 45'$, west 43 links, marked "Ck. L. 63 M.," and another bears south $4^{\circ} 15'$ west 26 links, marked "Crk. L. 63 M.," for the 63d mile.
West	80.00	Set a stake, from which a white oak, 18 inches diameter, bears south $60^{\circ} 15'$ east 26 links, marked "Crk. L. 64 M.," for 64th mile.
West	10.00	Entered prairie.
West	80.00	Set a rock for 65th mile.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	52.00	Entered timber.
West	80.00	Set a stake, from which a white oak, 11 inches diameter, bears south west 35 links, marked "Crk. L. 66 M.," for the 66th mile.
West	80.00	Set a rock, from which a white oak, 24 inches diameter, bears north 60° 30' west 90 links, marked "Ck. 67 M.," for the 67th mile.
West	80.00	Set a rock from which a white oak, 10 inches diameter, bears north 75° east 80 links, marked "Ck. L. 68 M."
West	80.00	Set a rock, from which a white oak, 10 inches diameter, bears north 75° west 75 links, marked "Ck. L. 69 M.," for 69th mile; the last three miles broken, rocky land; soil third rate.
West	17.50	Entered high rolling prairie; soil good.
West	80.00	Set a rock for 70 miles.
West	20.00	Entered open oak land.
West	47.75	To a small brook, course south, entered prairie.
West	75.00	To another, southeast, some timber on it.
West	80.00	Set stake, from which a black oak, 10 inches diameter, bears north 14° 15' west 53 links, marked "Ch. L. 71 M.," prairie then high, rolling, and soil first rate.
West	10.00	Entered timber.
West	75.00	To a small creek, course south; some brush and timber on it.
West	80.00	Set a stake, from which a black oak, 24 inches diameter, bears north 23 links, marked "Ch. L. 72 M.," for the 72d mile.
West	14.50	To a creek one chain wide, course southeast.
West	50.50	To a small brook, course north.
West	55.50	Entered prairie, high, rolling, and fertile.
West	80.00	Set rock for 73 miles.
West	66.50	The Osage buffalo road, bearing northeast and southwest.
West	80.00	Set rock for 74 miles.
West	80.00	Set rock for 75 miles; prairie continues high, dry, rolling, and fertile.
West	80.00	Raised mound for 76 miles.
West	80.00	Set rock for 77 miles.
West	45.00	Crossed small brook, course southwest, some brush and scattering trees on it.
West	80.00	Set rock for 78 miles.
West	42.50	To a small creek, course southeast, 25 links wide; then through scattering oak bushes.
West	80.00	Set rock for 79 miles.
West	10.00	Entered prairie.
West	23.50	Entered timber.
West	75.25	To a creek, course south, 50 links wide.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	79.50	Crossed again, course northwest.
West	80.00	Set a stake, from which a hickory, 8 inches diameter, bears north 85° east, 20 links, marked "Ch. L. 80 M.," and another, 10 inches diameter, bears south 5° east, 15 links, marked "Crk. L. 80 M."
West	4.00	Crossed the creek again, course southeast.
West	12.00	Crossed small brook, course southeast.
West	23.00	Entered prairie.
West	80.00	Set rock for 81 miles.
West	47.50	To a creek, course southeast, 75 links wide; the timber on it about 10 chains wide.
West	80.00	Set rock for 82 miles.
West	65.00	A grove of oak bushes, 15 chains wide.
West	80.00	Set a rock for 83 miles, then over high, rolling prairie; soil second rate, a mixture of red clay and sand.
West	80.00	Raised mound for 84 miles.
West	80.00	Set rock in ravine, course north, for 85 miles.
West	36.00	Crossed small creek, course southwest.
West	80.00	Raised mound for 86 miles.
West	80.00	Set rock for 87 miles.
West	74.29	To a small creek, course southeast, 25 links wide, then up a brushy ravine, crossing several times.
West	80.00	Set rock for 88 miles,
West	80.00	Set rock for 89 miles,
West	80.00	Set rock for 90 miles,
West	75.00	To a creek, course south; 1 chain wide,
West	80.00	Set rock for 91 miles,
West	80.00	Set rock for 92 miles,
West	10.00	Entered brushy oak timbered land.
West	40.00	Crossed small brook, course southwest.
West	80.00	Set rock in small prairie for 93 miles.
West	5.50	To a small brook, course south.
West	17.00	Entered high, fertile prairie.
West	80.00	Set rock for 94 miles.
West	54.00	Crossed a small brook, course south, some brush and timber on it.
West	80.00	Raised mound for 95 miles.
West	80.00	Raised mound for 96 miles.
West	55.50	Crossed a small brook, some brush and timber on it.
West	80.00	Raised mound for 97 miles.
West	80.00	Raised mound for 98 miles.
West	77.50	Crossed a small branch, course west and southwest, then down it, crossing several times.
West	80.00	Set a stake, from which an elm 36 inches in diameter bears north 75° east 1.12 chains, marked "Ch. L. 99 M.," for the 99th mile.
West	38.50	Crossed a small creek, course south, some trees on it.

High, rolling,
fertile prairie.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Raised mound for 100 miles.
West	67.50	Entered brushy oak timbered land.
West	80.00	Set a rock, from which a black oak, 18 inches in diameter, bears north 63° 15' west 2 chains and 22 links, marked "Ch. L. 101 M."
West	80.00	Raised mound in small prairie for 102 miles, then through prairie high and fertile.
West	80.00	Raised mound for 103 miles.
West	12.50	Entered timber.
West	14.50	Crossed a creek, course south, $\frac{1}{2}$ chain wide.
West	70.00	Entered prairie.
West	80.00	Raised mound for 104 miles.
West	80.00	Set rock for 105 miles.
West	13.00	Crossed small creek, course southwest, some brush and timber on it.
West	24.50	Crossed another, then through a skirt of oak bushes to—
West	80.00	Set rock for 106 miles.
West	54.00	To a small brook, course south, some brush and timber on it.
West	80.00	Set a rock for 107 miles.
West	80.00	Raised mound for 108 miles.
West	34.00	To a creek 25 links wide, course south.
West	80.00	Set a rock 109 miles.
West	41.00	To a small creek, course south, 12 links wide.
West	80.00	Set rock for 110 miles.
West	80.00	To a creek 25 links wide, course southeast, from which an oak, 24 inches in diameter, bears north 64 links, marked "Ch. L. 111 M.;" entered prairie.
West	80.00	Set rock for 112 miles.
West	10.00	To a creek, course southwest, 50 links wide, some timber on it.
West	80.00	Set a rock for 113 miles.
West	80.00	Set a rock for 114 miles.
West	6.00	Crossed a creek, course south, some brush and timber on it.
West	80.00	Set rock for 115 miles.
West	45.00	To another small brook, course south, 12 links wide, some timber on it.
West	80.00	Set rock for 116 miles.
West	63.50	Crossed small creek, course south, some timber on it below; at this place saw the first buffalo.
West	80.00	Raised mound for 117 miles; then over high, rolling, fertile prairie.
West	80.00	Set rock for 118 miles.
West	8.00	To a small brushy brook, course west; then down it, crossing several times.
West	45.00	To another, course south, some timber on it.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Raised mound for 119 miles.
West	52.00	To a small creek, course southeast, some scattering timber on it; soil second rate.
West	80.00	Set rock for 120 miles.
West	35.00	To a small grove of bushes, trees, vines, briars, &c., 10 chains wide.
West	80.00	Set rock for 121 miles.
West	80.00	Set rock for 122 miles.
West	34.00	Crossed a creek, course south, some timber on it.
West	80.00	Set rock in ravine, course south, for 123 miles.
West	80.00	Set rock for 124 miles.
West	35.50	Entered timber.
West	37.50	To a large creek, course south, 1 chain wide.
West	46.00	Crossed it again, course northwest.
West	48.50	Crossed it again, course south.
West	68.00	Crossed another, course southeast, 1 chain wide, some timber on it, principally cotton-wood, hackberry, and bois d'arc. Entered level, fertile prairie.
West	81.00	Set stake, from which a white oak, 18 inches diameter, bears north 75° east, 7 chains, marked "Ck. L. 125 M."
West	65.00	To a small creek, course northeast; some timber extends $\frac{1}{4}$ mile up it to—
West	80.00	Set rock for 126 miles.
West	80.00	Raised mound for 127 miles,
West	80.00	Raised mound for 128 miles,
West	80.00	Raised mound for 129 miles,
West	80.00	Raised mound for 130 miles,
West	80.00	Raised mound for 131 miles,
West	80.00	Raised mound for 132 miles,
West	32.00	Crossed small brook, course southeast; some scattering trees on it.
West	80.00	Raised mound for 133 miles.
West	60.00	To a large creek, course south, 1 chain 25 links wide; a few scattering cotton-wood trees on it.
West	80.00	Raised mound for 134 miles.
West	80.00	Raised mound for 135 miles.
West	80.00	Raised mound for 136 miles.
West	80.00	Set rock for 137 miles.
West	30.50	Crossed the source of a creek, course southeast; some timber on it below.
West	80.00	Set rock for 138 miles.
West	80.00	Raised mound for 139 miles.
West	80.00	Raised mound for 140 miles.
West	80.00	Set rock for 141 miles; then up in the bed of a prairie brook.
West	80.00	Raised mound for 142 miles.

Smooth, level prairie; soil first rate; short, curly, buffalo grass, about 2 inches in height.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Raised mound for 143 miles ; prairie continues high, rolling, and fertile.
West	80.00	Set rock for 144 miles.
West	69.00	To a creek $\frac{1}{2}$ chain wide ; some scattering timber on it.
West	80.00	Raised mound for 145 miles.
West	80.00	Set rock for 146 miles.
West	26.00	Crossed large creek, course south, 1.25 chains wide ; some scattering cotton-wood trees on it.
West	80.00	Raised mound for 147 miles ; prairie level ; soil poor and sandy.
West	80.00	Raised mound for 148 miles.
West	80.00	Raised mound for 149 miles.
West	65.00	Entered bushy black-jack timber, bearing northwest and southeast ; soil almost entirely sand.
West	80.00	Set a stake, from which a black-jack, 6 inches in diameter, bears south 20 links, marked "Crk. L. 150 M."
West	80.00	Set a stake, from which a black-jack, 4 inches in diameter, bears south $52^{\circ} 30'$ east 42 links, marked "Crk. L. 151 M.," for the 151st mile.
West	68.50	Entered neck of prairie, bearing north, to the main prairie.
West	80.00	To the 152d mile.
West	35.00	Entered timber, black-jack, generally about 4 inches in diameter.
West	80.00	Set a stake, from which a black-jack, 6 inches in diameter, bears south 73 links, marked "Ch. L. 153 M.," for the 153d mile.
West	80.00	Set a stake, from which a black-jack, 8 inches in diameter, bears south 77° west 66, marked "Crk. L. 154 M.," for 154th mile.
West	76.50	Entered small neck of prairie.
West	80.00	Set a stake, from which a black-jack, 18 inches in diameter, bears west 6.20 chains, marked "Ch. L. 155 M.," for 155th mile.
West	44.00	Entered timber.
West	80.00	Set a stake, from which a black-jack, 18 inches in diameter, bears west 1.50 chains, marked "Ch. L. 156 M."
West	80.00	Entered prairie ; poor and sandy.
West	80.00	Raised mound for 157 miles.
West	80.00	Raised mound for 158 miles.
West	60.00	Entered timbered sand hills.
West	80.00	Set stake, from which a black-jack, 10 inches diameter, bears north 85° west 3.65 chains, marked "Ch. L. 159 M."
West	80.00	Set stake, from which a black-jack, 12 inches diameter, bears west 2 chains and 50 links, marked "Ch. L. 160 M.," for the 160th mile.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Set stake for 161 miles ; since the 150th mile, is through a succession of sand hills.
West	68.00	To the Red Fork, course south 20° east, general course southeast, 42 chains across the bed of it; the sand beaches white with a thin coat of salt, the water of the river very brackish, then continued through level sandy prairie.
West	80.00	The 162d mile in the bed of the river.
West	80.00	The 163d mile in a salt pond.
West	80.00	Raised mound for 164 miles, }
West	80.00	Raised mound for 165 miles, }
West	80.00	Raised mound for 166 miles, } Level, second rate prairie.
West	80.00	Raised mound for 167 miles, }
West	80.00	Raised mound for 168 miles, }
West	17.00	Crossed a large creek; course south, 1 chain wide, with only a few scattering trees on it; there are immense herds of buffaloes in every direction as far as the eye can reach; the salt plain is about 10 miles south of this.
West	25.00	Crossed same creek noted last, course southeast.
West	80.00	Raised mound for 169 miles.
West	80.00	Raised mound for 170 miles.
West	27.00	Crossed same creek noted last, course northeast.
West	30.50	Crossed again, course southeast.
West	80.00	Raised mound for 171 miles, }
West	80.00	Raised mound for 172 miles, }
West	80.00	Raised mound for 173 miles, }
West	80.00	Raised mound for 174 miles, }
West	80.00	Raised mound for 175 miles, }
West	80.00	Raised mound for 176 miles, }
West	20.00	To a small brook, course southeast; some elm and bois d'arc trees on it, then up it, crossing several times.
West	80.00	Set rock for 177 miles; the country now becomes hilly, a range of hills bearing north and south, composed of gypsum.
West	80.00	Set rock for 178 miles, then left the creek heading west.
West	80.00	Set rock for 179 miles.
West	80.00	On east side of deep ravine, from which a black jack, 8 inches diameter, bears southwest, marked, "Crk. L. 180 M."
West	7.50	Entered the cross timbers composed of small oak bushes, sand hills.
West	80.00	Set stake, from which a black jack, 12 inches diameter, bears north 85° 30' west 1.72 chains, marked, "Crk. L. 181 M.," and another, 12 inches diameter, bears south 85° 30' west, marked "Crk. L. 181 M.;" timber then becomes more open.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Set stake on west side of small prairie, from which a black jack, 12 inches diameter, bears north 81° west 2.27 chains, marked "Ch. L. 182 miles."
West	80.00	Set a stake in small bushes for 183 miles.
West	80.00	Set stake, from which a black jack, 12 inches diameter, bears north 85° west 1.30 chains, marked "Crk. L. 184 M.," for 184 miles.
West	80.00	Set stake in oak bushes for 185 miles.
West	80.00	Set a stake, from which a black jack, 12 inches diameter, bears south 77° west 86 links, marked "Crk. L. 186 M."
West	80.00	Set a stake, from which a black jack, 12 inches diameter, bears north $68^{\circ} 30'$ east 1.04 chains, marked "Ch. L. 187th mile," and another, 12 inches diameter, bears south 85° east 1.65 chains, marked "Crk. L. 187 M."
West	80.00	Set stake, from which a black jack, 10 inches diameter, bears north 85° east 2.96 chains, marked "Ch. L. 188 M."
West	80.00	Set stake, from which a black oak, 8 inches diameter, bears west 1.70 chains, marked "Ch. L. 189 M."
West	80.00	Set stake, from which a black jack, 12 inches diameter, bears south 85° west 10 chains, marked "Crk. L. 191 M."
West	80.00	Set stake, from a black oak, 18 inches diameter, bears east 10 chains, marked "Ch. L. 192 M.," continued through sand hills.
West	80.00	Set stake in oak bushes for 193 miles.
West	80.00	Raised mound for 194 miles.
West	80.00	Raised mound for 195 miles.
West	80.00	Set stake for 196 miles.
West	80.00	Raised mound for 197 miles.
West	80.00	Raised mound for 198 miles.
West	80.00	Raised mound for 199 miles; the timber scattering.
West	80.00	Raised mound for 200 miles.
West	30.50	To the North Fork of Canadian river, course south, general course south 60° east, then up it, crossing three times, 10 chains wide.
West	80.00	To the 201st mile on the river, near the south side.
West	5.00	Left it, then through small cotton wood bottom.
West	20.00	Entered prairie high and rolling; soil red, sandy, and second rate.
West	80.00	Raised mound for 202 miles.
West	80.00	Raised mound for 203 miles.
West	80.00	Raised mound for 204 miles.
West	36.50	To a small creek, course north, 50 links wide.
West	80.00	Raised mound for 205 miles.
West	80.00	Raised mound for 206 miles.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Raised mound for 207 miles.
West	60.00	To a small creek, course northeast, some timber on it, then up it, crossing three times.
West	52.00	Left it and entered prairie.
West	80.00	Raised mound for 208 miles.
West	78.50	Entered timber, scattering elm and bois d'arc.
West	80.00	Set a stake, from which an elm, 30 inches diameter, bears north 50° east 36 chains, marked "Ch. L. 209 M."
West	11.50	To a creek, course northeast, 1 chain wide; entered prairie on west bank.
West	80.00	Set stake, from which an elm, 12 inches diameter, bears south 32° 15' west 57 links, marked "Ch. L. 210 M.," for 210 miles.
West	75.00	To a small creek, course southeast, some timber on it.
West	80.00	Raised mound for 211 miles; prairie high, rollings and soil second rate.
West	80.00	Raised mound for 212 miles, } High, second rate, rolling prairie.
West	80.00	Raised mound for 213 miles, }
West	80.00	Raised mound for 214 miles, }
West	55.50	To a creek, course southeast, 25 links wide.
West	80.00	Raised mound for 215 miles.
West	80.00	Raised mound for 216 miles, on east side of ravine, course north.
West	80.00	Raised mound for 217 miles, }
West	80.00	Raised mound for 218 miles, }
West	80.00	Raised mound for 219 miles, }
West	80.00	Raised mound for 220 miles, }
West	80.00	Raised mound for 221 miles, }
West	75.00	Entered timber, and crossed small creek, course north.
West	80.00	Set stake, from which an elm, 24 inches in diameter, bears south 71° west 57 links, marked "Crk. L. 22 M." Entered prairie at 10 chains.
West	80.00	Set stake, from which a white oak, 18 inches in diameter, bears north 57° 30' west 1.97 chains, marked "Ck. L. 223 M.;" and another, 18 inches in diameter, bears south 75° west 2 chains, marked "Crk. L. 223 M."
West	80.00	Raised mound for 224 miles, }
West	80.00	Raised mound for 225 miles, }
West	80.00	Raised mound for 226 miles, }
West	80.00	Raised mound for 227 miles, }
West	80.00	Raised mound for 228 miles, }
West	35.00	Crossed small neck of timber on the source of a creek, course northeast, then over prairie sand hills, particularly covered with long grass.
West	80.00	Raised mound for 229 miles.
West	80.00	Raised mound for 230 miles.
West	80.00	Raised mound for 231 miles.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Raised mound for 232 miles.
West	80.00	Raised mound for 233 miles.
West	80.00	Raised mound for 234 miles.
West	80.00	Raised mound for 235 miles,
West	80.00	Raised mound for 236 miles,
West	80.00	Raised mound for 237 miles,
West	80.00	Raised mound for 238 miles,
West	80.00	Raised mound for 239 miles,
West	80.00	Raised mound for 240 miles,
		The country still becomes more level and soil second rate, still no appearance of water.
West	80.00	Raised mound for 241 miles;
West	80.00	Raised mound for 242 miles,
West	80.00	Raised mound for 243 miles,
West	80.00	Raised mound for 244 miles,
West	80.00	Raised mound for 245 miles,
West	80.00	Raised mound for 246 miles,
West	80.00	Raised mound for 247 miles,
West	80.00	Raised mound for 248 miles,
West	80.00	Prairie becomes high, rolling, and soil second rate; hillsides occasionally covered with small rough limestones; the Canadian river in view about 5 miles to the north.
West	80.00	Raised mound for 249 miles.
West	80.00	Raised mound for 250 miles.
West	80.00	Raised mound on east side Prairie branch, course north for 251 miles.
West	80.00	Raised mound for 251 miles,
West	80.00	Raised mound for 252 miles,
West	80.00	Raised mound for 253 miles,
West	80.00	Raised mound for 254 miles,
West	80.00	Raised mound for 255 miles,
West	80.00	Raised mound for 256 miles,
West	80.00	Raised mound for 257 miles,
West	4.00	To a creek, course north, 1 chain wide, some scattering cotton-wood trees on it.
West	80.00	Raised mound for 258 miles;
West	80.00	Raised mound for 259 miles,
West	80.00	Raised mound for 260 miles;
West	80.00	Raised mound for 261 miles,
West	80.00	Raised mound for 262 miles,
West	80.00	To a small brook, course north, some scattering cotton-wood trees on it.
West	80.00	Raised mound for 263 miles,
West	80.00	Raised mound for 264 miles,
West	80.00	Raised mound for 265 miles,
West	80.00	Raised mound for 266 miles,
West	80.00	Raised mound for 267 miles,
		A succession of sand hills, without timber, water, and game of any description. A few wild horses.
		The country to the 242d mile second rate prairie, after that little better than a bed of sand.
		High, rolling, second rate prairie, covered with buffalo grass.
		Prairie continues high and rolling; soil second rate, with but little timber in view, and that cotton-wood.
		High rolling prairie; soil on the high lands first rate; hillsides covered with small rough limestones.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
West	80.00	Raised mound for 268 miles,)
West	80.00	Raised mound for 276 miles,)
West	80.00	Raised mound for 270 miles,)
West	80.00	Raised mound for 271 miles,)
West	25.00	To a small creek; course north; no timber.
West	80.00	Set rock for 272 miles.
West	80.00	Raised mound for 273 miles.
West	55.66	To the boundary between the United States Territory and the Mexican Republic, at which established the northwest corner of Creek lands, and the southwest corner of Cherokee lands, by erecting a mound of earth, 6 feet square at base, and 5½ feet high, and depositing therein cylinder of charcoal, 18 inches long and 3 inches in diameter, from thence run north on the western boundary of Cherokee lands.
North		Proceeded thence north over high, rolling prairie, covered with short, curly buffalo grass; soil good.
North	80.00	Raised mound for 1 mile.
North	80.00	Raised mound for 2 miles.
North	80.00	Raised mound for 3 miles.
North	53.00	To the north fork of Canadian, course east; some cotton-wood timber on it, bottom poor and sandy, upland second rate; 14 chains wide.
North	80.00	Raised mound for 4 miles; then over poor, sandy, hilly country.
North	80.00	Raised mound for 5 miles.
North	80.00	Raised mound in ravine, course south, for 6 miles.
North	80.00	Raised mound for 7 miles.
North	80.00	Set rock, from which a cotton wood, 14 inches in diameter, bears south 45° east 82 links, marked, "Ck. L. 8 M."
North	80.00	Raised mound for 9 miles; then continued over high, rolling, second rate prairie; soil sandy.
North	80.00	Raised mound for 10 miles.
North	80.00	Raised mound for 11 miles.
North	80.00	Raised mound for 12 miles.
North	80.00	Raised mound for 13 miles.
North	80.00	Raised mound for 14 miles.
North	25.00	Crossed small, dry, prairie branch, course east ½, then southeast; no timber on it.
North	80.00	Raised mound for 15 miles.
North	80.00	Raised mound for 16 miles.
North	80.00	Raised mound for 17 miles.
North	80.00	Raised mound for 18 miles.
North	80.00	Raised mound for 19 miles.
North	80.00	Raised mound for 20 miles, on dividing ridge, bearing east and west.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
North	80.00	Raised mound for 21 miles.
North	80.00	Raised mound for 22 miles.
North	80.00	Raised mound for 23 miles.
North	80.00	Raised mound for 24 miles ; prairie then becomes hilly, and cut up with ravines ; soil poor.
North	80.00	Set rock for 25 miles.
North	80.00	To a large creek, course northeast ; some scattering cotton-wood timber on it ; 2.50 chains wide.
North	55.00	To another large creek, course east ; no timber on it.
North	80.00	Raised mound for 27 miles ; then over poor, sandy prairie.
North	80.00	Raised mound for 28 miles.
North	80.00	Raised mound for 29 miles.
North	80.00	Raised mound for 30 miles.
North	80.00	Raised mound for 31 miles.
North	80.00	Raised mound for 32 miles.
North	13.00	To a large creek, course northeast ; no timber on it.
North	80.00	Raised mound for 33 miles.
North	80.00	Raised mound for 34 miles.
North	80.00	Raised mound for 35 miles.
North	80.00	Raised mound for 36 miles.
North	34.00	To a large creek, course northeast, no timber on it, and down it, crossing three times.
North	80.00	Raised mound for 37 miles.
North	10.00	Crossed the above creek the last time.
North	80.00	Set rock in ravine, course east, for 38 miles.
North	80.00	Raised mound for 39 miles.
North	80.00	To a cotton-wood, 12 inches in diameter, marked " Ck. L. 40 M.," for the 40th mile.
North	25.00	To the Red fork, course south 75° east, 15 chains wide ; a few scattering cotton-wood trees on it ; then entered poor, sandy, and hilly prairie.
North	80.00	Raised mound for 41 miles.
North	80.00	Set rock for 42 miles.
North	80.00	Raised mound for 43 miles ; country now becomes more level, and soil second rate.
North	35.00	To a dry branch, course southwest.
North	80.00	Raised mound for 45 miles, }
North	80.00	Raised mound for 46 miles, }
North	80.00	Raised mound for 47 miles, }
North	80.00	Raised mound for 48 miles, }
North	80.00	Raised mound for 49 miles, }
North	80.00	Raised mound on west side of ravine, course northeast, for 50 miles.
North	80.00	Raised mound for 51 miles.
North	80.00	Raised mound for 52 miles.
North	80.00	Raised mound on east side of ravine, course north, for 53 miles.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
North	80.00	Raised mound for 54 miles.
North	30.50	To a large creek, course east, 2.50 chains wide, a branch of the Salt fork; no timber on it.
North	80.00	Raised mound for 55 miles,
North	80.00	Raised mound for 56 miles,
North	80.00	Raised mound for 57 miles,
North	80.00	Raised mound for 58 miles,
North	14.50	To a large creek, course east, 2½ chains wide; no timber on it.
North	80.00	Set rock on west side of a hill for 59 miles; then over poor, hilly, broken land
North	92.00	To the northwest corner of the Cherokee lands, which established by erecting a mound of earth, 6 feet square at base, and 5½ feet high, and depositing therein a cylinder of charcoal, 12 inches long and 4 inches diameter, then proceeded east.

FIELD NOTES of the survey of the northern boundary of Cherokee lands east, from the Michigan boundary to the Arkansas river.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
		Proceeded east over level fertile prairie.
East	80.00	Raised mound for 1 mile.
East	80.00	Raised mound for 2 miles.
East	80.00	Raised mound for 3 miles, then over some high rocky points near the source of a creek; course east.
East	80.00	Set rock on east side of the source of a creek, course southeast, for 4 miles.
East	80.00	Raised mound for 5 miles.
East	80.00	Raised mound for 6 miles.
East	77.50	Crossed dry branch, noted as above; course northeast; no timber, then poor, level, sandy prairie.
East	80.00	Raised mound for 7 miles.
East	80.00	Raised mound for 8 miles.
East	80.00	Raised mound for 9 miles.
East	80.00	Raised mound on west side of a dry creek, course northeast, for 10 miles.
East	80.00	Raised mound for 11 miles, }
East	80.00	Raised mound for 12 miles, }
East	80.00	Raised mound for 13 miles, }
East	80.00	Raised mound for 14 miles, }
East	80.00	Raised mound for 15 miles, }
East	80.00	Raised mound for 16 miles, }
East	80.00	Raised mound for 17 miles, }
East	80.00	Raised mound for 18 miles, }
East	80.00	Raised mound for 19 miles, }
East	80.00	Raised mound, from which a cotton wood, 10 inches diameter, bears north 75° east 2 chains, marked "Ck. L. 99 M.," for 20th mile, then through sand hills, covered with scattering cotton wood timber.
East	62.00	Crossed the dry bed of a large creek; course northeast.
East	80.00	Raised mound for 21 miles.
East	80.00	Set stake, from which a cotton wood, 24 inches diameter, bears south 77° east 70 chains, marked "Crk. L. 22 M.," for 22d mile; sand hills.
ast	55.00	To a river, a branch of Salt Fork; course southeast, 7 chains wide, then continued through level sandy prairie bottom; no timber.
East	80.00	Raised mound for 25 miles; opposite this, half mile to south, the last named river enters the main Salt Fork.
East	80.00	Raised mound for 26 miles.
East	80.00	Raised mound for 27 miles.
East	60.50	To a creek 1 chain wide; course south.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
East	80.00	The 28th mile to the Salt Fork; course north 70° east; general width about 15 chains; no timber of consequence on it; then continued down in the channel of the river to
East	80.00	Left it, raised mound on the bank for 29 miles.
East	80.00	Raised mound for 30 miles; continues poor, and somewhat hilly prairie,
East	80.00	Raised mound for 31 miles.
East	80.00	Raised mound for 32 miles; then through sand hills.
East	80.00	Raised mound for 33 miles.
East	19.00	Crossed a creek 50 links wide, course north; no timber on it; prairie improves on east side.
East	80.00	Raised mound for 34 miles.
East	80.00	Raised mound for 35 miles.
East	80.00	Raised mound for 36 miles; in edge of sand hills, then through sand hills to the river.
East	80.00	To the Salt fork, the 37th mile, in the bed of the river; then through a succession of sand hills.
East	80.00	Raised mound for 38 miles.
East	80.00	Raised mound for 39 miles.
East	48.00	To a river, course southeast, 15 chains wide; some scattering cotton-wood timber on it.
East	80.00	Raised mound for 40 miles; then over level second rate prairie.
East	80.00	Raised mound for 41 miles.
East	80.00	Raised mound for 42 miles,
East	80.00	Raised mound for 43 miles,
East	80.00	Raised mound for 44 miles,
East	80.00	Raised mound for 45 miles,
East	80.00	Raised mound for 46 miles,
East	80.00	Raised mound for 47 miles,
East	80.00	Set rock on the top of high hill for 48 miles.
East	80.00	Set rock for 49 miles.
East	80.00	Set rock for 50 miles.
East	80.00	Set rock for 51 miles.
East	63.00	To a small branch, course north; some scattering trees on it.
East	80.00	Raised mound for 52 miles.
East	80.00	Raised mound for 53 miles.
East	80.00	Set rock on east side small brook, course north, for 54 miles.
East	80.00	Raised mound for 55 miles; then over hilly, broken country, cut up with deep ravines.
East	80.00	Raised mound for 56 miles.
East	80.00	Raised mound for 57 miles.
East	37.50	Crossed small creek, course north; no timber.
East	80.00	Set rock for 58 miles.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
East	80.00	Raised mound for 59 miles.
East	80.00	Raised mound in ravine, course north, for 60 miles; then over same description of country.
East	80.00	Raised mound in ravine, course southeast, for 61 miles.
East	80.00	Set rock for 62 miles.
East	21.00	To a creek half chain wide, course north; a few scattering trees on it.
East	80.00	Raised mound for 63 miles.
East	80.00	Set rock for 64 miles.
East	80.00	Raised mound for 65 miles; prairie continues poor and broken, cut up with deep ravines.
East	80.00	Raised mound for 66 miles.
East	60.00	To a small creek, course north, some elm trees on it.
East	80.00	Raised mound for 67 miles,
East	80.00	Set rock for 68 miles,
East	80.00	Set rock for 69 miles,
East		To a branch, course northeast,
East	80.00	Raised mound for 70 miles,
East	80.00	To a large creek, course southeast, about 30 chains wide; some cotton-wood timber on it,
East	80.00	Raised mound for 72 miles.
East	80.00	Raised mound for 73 miles.
East	76.50	To a creek, course south, 1 chain wide; scattering timber.
East	80.00	Raised mound for 74 miles.
East	80.00	Raised mound for 75 miles.
East	80.00	Raised mound for 76 miles.
East	80.00	Raised mound for 77 miles.
East	39.00	To a small creek, course south, some brush and timber on it, then over high rolling prairie; soil second rate.
East	80.00	Raised mound for 78 miles.
East	80.00	Raised mound for 79 miles.
East	80.00	Raised mound for 80 miles.
East	80.00	Raised mound for 81 miles.
East	80.00	Raised mound for 82 miles.
East	80.00	Raised mound for 83 miles.
East	74.50	To a prairie creek, course south, no timber on it.
East	80.00	Raised mound for 84 miles,
East	80.00	Raised mound for 85 miles,
East	80.00	Raised mound for 86 miles,
East	80.00	Raised mound for 87 miles,
East	80.00	Raised mound for 88 miles,
East	80.00	Raised mound for 89 miles,
East	80.00	Raised mound for 90 miles,
East	80.00	Raised mound for 91 miles,

Hilly, poor prairie, red, sandy soil; the water impregnated with glauber salts.

High, level, prairie soil; second rate; somewhat sandy.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
East	66.50	To a small creek, course south 15° east, some scattering cotton wood on it, then rich, level prairie.
East	80.00	Raised mound for 92 miles.
East	80.00	Raised mound for 93 miles.
East	80.00	Raised mound for 94 miles.
East	80.00	Raised mound for 95 miles.
East	80.00	Raised mound for 96 miles.
East	24.50	To a main branch of the Salt Fork, course southeast and east, 15 chains wide, some cotton wood timber on it, bottoms poor and sandy.
East	80.00	Raised mound for 97 miles.
East	62.00	To the river again, course east, and down it 7 chains.
East	80.00	The 98th mile in the river, it then runs southeast, continued through flat, sandy prairie bottom.
East	80.00	Raised mound for 99 miles.
East	30.00	Commences high, rolling, fertile prairie.
East	80.00	Raised mound for 100 miles.
East	80.00	Raised mound for 101 miles.
East	80.00	Raised mound for 102 miles.
East	80.00	Raised mound for 103 miles.
East	80.00	Raised mound for 104 miles.
East	80.00	Raised mound for 105 miles.
East	80.00	Raised mound for 106 miles.
East	7.50	To a creek, course south, 50 links wide.
East	80.00	Raised mound for 107 miles.
East	80.00	Raised mound for 108 miles.
East	80.00	Raised mound for 109 miles.
East	63.00	To a small creek, course south, a few scattering trees on it above the line, then over gently rolling prairie; soil second rate and sandy.
East	80.00	Raised mound for 110 miles.
East	80.00	Raised mound for 111 miles.
East	80.00	Raised mound for 112 miles.
East	80.00	Raised mound for 113 miles.
East	80.00	Raised mound for 114 miles.
East	80.00	Raised mound for 115 miles.
East	80.00	Raised mound for 116 miles.
East	80.00	Raised mound for 117 miles.
East	80.00	Raised mound for 118 miles.
East	80.00	Raised mound for 119 miles.
East	80.00	Raised mound for 120 miles.
East	80.00	Raised mound for 121 miles.
East	80.00	Raised mound for 122 miles.
East	80.00	Raised mound for 123 miles.
East	80.00	Raised mound for 124 miles.
East	80.00	Raised mound for 125 miles.
East	80.00	Raised mound for 126 miles.

High, gently rolling, fertile prairie; soil black and loose; no timber of any description near the line, and but very little water; no game except a few scattering buffalo, and some wild horses.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
East	80.00	Raised mound for 127 miles.
East	80.00	Raised mound for 128 miles.
East	80.00	Raised mound for 129 miles.
East	80.00	Raised mound for 130 miles.
East	80.00	Raised mound for 131 miles.
East	80.00	Raised mound for 132 miles.
East	80.00	Raised mound for 133 miles.
East	80.00	Raised mound for 134 miles.
East	80.00	Raised mound for 135 miles.
East	80.00	Raised mound for 136 miles.
East	26.00	To a large creek, course southeast; very little timber on it.
East	80.00	Raised mound for 137 miles.
East	80.00	Raised mound for 138 miles.
East	80.00	Raised mound for 139 miles.
East	80.00	Raised mound for 140 miles.
East	80.00	Raised mound for 141 miles.
East	80.00	Raised mound for 142 miles.
East	80.00	Raised mound for 143 miles.
East	80.00	Raised mound for 144 miles.
East	70.00	To a creek, course southeast; some timber on it, principally elm; runs into the one last noted, 20 chains below.
East	80.00	Raised mound for 145 miles.
East	80.00	Raised mound for 146 miles.
East	80.00	Raised mound for 147 miles.
East	80.00	Raised mound for 148 miles.
East	80.00	Raised mound for 149 miles.
East	71.50	To a large creek, course south, 1.50 chains wide; some timber on it, increases below.
East	80.00	Raised mound for 150 miles.
East	80.00	Raised mound for 151 miles.
East	80.00	Raised mound for 152 miles.
East	80.00	Raised mound for 153 miles.
East	80.00	Raised mound for 154 miles.
East	63.00	To a small creek, course south, 25 links wide; some timber.
East	80.00	Raised mound for 155 miles.
East	22.50	To another creek, 50 links wide, course south; some timber on it.
		Then continued over gently rolling fertile prairie; herbage very luxuriant.
East	80.00	Raised mound for 156 miles.
East	80.00	Raised mound for 157 miles.
East	80.00	Raised mound for 158 miles.
East	80.00	Raised mound for 159 miles.
East	80.00	Raised mound for 160 miles.
East	80.00	Raised mound for 161 miles.
East	80.00	Raised mound for 162 miles.

Prairie continues high, rolling, and fertile.

Continues rich, high, rolling prairie, with but little timber in view.

Gently rolling, fertile prairie.

Rich, loose soil.

Course.	Distance.	Remarks.
	<i>Chains.</i>	
East	37.00	Crossed the source of a creek, course south; timber below; continued over rich prairie.
East	80.00	Raised mound for 163 miles.
East	80.00	Raised mound for 164 miles, on east side of prairie branch course south.
East	80.00	Raised mound for 165 miles.
East	80.00	Raised mound for 166 miles.
East	80.00	Raised mound for 167 miles.
East	80.00	Raised mound for 168 miles.
East	80.00	Raised mound for 169 miles.
East	80.00	Raised mound for 170 miles.
East	80.00	Raised mound for 171 miles.
East	80.00	Raised mound for 172 miles.
East	80.00	Raised mound for 173 miles,
East	80.00	Raised mound for 174 miles,
East	80.00	Raised mound for 175 miles,
East	80.00	Raised mound for 176 miles,
East	80.00	Raised mound for 177 miles,
East	80.00	Raised mound for 178 miles,
East	80.00	Raised mound for 179 miles,
East	80.00	Raised mound for 180 miles,
East	23.00	To the west bank of Arkansas river, its course south, prairie on west bank, and rich timbered bottom on the east side; opposite this, an island about $\frac{1}{2}$ mile long, covered with cotton-wood. This is the termination of my survey of the northern boundary of the Cherokee lands, and nearly 40 chains below the point where Major Langham's survey of the south boundary of Osage lands closes on the Arkansas river. Set a post, from which a cotton-wood, 18 inches in diameter, bears south 18 links, marked "Ck. L. 180 M.;" the river heads north $\frac{1}{2}$ a mile, then west about 3 miles, then northwest.

The prairie becomes somewhat hilly; fertile; limestone.

I certify that the foregoing field notes of surveys of Cherokee lands, on pages from 1 to 42, are correct.

JOHN C. McCOY,
Surveyor.

NEWPORT, MISSOURI, September 20, 1837.

CHEROKEE AGENCY EAST,
September 22, 1837.

SIR: About the 6th of May last, with the consent of the commissioners, I furloughed Doctor C. Lillybridge for fifty or sixty days, with an understanding that, if his services were needed at the post assigned him, that Doctor Lide, medical director, should employ a physician in his place, and that Doctor Lillybridge should pay him out of his per diem. Shortly after the Doctor left, the Cherokees commenced enrolling at Ross's landing, the post assigned Doctor Lillybridge, and the dysentery and diarrhœa broke out among the Indians very violently, and I had Doctor Samuel S. M. Doak employed, who was kept busily employed until Doctor Lillybridge returned; and now Doctor Lillybridge refuses to pay Doctor Doak, although his furlough was granted on that express condition. Doctor Lillybridge was absent over sixty days, (as he has informed you,) and Doctor Reynolds, disbursing agent, refuses to pay him without your order. Will you please (if you order him paid) order Doctor Doak paid out of his per diem, agreeably to the conditions of his furlough.

I hope to be able to start 700 or 800 Cherokees in a few days.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, GEORGIA,
September 23, 1837.

SIR: I have the honor, herewith, to transmit my quarterly accounts of disbursements for the second quarter of the present year.

My abstract of disbursements for the Cherokee emigration are signed by the special agent alone, that being in his opinion the proper method.

The commissioners' certificates have been abstracted separately, and after a form of my own invention. The special agent was of the opinion that they did not properly belong to the abstracts which he should sign, and the commissioners say they have no instructions on the subject; so I have, in consequence, certified to the abstract myself.

The account current has been made up, without reference to the last account made by me, for disbursements of annuities. If this be not proper, please inform me, and it shall be corrected.

Doctor Minis required of me a receipt for blank returns and stationery. These articles are all borne on the property return, in order to meet Doctor Minis's invoices; but considering that I am excused, by the 63d article of the regulations, from making a return of these articles, I shall drop them after this return.

I have taken a receipt from General Smith for all provisions, ordered to be paid for, and he will account for the same.

Very respectfully, your obedient servant,

J. P. SIMONTON,

Captain, and Disbursing Agent C. R.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs,

Washington, D. C.

WASHINGTON, *September 25, 1837.*

SIR: I have the honor to state, that, in pursuance of your instructions I proceeded to the Cherokee country, and attended the council, which had been called by the chiefs, to assemble on the 31st July, at Red Clay, East Tennessee. I reached the council ground on the 4th August, where I found Colonel Lindsay, Major Payne, and other officers, and General Smith, the agent for emigration. I was informed by those gentlemen that the Indians began to assemble on the 31st July, and organized their council for business on the 2d August; and that on the 3d, Mr. John Ross, as principal chief, delivered a talk in English, which was rendered into Cherokee by an interpreter. When I arrived, the number of Indians present was estimated at about 3,000, and parties were constantly coming in; probably the greatest number on the ground, including women and children, did not exceed 4,000. It was understood that the assemblage would have been much greater, but for the prevalence of dysentery in the nation, which raged as an epidemic, and kept most of the Indians at home, in attendance on their sick families.

Having taken quarters in the Indian camp, I used every means during my stay there to acquire correct information as to the character and objects of the council, and as to the temper and intentions of the Indians. On the first point, I could but come to the conclusion that the meeting was decidedly national in its character, and that whatever measures should be taken there, ought to be viewed and treated as the deliberate and authentic acts of the Cherokee nation. The object of the council was evidently to consult and deliberate as to the treaty of New Echota, and to adopt, with the sanction of the nation, a final and decisive course of action with regard to it. As to the present temper of the Cherokees, they are greatly excited at the condition of their affairs, though they have no idea of an immediate appeal to arms. They understand their condition perfectly, and appear resolved, be the consequences what they may, not to emigrate under the existing treaty, or to do any act which can be construed into giving assent to it.

From the moment of my arrival among them, I sought every opportunity to assure the chiefs and people that the Government was actuated by the kindest feelings towards them, and anxious to do them justice in every particular. They had been accustomed for years to harsh language and harsher usage, on the part of Government agents, and this kind deportment had an immediate effect. The council called upon me in a body, and assured me of their friendship. The Indians of all classes visited me frequently; and often, in passing through their camp, they stopped me to shake hands, and say they were friends, and the hospitality of their camp was freely tendered to me, and to the officers. On the 7th August, I delivered a talk to the council and people. It accompanies this letter, marked A. A few days after, I received a reply in writing, also accompanying this letter, marked B, enclosing a copy of the resolutions of the council, in reference to the condition of Cherokee relations with the Government of the United States. My talk was heard with respectful attention by the chiefs and multitude, many of whom understood English. General Smith's interpreter was employed on the occasion, and, as I was assured by persons present who speak both languages that his translation was faithfully made, I have no doubt the talk was fully understood by every Indian within hearing. At the request of the council, I gave them a copy of it. The council was attended

by Indians from all parts of the Cherokee country. They evidently manifested the deepest interest in the subjects before them, and it was the opinion of the best informed officers stationed in the country that if their meeting had been prevented or disputed by force, the Indians would have resorted to hostilities. The chiefs and the better informed part of the nation are convinced that they cannot retain the country. But the opposition to the treaty is unanimous and irreconcilable. They say it cannot bind them, because they did not make it; that it was made by a few unauthorized individuals; that the nation is not a party to it; that it is in fact a fraud upon the Cherokees and upon the United States; that they never will agree that a handful of traitors shall sell their country, and determine the destiny of their people; and that they never will believe, until they see the Federal bayonet, on the fatal 23d of May next, levelled against the breast of the Cherokee, that the Government of the United States can attempt to enforce a proposition so revolting to justice and humanity. The chiefs say, that in the event of force being used to expel the Cherokees from their country, they will advise them, as the weaker party, to make no resistance, but that they are by no means certain their advice will be followed. The Cherokees retain the forms of their Government in their proceedings among themselves, though they have had no election since 1830; the chiefs and headmen then in power having been authorized to act until their Government shall again be regularly constituted, and to fill vacancies that may occur in the mean time. These compose an executive council, a committee of two members for each of the eight districts into which they divide the nation, and a council of three members for each district. Under this arrangement, John Ross retains the post of principal chief, and head of the executive council, and he and those acting with him are acknowledged and obeyed by the nation. The influence of this chief is unbounded, and unquestioned. The whole nation of 18,000 persons is with him; the few, about 300, who made the treaty, having left the country, with the exception of a small number of prominent individuals, as Ridge, Boudinot, and others, who remained to assist in carrying it into execution.

It is evident, therefore, that Ross and his party are in fact the Cherokee nation. It is certainly true, however, that many Indians, though opposed to the treaty, have already emigrated to Arkansas, and that others are preparing to go; but these, I was informed by General Smith and Colonel Lindsay, are the very poor, who are attracted by the daily rations served out to them, or the very wealthy, who, foreseeing the horrors of a war, leave the country to save their property. I believe that the mass of the nation, particularly the mountain Indians, will stand or fall with Ross. The officers say that, with all his power, Ross cannot, if he would, change the course he has heretofore pursued, and to which he is held by the fixed determination of the people. His Cherokee opponents concur in this opinion. The Indians are suspicious, and watch even his movements with jealousy. He dislikes being seen in conversation with white men, and particularly with agents of the Government. Were he, as matters now stand, to advise the Indians to acknowledge the treaty, he would at once forfeit their confidence, and probably his life. Yet, though unwavering in his opposition to the treaty, Ross's influence has constantly been exerted to preserve the peace of the country; and Colonel Lindsay says that he (Ross) alone stands, at this time, between the whites and bloodshed. I might adduce numerous facts, and many of them of a most painful nature, to show that the opposition to the

treaty on the part of the Indians is unanimous and sincere, and that it is not a mere political game played by Ross for the maintenance of his ascendancy in the tribe ; but I deem it unnecessary.

The paper marked C, accompanying this letter, is the answer of the commissioners to the inquiries I was directed to make of them.

I have the honor to be, sir,

With great respect,

Your obedient servant,

J. MASON, JR.

HON. JOEL R. POINSETT,
Secretary of War.

A.

TALK.

BROTHERS: I am here by command of the President of the United States. I salute you in his name, and bear to you his best wishes for your welfare. The President was informed by the chiefs, at whose call you are here assembled, that "the objects of this council were to receive the report of the delegation, lately at Washington, for the information of the nation, and that the Cherokees might confer and deliberate in peace and brotherly feeling among themselves upon their own affairs generally." These are the words of the chiefs. The President believes them to be words of truth. He is the true friend of the Cherokees. He ordered that their council should not be interdicted, and he has sent me to speak to you in his name.

Brothers: You have heard the report of your delegation. They have told you, I doubt not, that they were received with kindness, and heard with attention. The replies of the President to your delegation have, I am told, been laid before you.

Brothers: The President is very powerful, but his great power is guided by justice, and the first wish of his heart is to insure safety and happiness to the Cherokee nation.

Brothers: The President loves you with the same regard which he feels for your white brethren. He has seen with deep interest your noble and successful efforts to escape from the ignorance and barbarism which was the lot of your forefathers, and to elevate your nation in the scale of civilization. He has witnessed with great satisfaction your rapid improvements in the arts and comforts of life ; the eagerness with which you have thirsted after education, and above all other things, the rapid diffusion of the blessed light of Christianity amongst those of you who, by position or facilities of instruction, have fallen within the reach of its influence. He has not forgotten, brave Cherokees, that when the country has been plunged in war, the Cherokee warrior has poured out the full tide of his heart's blood by the side of the white man, as if emulously contending which could best defend a common country. Think you that when he looks at all these things, he does not feel a deep interest in the destiny of the Cherokee people? He says that when he looks back on the pages of history, he sees but a record of the ruin of numerous and powerful tribes of Indians, who have successively perished ; who have undergone such complete extinction that not a drop of their blood, not a word

of their language, is left, and even their very names are preserved but in a faint and treacherous tradition. Brothers, look from Penobscot in the north, to St. Mary's in the south, and say what has been the fate of the Indian tribes which have lived in contact with the white man! Have they not all perished? All! In the sincerity of your hearts, answer me and say, could you, under similar circumstances, expect a different fate? The President has said such must not be the fate of the Cherokee nation. Brothers, hear the talk of the President. These are his words: It has long been an object of anxious solicitude with the Government of the United States to remove the Cherokees beyond the baneful and fatal influences which now surround them, and which, if they had been suffered to remain in their present position, must soon have destroyed them. In pursuance of this humane policy, the treaty of 1835 was made with them. Notwithstanding the very liberal terms of this treaty, by which the United States have made provisions for the future quiet, comfort, and happiness of their red brethren, and have agreed to pay largely and liberally for the lands and improvements the Cherokees will abandon, a portion of the nation are dissatisfied with that compact, and seek to overthrow it. Their delegation was assured by the executive that this instrument is now become, by mutual acts of ratification, the law of the land, and cannot be altered at the will of either party; that the President has no power over it; and that the constitution of the United States makes it his imperative duty to cause it to be executed. In all the interviews had by the Cherokee delegation with the President and with the Secretary of War, this language was held to them, and this declaration solemnly repeated. In the name of the President I repeat this declaration now, to the council and to the assembled nation.

Brothers: The President says, that the people of the United States and the Government have hitherto regarded the condition of the Cherokees with great interest and deep sympathy. They saw them surrounded and pressed upon by a white population, which, for their own preservation, were compelled to extend their laws over the Indians, as well as over their own people, yielding gradually to the pressure, and falling to decay. Encompassed by evils, moral and physical, and those fearfully increasing, their condition was becoming worse and worse, and they were about to disappear, as so many tribes had done before them. A few of the chiefs might have survived the general fall of the nation, but no doubt can be reasonably ascertained that the mass of the people must soon have perished. Brothers, the President says that entertaining these views, and anxiously solicitous to avert so great an evil, the Government sought to remove this people beyond the reach of moral and physical causes, which were rapidly, certainly, and evidently working their destruction. The nation for a long time obstinately refused to listen to the proposals of the Government, and resisted all our efforts to ameliorate their condition. Instead of being a prosperous and united people, established in a fertile region, independent of the rule of the white man, which is foreign to their customs and abhorrent to their notions of freedom, they still linger in the territory of the States, a divided people, harassed by the encroachments of the white inhabitants, and subject to laws they cannot understand. Instead of roaming unrestrained over lands abounding in game, they are pent up by the improvements of their neighbors, and suffering under distresses and privations which would soon terminate in their ruin and utter extinction. Those who seek to withdraw them from such a state are their friends, and those who would mislead them

by urging them to resist the benevolent designs of the Government are their enemies, and worthy the severest punishment.

Brothers: Such is the talk of the President, which he has sent me to lay before you, that you may know the truth from himself. Listen not to those who tell you to oppose the benevolent designs of the Government. They are wicked men. They speak with a forked tongue, and their bad advice would lead to your inevitable ruin. Brothers, you have heard the words of the President; they are spoken in kindness. When each good Cherokee goes home to his lodge, and looks upon the woman and children he loves, as he values their welfare and his own, let him remember the words of the President. Brothers, the President hopes that you will see the force of the reasons he has given, why you cannot remain here; and that you will go contentedly and quietly to your new country. The Government will faithfully fulfil all the stipulations and engagements which it has contracted with you, and its earnest desire is to see you prosperous and happy, and permanently settled in the fine country provided for you, where you will never again be disturbed. Brothers, is there among good men a father, who could see his children exposed to dreadful dangers, and not make every effort to snatch them away at once and place them in safety? The President feels for you as a father for his children. He sees you here exposed to fatal influences which are working your destruction, and he earnestly desires to place you beyond their reach; hence his anxiety to see you safe in the new and distant country set apart for you. Once there, and these fatal influences cannot reach you. Here you are pent up within narrow limits, and with difficulty many of your people find even a scanty subsistence. There you have a wide country to yourselves, where the industrious cultivator of the soil will reap his crops in peace and security, and where the hunter will find game in abundance. Here you are subjected to laws, in the making of which you have no voice; laws which are unsuited to your customs, and abhorrent to your ideas of liberty. There, Cherokees, you will make laws for yourselves, and establish such government as in your own estimation may be best suited to your condition. There, Cherokees, in your new country, you will be far beyond the limits or jurisdiction of any State or Territory. The country will be yours; yours exclusively. No other people can make claim to it, and you will be protected by the vigilant power of the United States against the intrusion of the white man. There you can cultivate in security the arts of peace, which supply the comforts of life. There you can continue without interruption the improvements in your moral and social condition, which you have for many years pursued with laudable zeal and eminent success. There, finally, Cherokees, to give permanency to your institutions, and to secure the peace and prosperity of your nation, you will be entitled to a delegate in the House of Representatives of the United States, and thus be constituted a member of this great confederacy, with full right to its protection, and a full participation in all its advantages and blessings.

Brothers: I have done. May the Great Spirit guide your steps in the paths of peace; and under his divine protection, may you and your children enjoy long life and happiness.

B.

RED CLAY, CHEROKEE NATION,

August 11, 1837.

SIR: I have the honor to enclose you a copy of the resolutions of the general council, in reference to the present condition of our relations with the Government of the United States. These resolutions were passed by the unanimous voice of the people in general council assembled, the day after your communication from the President was delivered to them.

In presenting this formal expression of the sentiments of the Cherokee people, it may be proper to say to you, as the special agent of the President, and the organ through whom his views have been conveyed to them, that the mild and conciliating spirit and the kindness of expression which pervaded your address, were peculiarly soothing to their feelings. It is encouraging to them to be assured that their efforts to escape from ignorance and barbarism, their improvement in the arts and comforts of life, and the diffusion among them of the inestimable blessings of christianity, meet the cordial approbation of the President. But, sir, it is extremely painful to them, among sentiments so fraught with benevolence towards the Indian race in general, and towards the Cherokees in particular, to find anything which would conflict with the course which, in compliance with the paternal advice of former Presidents, they had pursued and found to be eminently successful in the advancement of their welfare as a people. The Cherokees are, indeed, troubled, sir, to hear that the President holds the New Echota compact to be a valid treaty; and further, in reference to that instrument, they are most painfully surprised to find it affirmed, in your address, that mutual acts of ratification have been performed. It is a matter of sincere regret that the acts of the Cherokees, in regard to that subject, should have been so grossly misrepresented to the authorities of the Government as to lead the President to form such an opinion.

So far have the Cherokees been from performing any act of ratification, that they ever have been uniform and decided in their opposition to it. The makers of that pretended compact, who arrogated to themselves the style of chiefs, headmen, and people, acted in violation of the positive injunction of the general council of the nation, and in opposition to the known will and reiterated protestations of the people. As to the present sentiments of the Cherokees, and the unanimity with which they are entertained, you have doubtless become satisfied, by personal observation; and they confidently cherish the hope that the representations which you may deem it proper to make, will induce the Government to change the course of action pursued towards them.

In conclusion, sir, permit me to assure you that the interviews with which you have honored many of our citizens will long be remembered with grateful emotions.

I have the honor to be, sir,

Your obedient servant,

JOHN ROSS,

Principal Chief, Cherokee Nation.

To JOHN MASON, Jr., Esq.,

U. S. Special Agent.

Whereas, at the general council of the Cherokee nation, holden at Red Clay, in September, 1836, the sentiments of the Cherokee people, in regard to an instrument, purporting to be a treaty, made at New Echota, by General William Carroll and John F. Schermerhorn, commissioners on the part of the United States, and the chiefs, headmen, and people of the Cherokee tribe of Indians, was deliberately expressed in a series of resolutions, accompanied by a memorial addressed to the Government of the United States, solemnly protesting against the said instrument, as unauthorized by our people; and consequently destitute of any binding force on us; and whereas, a delegation was then appointed to represent the Cherokee people before the Government of the United States, vested with full powers to enter into negotiations with the authorities of the said Government, for the final adjustment of all our difficulties; and whereas, the said delegation have submitted to this council a full report of their doings, in the prosecution of the duties with which they were charged; and it appearing from said report, for causes therein assigned, that the business of their mission remains in an unfinished state, and that nothing definitive has yet been effected; and whereas, our sentiments on the subject have undergone no change, and that our earnest desire still is, to have our difficulties brought to a close as speedily as practicable, consistently with the permanent welfare of the Cherokee people; wherefore,

Resolved by the chiefs, national committee and council, and people of the Cherokee nation, in general council assembled, That John Ross, principal chief, Richard Taylor, Samuel Gunter, James Brown, Edward Gunter, Elijah Hicks, Sitewake, and White Path, be, and they are hereby, appointed to represent the Cherokee people before the Government of the United States, and that they be, and they are hereby, vested with full powers to prosecute to maturity the unfinished business now before the said Government, and to do all other acts which may be necessary, on the part of the Cherokee nation, for the final adjustment of every matter mutually interesting to the United States and the Cherokee nation; therefore,

Resolved further, That our highly esteemed and trustworthy brethren and fellow citizens above named be, and they are hereby, respectfully commended to the favorable regard and confidence of the authorities of the Government of the United States.

Resolved, That for our sentiments in detail, we refer to the resolutions and memorial of September, 1836, and to the delegation now appointed to represent us before the Government.

Resolved, That the doings of the delegation, who have just reported, meet the unqualified approbation of this council, for which they are entitled to our thanks, which are hereby affectionately and respectfully tendered to them.

Resolved, That John Ross, Richard Taylor, Samuel Gunter, James Brown, Edward Gunter, Elijah Hicks, Sitewake, and White Path, be, and they are hereby, authorized to receive, on behalf of the Cherokee nation, and to receipt for the same, any moneys due, or which may become due, on any account whatever, from the United States to the Cherokee nation.

Resolved, That the annual meeting of the committee and council, on the second Monday of October next, be, and it is hereby, dispensed with.

RED CLAY COUNCIL GROUND,
August 8, 1837.

Approved, and adopted unanimously, and signed by the chiefs, national committee and council, and people then present, to the number of upwards of two thousand persons.

A true copy from the original in my possession.

JOHN ROSS,
Principal Chief of the Cherokee Nation.

COMMISSIONERS' OFFICE,
New Echota, September 9, 1837.

SIR: Every day since your departure from this place, we have desired to respond fully in writing to the inquiries addressed to us through you, from the War Department. But each day has brought new duties upon our hands, of a nature so pressing that we have not found time for such a reply as would satisfy ourselves, and, consequently, not calculated to afford all the information sought by you from us.

As to anything contained in our correspondence with the Government, or its officers at Washington, which may be considered in the nature of complaints from us, we must beg leave to refer to the correspondence itself. We have, upon all occasions, in our correspondence, written with candor and frankness; never in a spirit of unkindness to others, but always under a sense of duty to ourselves and the service of the country in which we were engaged. We are not now disposed to reiterate what might be termed our complaints. After the occasion for strong feelings or expressions of opinion has passed away, we are indisposed, unnecessarily, to re-ignite the expiring embers. However, our views and opinions, in regard to what would have been the best mode of executing the late Cherokee treaty, remain unchanged, and will be briefly submitted.

We entered this country as the agents of the Government, intrusted in part with the execution of a treaty, which we considered the supreme law of the land. We disclaimed all power or authority to negotiate; our business was to execute; we considered the argument, in relation to all Cherokee affairs, *exhausted*, whenever that argument called in question the validity of the treaty. Upon all proper occasions, (and we sought to create such,) we labored to convince the Cherokee people of the kindness and magnanimity of the Government towards them, as exemplified in the terms and provisions of the treaty. Moreover, in the administration of the duties confided to us, and in the exercise of some powers of a discretionary nature which were confided to us, we think we are not vain in believing that our efforts have produced a general and salutary effect upon the intelligent and wealthy portion of the Cherokee people, which has continued to spread and increase, until we are now convinced that most of the intelligent and wealthy will not only yield to the treaty, but that they are either openly or secretly well pleased with its provisions.

Mr. Ross and his followers oppose the treaty; first, because it was not made by Ross, and, secondly, because the treaty provides for the whole Cherokee people of every grade and condition, *without conferring any special powers over the public funds of the Cherokee nation upon Mr. Ross and his*

followers. Now, if every other officer and agent of the Government, connected with the service of executing this treaty, had, from the beginning, acted upon the principles which we have briefly laid down, the treaty would have been carried out triumphantly.

From the nature of the duties of our agency in this business, we have necessarily been stationary most of the time; but the military officers, as well as the emigrating agent and his assistant, have had abundant time and opportunity to have visited every part and portion of the Cherokee country, and to have fully explained to and enforced on the people by kind and persuasive arguments, and thus have convinced them of the necessity and expediency of yielding to the treaty. But this course has been omitted; the greater portion of the Cherokee country has not yet received the first visit from any officer or agent of the Government for the purposes above pointed out. These officers and agents have passed from one post to another, where other business or duty may have called them; but the idea of going among the Indians in their obscure settlements, for the purpose of explaining to them, and thereby preparing their minds for emigration, seems not to have been entertained by them. It is unreasonable to expect, that the ignorant Indians, who are scattered over a country embracing five or six millions of acres of land, would come forward voluntarily, and seek information upon this treaty subject, from persons who, they have been taught to believe, were unfriendly to their interests. The Indians who have most intercourse with the friends of emigration have been and will be the first emigrants, and hence the propriety and expediency of the officers and agents of the Government pursuing the course above mentioned. A great portion of the ignorant Indians opposed to removal hear nothing upon the subject, except it be from persons disposed to confirm them in their opposition and delusion. These views which we entertain have often been explained and urged upon the officers and agents of the Government, in many of our free conversations with these officers and agents, and would long since have been reduced to system in a written form, and presented to these officers and agents, but for the fact, that experience had convinced us that there was no disposition on the part of the commanding officer (General Wool) to respect our opinions or wishes on subjects connected with his military command. This feeling on the part of General Wool appeared to have originated from the time he was instructed to consult with and respect the opinions of the commissioners. Our correspondence, long since forwarded to Washington, will fully explain our situation in regard to these matters. And it may be proper to add, that in the absence of replies to our correspondence upon this subject, we deemed it most prudent for us to decline pressing a subject which might be construed into a desire, on our part, to assume more than had been legitimately assigned to us by the Government. Our position in these matters has been one of great delicacy and responsibility.

We have thought that the military might have been usefully and actively employed in visiting (under the command of prudent and competent officers) every part and portion of the Cherokee nation, acting towards the Indians in the true spirit of the Government, as communicated to us, by you, through the Secretary of War. Our views most fully coincide with those of the Government, as expressed to us through you, in regard to kindness and forbearance towards the Cherokee people; but, at the same time, the minds of these Indians should be prepared for coming events.

It is a fatal delusion for them to flatter themselves that they can remain

quietly in this country after the expiration of the time stipulated by the treaty.

In the expression of an opinion that the military stationed in this country have rather been productive of evil than good, our minds were directed to the frequent complaints, which had reached our ears, of the depredations of the soldiers upon the property and persons of the unoffending citizens of the country. Many of these complaints, we presume, have reached Washington, and we will repeat that we have not been able to discover that the military here have effected much good, by being stationed in the country. For upwards of six months past it has been known that a great number of Creek Indians have taken refuge in this country: some of them, it is true, were apprehended and delivered to an officer of the Government for emigration, but they chiefly made their escape and returned to this country; and at this time, it is believed, there are upwards of one thousand of these mischievous Creeks in this country, the larger portion of them, perhaps, not very far distant from this place. We think these Indians have great influence in preventing the Cherokees from emigrating, and that they ought, long since, have been apprehended and sent out of the country. Many of them are believed to have been among the first hostile party in Alabama.

We have entire confidence in the views and intentions of the Government in regard to the execution of this treaty. And, in performing the duties assigned us, we have most faithfully endeavored to act in conformity with the views of the Government, and in concert with all officers and agents with whom we have, in any respect, had connexion. But we feel it our duty to add, with due deference and respect to others, that, from the time the late treaty was finally ratified, it became a matter of the first importance (kindly and courteously) to convince Mr. Ross and all his followers that the treaty was the supreme law of the land, and must be executed. To effect this object of convincing the Cherokees, the Cherokee committee, appointed under the treaty, appeared to us to be placed in a responsible official situation, for the purpose of settling all the unsettled affairs of the nation, preparatory to the contemplated removal of the Cherokees under the treaty. The treaty seems to contemplate, and the interest of the Cherokee people obviously require, that all their affairs should be adjudicated and settled under the superintendence and direction of the Government and its agents. If Mr. Ross and his followers are still to be considered and recognised as the legal authorities of the Cherokee nation, we should then be led to doubt the validity of the treaty. Every act and deed which tends to keep the evidence of Mr. Ross's chiefship before the people, tends, at the same time, to lessen the confidence of the ignorant Cherokees that a treaty can be made and executed without the assent of Mr. Ross. His visits to Washington, his councils, his talks, the marked respect shown him by men in office and of high standing, all tend to confirm the ignorant Cherokees in their delusion in regard to his power and influence. Since the ratification of the treaty, Mr. Ross, in his memorials to Congress, and in his correspondence with the officers and agents of the Government, and in all his actings and doings, has continued boldly to protest against the validity of the treaty, declaring it to be a fraudulent attempt to deprive the Cherokees of their just rights. This course of Mr. Ross has had the strongest possible tendency to prevent the Cherokees from emigrating under the treaty; and if it be not considered (in a legal point of view) opposition

calculated to defeat the execution of the treaty, we are at a loss to conjecture what would be so considered. The Government may not have the legal right to suppress this opposition; it may not be wise and expedient to do so; but the time must and will soon come when these people must be undeceived. Our plan is, (in all kindness,) with firmness, to use every possible exertion to prepare the minds of the Cherokees for that change of residence which certainly awaits them; and so much of the time has elapsed, that our principal reliance now is upon the necessary arrangements for ample force, that the Government may be prepared to use the imperative tone when necessary. This is now the mildest course, and will best preserve the peace of the country.

We are, sir,

With great respect,

Your obedient servants,

WILSON LUMPKIN,

JOHN KENNEDY,

Commissioners

J. MASON, Jr., Esq.

NEW ECHOTA, GEORGIA,
September 27, 1837.

SIR: Yours of the 29th and 30th of August have been received. In relation to what has been said in the 29th I have to state as follows:

In the month of August, I received from the Treasurer of the United States \$200,000 in drafts on sundry banks and receivers of public moneys in the south, to be disbursed under the act of Congress of July 2, 1836, for carrying into effect the Cherokee treaty.

Of these drafts there are on hand to the amount of \$25,000; the balance have been disposed of, some to the recipients of money under the treaty, and others have been exchanged at par for available funds.

Within a few days after the receipt of the drafts, I disposed of several thousand dollars of them to recipients, chiefly merchants and business men, and some of the principal men among the Cherokees, who understood their value. It was, however, soon discovered that the great mass of recipients among the whites did not understand them, and it was out of the question to attempt to pass them to the illiterate Indians. About the same time, suddenly sprung up among the Cherokees a spirit of enrolling for emigration, and the greater number of persons enrolling became recipients of small sums, which the drafts would not answer to pay.

You are aware how important it is to keep up this spirit of emigration at this period, and every one who knows any thing of the Indian character and the present condition of affairs in the Cherokee nation, is aware that this spirit would have been very much depressed, and probably extinguished altogether, without proper means to keep it up. The ordinary currency of the country the Indians have been taught to believe is worth nothing to them west of the Mississippi; it was therefore necessary to seek for such as enjoyed their confidence, and leave no room for complaint.

It was then deemed expedient, under these circumstances, to exchange the drafts for such funds as would be made available in carrying out the views of the Government.

Accordingly, \$76,900 were exchanged at par with the Insurance Bank of Columbus, Georgia.

For the purpose of obtaining \$10,000 in specie for the *immediate* use of the emigrants, \$25,000 have been disposed of according to an agreement (a copy of which is herewith transmitted) between Wm. Hardin, president of the Western Bank of Georgia, A. Miller, one of its agents, and myself. This step was not taken without consulting the commissioners, and it was their opinion that the object to be obtained justified the course.

The Western Bank of Georgia is a specie paying bank, and is entitled to great confidence.

A few thousand, say about ten thousand, dollars have been disposed of at par, to different individuals, for specie and current notes of the country.

This is a brief history of the disposition of the drafts which I have received from the Treasurer.

The idea of exchanging drafts at a premium never occurred to me as a disbursing officer. I had taken it for granted that they were to be disposed of to recipients of public money, where it was convenient; and where it was otherwise, and the public convenience required exchanges, I presumed the Government of the United States only asked dollar for dollar. Proceeding upon this principle, I have made all exchanges at par, and have made no exchanges where I did not suppose the money received would be used to a greater advantage for the public service than the drafts themselves.

The funds received from the Insurance Bank of Columbus have thus far answered all the purposes of specie, and the Indians seem universally to have confidence in them. Without them I scarcely know how the public business here would have progressed. Ten thousand dollars were promptly furnished in specie by the Western Bank of Georgia, under the arrangement with Messrs. Hardin and Miller. This supply was most positively demanded, as the small supply of specie obtained at Augusta was completely exhausted, and it was necessary to make some show of specie to gratify the emigrants and silence complaint.

I have the honor to be

Your most obedient servant,

J. P. SIMONTON,

Disbursing Agent Cherokee Removal.

C. A. HARRIS, Esq.,

Commissioner of Indian Affairs.

NEW ECHOA, GEORGIA,

September 16, 1837.

For and in consideration of the sum of twenty-five thousand dollars in Treasury drafts of the United States, this day received by us from Captain J. P. Simonton, of the United States army, disbursing agent, &c., we, Wm. Hardin and Andrew Miller, do hereby agree and bind ourselves, our heirs, &c., to pay and deliver to said Simonton or his order, whenever hereafter applied for, at the banking house of the Western Bank of the State of Georgia, in the town of Rome, ten thousand dollars in current specie coins; and on or before the expiration of sixty days from this date, we promise, as aforesaid, to pay to the said Simonton the further sum of fifteen thousand

dollars, in the bills of the Bank of Augusta, the Bank of the State of Georgia, or of the Western Bank of the State of Georgia. And for the purpose of affording the said Hardin and Miller a reasonable opportunity of converting said drafts into funds to suit their convenience, and to prevent their sustaining loss upon said drafts, the said Simonton hereby covenants and agrees to pay the reasonable expense, which may be incurred, in sending an agent to the cities of Augusta, Savannah, and Charleston, and of transporting the sum of ten thousand dollars from any one of the cities named, to the town of Roine, in the county of Floyd, Georgia. But the said Simonton, has no agency in the employment of the agent, or responsibility for funds confided to the care of said agent. Furthermore, it is agreed and understood, and the said Simonton hereby binds himself to the said Hardin and Miller, that if, at any time within 60 days from the date, they or either of them shall return and deliver to him the drafts which they have this day received from him, he will then and in that case return to them the amount of specie and in like coins as he shall have received from them; and that the whole of this agreement shall be cancelled in all its parts, and the parties restored to the same condition as if this agreement had never been entered into, the contemplated expenses excepted.

In witness whereof, the parties have hereunto set their hands and seals, the day and date first within written.

WM. HARDIN,

President of the Western Bank of Georgia. [L. s.]

A. MILLER,

Agent of the Bank of Georgia. [L. s.]

J. P. SIMONTON,

Captain U. S. A., and Disbursing Agent. [L. s.]

ROOM COMMITTEE ON INDIAN AFFAIRS,

September 27, 1837.

SIR: The nomination of James W. Gwinn to be a commissioner under the 17th article of the treaty with the Cherokees, has been referred to the Committee on Indian Affairs, and the committee has instructed me respectfully to ask the use of any evidence in your department going to show his qualifications for the office; and, also, to ask information on the following points:

1st. When the Board of Commissioners under the 17th article of the treaty was first organized?

2d. What progress they have made in the duties assigned them?

3d. Why it is that the Executive now wishes to increase the number of commissioners?

I ask the favor of as early an answer as your convenience will permit,

And have the honor to be,

Most respectfully,

Your obedient servant,

H. L. WHITE,

Chairman.

The Hon. JOEL R. POINSETT,
Secretary of War.

COMMISSIONERS' OFFICE,
New Echota, September 30, 1837.

SIR: We still find it exceedingly difficult, in making the payments under the treaty, to make any funds available, except specie or funds equivalent thereto, viz: Treasury drafts, and bills of the United States Bank.

Captain Simonton has on hand at this time \$350,000, that is, if we include the draft on the Tennessee bank for \$200,000, which, we doubt, cannot be made available. We can, therefore, only calculate on the \$150,000 of the funds now within our control, and this amount will probably be entirely disbursed in one month.

Under these circumstances, we have to request the further sum of \$100,000 in Treasury drafts, payable as conveniently to this place as practicable, (or eastward of this place,) to be forwarded to Captain Simonton with as little delay as practicable.

We are making advances to the intelligent Cherokees, who are deemed capable of emigrating themselves, to the extent that a sound discretion will justify. This policy has thus far succeeded well, and we continue to entertain the opinion that it will be the means of emigrating almost every intelligent and wealthy man quietly, under the provisions of the treaty.

We are, also, in many instances, compelled to believe it indispensable to make small advances to the poorer classes, to free them from being harassed for small debts which they have contracted since the treaty, as well as to afford them the means of procuring suitable clothing for their removal, &c. Under these circumstances, more funds will necessarily be disbursed here than we anticipated, previously to having some experience on the subject.

We are, respectfully,

Your obedient servants,

WILSON LUMPKIN,
JOHN KENNEDY,

Commissioners.

C. A. HARRIS, Esq.
Commissioner, &c.

CHEROKEE AGENCY EAST,
October 1, 1837.

SIR: In my travels through the Cherokee country, I have got possession of information respecting claims for reservations, under the treaties of 1817 and 1819, that I deem it my duty to report to you, *i. e.* within the last ten months there have been divers persons traversing the Cherokee country, east and west of the Mississippi, hunting up the Indians, where living, or their descendants if dead, who registered under the treaties above named, for reservations, inducing the ignorant Indians to give them powers of attorney to prosecute their claims before the commissioners under the late treaty; and, in many cases, as I am informed, where they could not succeed otherwise, some of the more unprincipled have bribed their interpreters, and obtained powers of attorney from the Indians, without their knowledge of what they were signing; for not one Indian in twenty knows what a power of attorney means, without thorough explanation by a good

and honest interpreter. I would, therefore, respectfully suggest the propriety of your instructing the commissioners, in all cases of this sort, where an award is asked, that they should pay over to the proper Cherokee, if living, or his descendants, if dead; unless the power of attorney presented was acknowledged before two respectable and disinterested persons, through a sworn interpreter in the Cherokee service, and that for fair and honest consideration.

Very respectfully,

Your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

NEW ECHOTA, October 4, 1837.

SIR: My official agency here, as a commissioner under the Cherokee treaty, has brought to my knowledge and consideration a subject with which I suppose you are familiar, and which, to my mind, claims a share of our attention at this time. I allude to a description of small debts, contracted several years ago, by a portion of the poorer classes of the Cherokee people, with citizens of the States of Tennessee, Alabama, and Georgia, under the sanction of the late superintendent, B. F. Currey, Esquire.

The individuals holding these claims have chiefly (if not all) presented them to the commissioners for adjudication and payment; and upon full investigation of these claims, I entertain no doubt of their justice and validity. They will bear the strictest scrutiny, and are for small amounts, rarely exceeding ten dollars to one individual. These claimants have all presented the written license and instruction of Major Currey, for thus extending credits to these Cherokees; from which instructions it obviously appears that it was the object of Major Currey first to supply the actual necessities of these suffering Cherokees, and secondly to encourage them to emigrate, under the provisions of the treaty of 1828, as was known to be the wish and policy of the Government. Furthermore, the expectation of payment was held out to these claimants by the agent of the Government whenever a final treaty might be effected with the Cherokee people. These creditors are now becoming restless under the dull prospect which now presents itself of their being able to collect these claims. The Indians whom they have trusted being generally poor, and many of them having actually emigrated previous to the conclusion of the late treaty, it is but a rare case that any of these demands are against such persons as have assets coming under the contract of the commissioners to meet the demands, and where there is nothing coming to an Indian under the late treaty, you are apprized that the commissioners cannot reach any other fund to discharge demands against individual debtors.

These claimants entertain the opinion that they might be paid out of the per capita allowance, and that opinion I am apprized was entertained by Major Currey in his life time. But I cannot myself perceive how this can be effected. At any rate, it cannot be done until all other expenditures pointed out in the treaty shall have been paid and completed. And the per capita allowance, whatever it may be, will, I presume, of necessity, be

paid in the west, when and where it would cost these claimants more than their demands are worth to present and collect their claims. The whole amount of these claims, it is believed, will not exceed in the aggregate six thousand dollars, (\$6,000,) and the claimants having now lost sight of collecting their claims through the agency of the commissioners, have, as I understand, come to the conclusion to present their claims to the Government for payment, or perhaps make a direct application to Congress. I presume they cannot obtain payment, without an appropriation by Congress for that special purpose. But it would appear to me, under all the circumstances, that the application would be most appropriate through the department of the Government with which you stand connected. I have no doubt but these claims are just and honest, and having been created through the instrumentality and sanction of an officer of the Government, ought, therefore, to be paid. Moreover, if the agent who induced these claimants to credit these suffering Cherokees is not sustained by his instructions in so doing, nevertheless, his motives were obviously honest and creditable to him, both as a man and as an officer of the Government, and did at the time afford great relief to the poor and needy Cherokees, and tend to promote the views and policy of the Government in encouraging Indian emigration. And as herein before stated, the agent did use his influence, and thought that he had procured a provision in the late treaty which would enable these poor Indians to pay and discharge the debts which form the subject of this communication.

I am, very respectfully,

Your obedient servant,

WILSON LUMPKIN.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

CHEROKEE AGENCY EAST,
October 4, 1837.

SIR: When I last wrote you, I expected to have been able to state the first fall's detachment of Cherokees for the west before this time; but, owing to the tardy movements of the Indians, I fear I shall not be able to get them off before the 15th instant, and then not more than seven hundred; about five hundred, however, to whom is granted the privilege of transporting themselves, are at this time daily passing on, making in all about twelve, and possibly thirteen, hundred by the 15th. I have great opposition in the business at this time, not only by the Indians, but on the part of the whites who are settled among them. The commissioners lately adopted a rule to pay no Cherokee his money for claims, &c., until after he had positively enrolled for emigration, and promised a speedy removal. I have since enrolled about twelve hundred; and have, to my mortification and disappointment, discovered that many of them enrolled to get the money through the influence of the whites, with whom they trade, and to whom

become indebted; and now refuse to go, agreeably to promise made, upon a clear understanding of the conditions of enrolment.

Very respectfully, your obedient servant,

NATH. SMITH,

Superintendent Cherokee Removal.

HON. C. A. HARRIS,

Commissioner of Indian Affairs.

GEORGETOWN, D. C., October 7, 1837.

SIR: I have the honor to acknowledge the receipt of your favor of this date, and to communicate to you my acceptance of the appointment it confers.

Enclosed herewith you will receive my bond, executed agreeably to your instructions, for twenty-five thousand dollars.

Very respectfully, your obedient servant,

JOEL CRUTTENDEN.

HON. C. A. HARRIS,

Commissioner of Indian Affairs, Washington.

Know all men by these presents, that we, Joel Cruttenden, Roswell Woodward, Otho M. Linthicum, and Hezekiah Magruder, all of the city of Georgetown, in the District of Columbia, are held and firmly bound unto the United States of America in the sum of twenty-five thousand dollars, lawful money of the United States, to be paid to the said United States; for which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, and administrators, for and in the whole, jointly and severally, firmly by these presents.

Sealed with our seals, dated the 6th day of October, in the year of our Lord one thousand eight hundred and thirty-seven, and of the independence of the United States the sixty-second.

The condition of this obligation is such, that, whereas the above bounden Joel Cruttenden has been appointed a disbursing agent in the removal of the Cherokee Indians, under the treaty with said tribe of the twenty-ninth of December, in the year of our Lord eighteen hundred and thirty-five, and has accepted said appointment: Now, if the said Joel Cruttenden shall, and doth at all times, henceforth and during his holding and remaining in said office, carefully discharge the duties thereof, and faithfully expend all public moneys, and honestly account for the same, and for all public property which shall or may come into his hands, in his said capacity of disbursing agent for the removal of the Cherokee Indians, as aforesaid, without fraud or delay, then the above obligation to be void, otherwise to remain in full force and virtue.

JOEL CRUTTENDEN.	[L. S.]
R. WOODWARD.	[L. S.]
O. M. LINTHICUM.	[L. S.]
H. MAGRUDER.	[L. S.]

Sealed and delivered in presence of

K. JONES.

JNO. S. KIDWELL.

WASHINGTON CITY,
October 7, 1837.

SIR: The undersigned delegates, duly authorized and representing the Cherokee nation, present their compliments to the honorable Secretary, and beg leave, through his department, to notify the Government of their arrival in the city, on business relative to the interests of the whole Cherokee people, and will be happy to do themselves the honor of paying their personal respects to the honorable Secretary, and his excellency the President, at such time as may be convenient, and their pleasure to designate.

Very respectfully,

Your obedient, humble servants,

JNO. ROSS,
R. TAYLOR,
JAMES BROWN,
SAML. GUNTER, his x mark.
EDWARD GUNTER,
ELIJAH HICKS,
SITUWAKEE'S x mark.
WHITE PATH'S x mark.

Hon. JOEL R. POINSETT,
Secretary of War.

SENATE CHAMBER, Oct. 10, 1837.

The Committee on Indian Affairs have reported unfavorably to the appointment of another commissioner under the Cherokee Indian treaty. I have caused the report to be laid upon the table, with the hope you will be able to supply me with such reasons for the proposal of the department to appoint a third commissioner as will be satisfactory to the Senate.

I am, very respectfully,

Your obedient servant,
ROBT. STRANGE.

To the Hon. J. R. POINSETT.

WASHINGTON CITY,
October 12, 1837.

SIR: Your letter of yesterday, advising me of my appointment, with the probation of the Secretary of War, as disbursing agent for the Department Indian Affairs, is before me.

I hereby accept said appointment.

I am, sir, very respectfully,

Your obedient servant,

VERPLANCK VAN ANTWERP,

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

CHEROKEE AGENCY,
October 15, 1837.

SIR: On the 13th inst., after all my efforts, I was only able to start a detachment of 365 Cherokees. Major B. B. Cannon, conducting agent, Doctor Reynolds, disburser, Doctor Townsend, physician, Jackson Smith, E. S. Curray, and Thos. P. Wells, assistants, L. A. Kincannon, contractor, and Thomas Prigmore, wagon-master, all left in good health and spirits. Owing to the confusion when they started, I had to follow and muster them on the road this morning. I thought it best to send this number of officers as there were no guard with them. I am greatly disappointed in the number of this detachment. I had good reasons (until lately) to believe that at least 2,000 would emigrate this fall, and that I would get 700 or more in this detachment.

This 365 and 325 that have passed on removing themselves, are all that I have been able to get off, out of the 1,800 that have enrolled.

I have not made a calculation, but the cost for transporting this detachment, I fear, will greatly exceed the \$20 per head. On this subject I will give you the particulars in my next. The prospects for further emigration this fall are very gloomy.

Very respectfully,

NATH. SMITH,

Superintendent Cherokee Removal.

Hon. C. A. HARRIS,
Commissioner of Indian Affairs.

NEW YORK, October 18, 1837.

DEAR SIR: Enclosed is my bond, duly executed, and approved by the United States District Attorney.

I stopped in coming through Baltimore, and saw the cashier of the Union Bank. He will make the arrangement which you proposed.

I would suggest whether it might not do better to have the certificates of the deposits in sums of \$500, instead of \$1,000 each. Could they not be disposed of more readily, in the small towns through which I shall have to pass in disbursing?

I shall want 100 or 150 dollars in cash to start with, to meet my own expenses, if you have no objection.

I leave here to-morrow morning, and will be at Baltimore at noon on Friday, where I wish you would send the papers for me, if you can get them ready, that I need not return there. I will inquire at the post office there.

I will be at Washington on Friday night, at Gadsby's.

In haste, truly yours,

V. P. VAN ANTWERP.

C. A. HARRIS, Esq.,
Commissioner of Indian Affairs.

Know all men by these presents, that we, Verplank Van Antwerp, of Terre Haute, in the State of Indiana, and Cornelius Van Antwerp and Charles Butler, of the city of New York, are held and firmly bound unto the United States of America in the sum of twenty-five thousand dollars, lawful money of the United States, to be paid to the said United States; for which payment, well and truly to be made, we bind ourselves and each of us, and each of our heirs, executors, and administrators, for and in the whole, jointly and severally, firmly by these presents.

Sealed with our seals, dated the eighteenth day of October, in the year of our Lord one thousand eight hundred and thirty-seven, and of the independence of the United States the sixty second.

The condition of this obligation is such, that whereas, the above bounden, Verplanck Van Antwerp has been appointed a disbursing agent in the Department of Indian Affairs, and has accepted said appointment: Now, if the said Verplanck Van Antwerp shall, and doth at all times, hereafter and during his holding and remaining in said office, carefully discharge the duties thereof, and faithfully expend all public moneys, and honestly account for the same, and for all public property, which shall or may come into his hands in his said capacity of disbursing agent in the Department of Indian Affairs, without fraud or delay, then the above obligation to be void, otherwise to remain in full force and virtue.

VERPLANCK VAN ANTWERP, *Comm'r.*
 CORNELIUS VAN ANTWERP, [L. S.]
 CHARLES BUTLER, [L. S.]

Sealed and delivered in the presence of

JNO. S. WRIGHT,
 WM. E. JONES

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
 New York, October 18, 1837.

I certify that the sureties within named afford sufficient security to the United States of America for the performance of this obligation.

WILLIAM M. PRICE,
 United States District Attorney.

NOTE.—If the sureties to this bond are unknown to the Commissioner of Indian Affairs, their sufficiency must be attested by a judge of the United States District Court, or United States District Attorney, who will do so by filling up and signing the above certificate.

REPORT FROM THE SECOND AUDITOR.

TREASURY DEPARTMENT,
Second Auditor's Office, November, 23, 1837.

SIR: In compliance with the resolution of the Senate of the United States of 13th ultimo, calling upon the Secretary of War for certain information relating to the Cherokee treaty of December, 1835, a copy of which resolution has been received from the Commissioner of Indian Affairs, I herewith transmit that portion of the required information furnished by this Office.

Very respectfully, sir,
Your obedient servant,
W. B. LEWIS.

Hon. J. R. POINSETT,
Secretary of War.

STATEMENT of the "amount of money which has been drawn from the Treasury under any appropriation connected with the Cherokee treaty of December, 1835; how the same has been disbursed; how much remains in the hands of any, and what, disbursing officers or agents; through what agents, and for what particular objects such disbursements have been made; also, how much of said expenditure is charged or chargeable to the fund appropriated to carry into effect said treaty;" prepared in pursuance of a resolution of the Senate of the United States of October 13, 1837, (to November 1, 1837.)

Dates of advances.	Amount of advances by register.	Names of the disbursing agents.	Nature of the expenditure.	Amount disbursed.	Balance in the hands of disburs'g agents.
1836 & 1837	\$60,159 81	Gen. J. E. Wool -	Subsisting and clothing destitute Cherokee Indians in the years 1836 and 1837	\$24,868 40	\$35,291 41
	65,000 00	John C. Reynolds -	This amount, being for provisions and property turned over to Nathaniel Smith, superintendent, &c. - \$20,767 70 This amount, being for removing and subsisting Cherokees from March to July, 1837 - 5,253 20	25,020 90	36,979 10
	512,585 00	Philip Minis -	This amount, turned over to Lieut. Van Horne, 4th April, 1837 - 7,000 00 This amount, turned over to Capt. J. P. Simonton, 2d May, 1837 - 97,086 83 This amount, being for removal and subsisting Indians, and fulfilling treaty stipulations - 393,489 12	497,575 95	15,009 05
	33,039 37	B. F. Cawrey -	This amount, being so much paid to Cherokee delegation in attending negotiations of treaty December, 1835 - 31,671 87 This amount, being so much paid for travelling expenses from North Carolina to seat of Government, and returning to Cherokee agency - 365 00 This amount, being so much paid to Cherokee delegation in attending negotiations of treaty December, 1835, and for stationery, &c. - 1,002 50	33,039 37	
	400,000 00	J. P. Simonton -	This amount, turned over to J. C. Reynolds - 1,766 60 This amount, being for provision turned over to Nathaniel Smith, 5th June, 1837 - 2,180 07 This amount, being for disbursements at New Echota, removing and subsisting Indians, and pay of improvements abandoned under 9th article treaty December, 1835 - 136,706 05	140,652 72	259,347 28

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5,095 00	Isaac McCoy	-	This amount, being for surveys and Cherokee lands, preparing plats and other documents	-	-	5,095 00	
50,000 00	John Kennedy	-	This amount, turned over to Philip Minis	-	-	50,000 00	
20,000 00	Jacob Brown	-	No accounts rendered	-	-	-	20,000 00
400,000 00	Richard Bennett	-	This amount, turned over to Capt. J. P. Simonton, 13th May and 10th July, 1837	-	-	400,000 00	
1,550 00	W. Jackson	-	No accounts rendered	-	-	-	1,550 00
155,000 00	J. Hook	-	This amount, turned over to J. Brown, 7th August, 1837	150,000 00	-	-	
			This amount, turned over to C. A. Harris, 6th October, 1837	-	305 30	-	
			This amount, disbursed in 3d quarter, 1837, on account per diem allowance of himself and assistants, their actual expenses and expense of transportation of specie to Little Rock	-	-	2,694 70	
8,643 25	Joel Cruttenden	-	This amount, being for compensation for services rendered as assistant agent in the transportation of Indian rations from New Orleans to Fort Gibson, travelling expenses from Little Rock to Georgetown, and other expenses	-	-	153,000 00	2,000 00
10,000 00	Verp'k Van Antwerp	-	No accounts rendered	-	-	643 25	8,000 00
5,597 60	J. F. Schermerhorn	-	This amount, being for travelling expenses, and for his services and mileage as commissioner negotiating with Cherokees, including the accounts of assistants, &c., between 6th July, 1835, and 15th July, 1836	-	-	-	10,000 00
343,973 34	W. D. Lewis	-	Invested in stock for use of Cherokees	-	-	5,512 60	85 00
70,026 66	J. D. Beers	-	Ditto ditto	-	-	343,973 34	
300,000 00	W. H. Hayward	-	Ditto ditto	-	-	70,026 66	
	Lt. J. Van Horne	-	\$7,000 received from Minis, \$432 13 from McCoy, (for this amount paid Alex. Brown for a claim under the above treaty)	-	-	300,000 00	
	Col. W. Lindsay	-	\$18,117 received from Gen. J. Wool, 1st July, 1837, (this amount disbursed on account of poor Cherokees, being for provisions, &c. &c.)	-	-	500 00	6,932 13
						4,519 26	13,597 74
2,440,670 03						2,055,427 45	410,791 71

RECAPITULATION.

Amount advanced by requisition	-	-	-	-	-	-	\$2,440,670 03
Amount disbursed	-	-	-	-	-	-	2,055,427 45
Balance in hands of disbursing agents	-	-	-	-	-	-	410,791 71

TREASURY DEPARTMENT, *Second Auditor's Office, November 17, 1837.*

ABSTRACT of disbursements made by Joseph Hook, special agent for the transportation of specie to Little Rock, Arkansas.

Date.	To whom paid.	Nature of the expenditure.	Amount.
1837. August 30	Joseph Hook - -	For services as special agent to convey \$150,000 in specie to Little Rock, Arkansas, for the payment of Indian annuities; from 1st July to 30th August, 60 days, at \$8 per diem - -	\$480 00
	Henry W. Tilley - -	For services as assistant, from 1st July to 30th August - -	345 25
	Jno. H. Dorsey - -	For services as assistant, from 1st July to 30th August - -	151 00
	Henry Sands - -	For services as assistant, from 1st July to 30th August - -	150 00
July 15	Thomas and Skinner - -	For boxes for specie - -	2 25
17	C. E. Nourse - -	For 24 kegs, for specie, at \$2 - -	48 00
19	E. D. John - -	For 112 boxes, for specie - -	57 50
19	John Binegan - -	For coopering and iron hooping 39 boxes, for specie - -	36 46
20	E. W. Turner - -	For 3 iron bound kegs, for specie - -	4 75
21	Jno. Siddall - -	For 1 keg and 1 box, for specie - -	2 00
16	Henry Myers - -	For freight of specie, and passage of J. H. Dorsey and H. W. Tilley from Marietta to Cincinnati - -	20 00
17	Robert Moody - -	For freight of \$15,000, from Cincinnati to Louisville—steamer Commerce - -	37 50
20	Do. - -	For freight on 39 packages specie - -	292 47
24	Int. Irvine - -	For transportation of \$150,000 specie, and 4 cabin passages, from Louisville to mouth of Arkansas - -	285 00
August 7	J. Hawkins - -	For transportation of \$150,000 specie, and passage for 4 persons from mouth Arkansas to Little Rock - -	221 00
16	Isaac Hawkins - -	For passage of special agent and assistants, from Little Rock to Louisville - -	160 00
7	Mapes, Ryan, & Co. - -	For landing, storage, and reboating \$150,000 specie - -	18 00
	James Edington - -	For board and lodging for agent and assistants - -	42 00
	J. Hook, <i>Special Agent</i> - -	For travelling, and incidental expenses incurred in transporting Government funds to Little Rock - -	341 52
			\$2,694 70

JOSEPH HOOK.

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ABSTRACT of disbursements made by Dr. Philip Minis, United States army, military disbursing agent, at New Echota, fourth quarter of 1836, and first and second quarters of 1837, in fulfilment of Cherokee treaty of 29th December, 1835.

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Date.	To whom paid.	Nature of expenditure.	Amount.
<i>Disbursements in fourth quarter of 1836.</i>			
Nov. 26	Ben. F. Currey - -	For services as superintendent of Cherokee removals, from 1st April to 30th September, 1836 - - -	\$1,000 00
Nov. 26	David Caldwell - -	For services as appraising and enrolling agent for first or lower district in Tennessee, from 16th August to 23d October, 1836, at \$4 per day - - -	276 00
Nov. 27	David Caldwell - -	For services as assistant to superintendent, from 28th October to 27th November, 1836, at \$4 per day - - -	124 00
Nov. 28	Charles F. Foreman - -	For services as interpreter to appraising agents in the first or lower district of Tennessee, from 6th September to the 22d of October, 1836 - - -	117 50
Nov. 30	S. W. Bell (Cherokee) - -	For services as interpreter to appraising agents for second district in Alabama, from the 24th September to 7th October, 1836, at \$2 50 per day - - -	35 00
Nov. 30	David Ricketts - -	For services as appraising and enrolling agent for first district in Alabama, from 22d to 25th September, 1836, at \$4 per day - -	276 00
Nov. 30	Wm. H. Foreman (Cherokee) -	For services as interpreter to appraising agents, from 21st August to 27th October, and from 29th October to 14th November, at \$2 50 per day - - -	212 50
Dec. 7	Resin Rawlings - -	For services as appraising and enrolling agent for second district in Alabama, from 18th September to 6th December, 1836, at \$4 per day - - -	320 00

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Dec. 7	George S. Massey	-	-	For services as appraising and enrolling agent for second district in Alabama, from 20th September to 8th December, 1836, at \$4 per day	320 00
Dec. 7	G. E. Mountcastle	-	-	For services as an express, from 26th November to 27th November, 1836, at \$2 50 per day; and similar services from 29th November to 2d December, 1836	34 50
Dec. 12	Dr. Philip Minis	-	-	For travelling expenses, on public duty, from 8th November to 6th December, 1836	127 50
Dec. 13	Jos. A. Foreman	-	-	For services as interpreter to appraising agents for first or lower district of Tennessee, from 17th August to 5th September, 1837	50 00
Dec. 14	Jos. W. M'Millin	-	-	For services as appraising and enrolling agent for the upper or second district in Tennessee, from 22d August to 27th October, and same in Maury county, Georgia, from 28th October to 25th November, 1836, at \$4 per diem; and also from 7th to 10th December, 1836	400 00
Dec. 19	G. E. Mountcastle	-	-	For transportation of specie from Athens, Tennessee, to New Echota, Georgia	15 00
Dec. 20	Jackson Smith	-	-	For services as appraising and enrolling agent for second district in Tennessee, from 16th August to 27th October, and from 8th to 10th December, at \$4 per diem	304 00
Dec. 20	Dr. Philip Minis	-	-	For travelling expenses from New Echota, Georgia, to Athens, Tennessee, and back again	15 50
Nov. 28	Johnson Foreman	-	-	To commutation allowance for transportation and subsistence of himself and family, in all seven persons, to Arkansas	140 00
1837.				<i>Disbursements in first quarter of 1837.</i>	
Jan. 20	Michael Gormley	-	-	For services as interpreter to appraising and enrolling agents for North Carolina district, from 6th to 21st September, 1836, and from 17th to 23d January, 1837, at \$2 50 per day	57 50

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Jan. 8	Jos. W. McMillin - -	For services as appraising and enrolling agent for Cobb county, Georgia, from 11th December, 1836, to 22d January, 1837, at \$4 per diem; also incidental expenses as per voucher - -	\$180 62½
Jan. 20	Andrew Ross (Cherokee) -	For services as interpreter to appraising and enrolling agents for upper division of lower district in Alabama, from 12th October to 7th November, 1836, at \$2 50 per diem - - - -	67 50
Jan. 20	Andrew Ross (Cherokee) -	For services as interpreter to appraising agents in 1st district of Alabama, from 19th to 25th September, 1836, at \$2 50 per diem	17 50
Jan. 20	Johnson Alberty - -	For services as interpreter to appraising agents for 3d district in Alabama, from 9th to 27th September, from 16th to 27th November, 1836, and from 16th to 27th January, 1837, at \$2 50 per diem - - - - -	90 00
Jan. 20	Harry Crittenden - -	For services as interpreter to appraising and enrolling agents for 4th district in Georgia, from 2d September to 5th December, 1836, and from 16th to 20th January, 1837, at \$2 50 per diem	250 00
Jan. 20	Elijah Moore (Cherokee) -	For services as interpreter to appraising and enrolling agents for 1st district in Georgia, from 10th November to 22d December, 1836, and from 19th to 21st January, 1837, at \$2 50 per diem	115 00
Jan. 20	Ellis S. Harlin - -	For services as regular interpreter to superintendent of Cherokee removal, from 9th March to 31st December, 1836, at \$500 per annum, \$406 50; and for incidental expenses, \$181 50, making together - - - -	588 00

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Jan. 20	John Rice	-	-	For services as appraising and enrolling agent, from 14th October to 24th November, 1836, in lower district of Alabama; do. in 1st district in Georgia, from 25th November to 29th December, 1836; do. from 18th to 22d January, 1837, at \$4 per diem, with incidental expenses, as per voucher, \$4	332 00
Jan. 20	George Ross (Cherokee)	-	-	For services as interpreter to appraising agents in 1st district in Alabama, from 2d October to 6th November, 1836, at \$2 50 per diem	90 00
Jan. 20	Joel Yancy	-	-	For services as appraising and enrolling agent in 1st district in Georgia, from 14th August, 1836 to 30th January, 1837, at \$4 per diem, \$680, and incidental expenses, as per voucher, \$7 75	687 75
Jan. 20	Joseph Waters	-	-	For services as appraising and enrolling agent in 1st district in Georgia, from 24th October to 3d December, 1836; do. from 8th December, 1836, to 1st January, 1837; do. from 16th to 21st January, 1837, \$328, with incidental expenses, as per voucher	287 25
Jan. 20	William Welch	-	-	For services as appraising and enrolling agent for the North Carolina district, from 30th August to 9th October, 1836; do. from 18th October, 1836, to 4th January, 1837; do. from 10th to 25th January, 1837, at \$4 per diem	544 00
Jan. 20	Wm. H. Foreman	-	-	For services as an express to North Carolina, from 22d to 29th November, 1836; do. from 18th to 22d January, 1837, at \$2 50 per diem	32 50
Jan. 20	William Worley	-	-	For services as appraising and enrolling agent, in 1st district in Georgia, from 9th September, 1836, to 21st January, 1837, at \$4 per diem, \$536; incidental expenses, \$22 50	558 50
Jan. 20	Josiah Shaw	-	-	For services as appraising and enrolling agent for 4th district in Georgia, from 5th September, 1836, to 24th January, 1837, at \$4 per diem, \$568; incidental expenses, as per voucher, \$4 75	572 75
Jan. 20	John S. Young	-	-	For services as appraising and enrolling agent for 1st district in Tennessee, from 9th August, 1836, to 24th January, 1837, at \$4 per diem, \$676; incidental expenses, as per voucher, \$10 75	686 75

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Jan. 20	Will. N. Bishop - -	For services as appraising and enrolling agent for 2d district in Georgia, from 17th August to 17th September, 1836; do. from 20th September to 2d October, 1836; do. from 5th October to 12th October, 1836; do. from 19th to 21st January, 1837, at \$4 per diem	\$224 00
Jan. 21	Carrington W. Hicks -	For services as interpreter to appraising and enrolling agents for 3d district in Georgia, from 3d October to 15th November, 1836; do. from 14th to 20th January, 1837, at \$2 50 per diem	127 50
Jan. 21	Charles F. Foreman - -	For services as interpreter to superintendent of Cherokee removals, from 27th October to 19th December, 1836, at \$2 50 per diem, \$135; and travelling expenses in going to and from New Echota	147 50
Jan. 21	George Kellogg - -	For services as appraising and enrolling agent for 4th district in Georgia, from 12th October to 16th November, 1836; do. from 22d November to 24th December, 1836; do. from 16th to 24th January, 1837	312 00
Jan. 21	John A. Watee - -	For services as interpreter to appraising and enrolling agents, in 2d district in Georgia, from 20th August to 7th December, 1836, at \$2 50 per diem	272 50
Jan. 21	John Timson - -	For services as interpreter to appraising and enrolling agents for North Carolina district, from 22d September to 2d October, 1836, at \$2 50 per diem	27 50

Jan. 21	Nimrod S. Jarnett	-	-	For services as appraising and enrolling agent for North Carolina district from 1st September to 9th October, 1836; do. from 18th October, 1836, to 3d January, 1837; do. from 11th to 24th January, 1837, at \$4 per diem, \$524; incidental expenses, as per voucher, \$17 25	541 25
Jan. 21	Andrew Moore	-	-	For services as appraising and enrolling agent for the second district, Alabama, from 11th to 26th January, 1837, at \$4 per day, \$64; incidental expenses	75 06½
Jan. 21	Andrew Moore	-	-	For services as appraising and enrolling agent for the second district, Alabama, from 22d September to 3d October, 1836; do. from 10th October to 24th November, 1836, at \$4 per diem	228 00
Jan. 21	G. W. Currey	-	-	For services as clerk to superintendent of Cherokee removals, from 14th April to 16th December, 1836, at \$3 per diem	7 41 00
Jan. 22	Luther Roll	-	-	For transportation of specie from Augusta to New Echota, Georgia	80 25
Jan. 23	Stephen Mays	-	-	For services as appraising and enrolling agent for district in Georgia, from 17th August to 15th December, 1836, at \$4 per diem	484 00
Jan. 23	R. W. Hargrove	-	-	For services as appraising and enrolling agent for district in Georgia, from 13th October to 31st December, 1836, at \$4 per diem	320 00
Jan. 27	Walker Daniel	-	-	For services as interpreter to appraising and enrolling agents for third district, Georgia, from 28th November to 30th December, 1836, and from 15th to 20th January, 1837, at \$2 50 per diem	97 50
Jan. 27	Henry McCoy	-	-	For services as appraising and enrolling agent in the lower district, Alabama, from 16th October to 24th November, 1836; do. in first district, Georgia, from 25th November to 31st December, 1836, at \$4 per diem	308 00
Jan. 30	Clark Lillybridge	-	-	For services rendered as physician to emigrant Cherokees, from 28th November, 1836, to 30th January, 1837, at \$6 per diem	384 00

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Feb. 1	Phil. W. Hemphill - -	For services as appraising and enrolling agent, from 10th September to 4th November, 1836; do. from 31st January to 2d February, at \$4 per diem	232 00
Feb. 1	Justus Fields - -	For services as interpreter to emigrant Cherokees, from 10th September to 1st November, 1836, at \$2 50 per diem	132 00
Feb. 3	Wm. Lapley (Cherokee)	For services to appraising agents for second district, Alabama, from 13th October to 17th November, 1836, at \$2 50 per diem	90 00
Feb. 16	James Liddell - -	For services as appraising and enrolling agent in first district, Georgia, from 27th August to 9th November, 1836, at \$4 per day, \$300, and incidental expenses, \$2 75	302 75
Feb. 25	Wright, Bell, & Co. - -	For one trunk	5 00
Mar. 4	David Ricketts - -	For services as appraising and enrolling agent for second district, Alabama, from 11th to 15th January, 1837, at \$4 per diem	20 00
Feb. 1	Richards & Stay - -	For stationery for public purposes	13 75
Mar. 4	A. Wilson - -	For transportation of specie from Augusta to New Echota, Georgia	50 00
Mar. 5	Dr. P. Minis - -	For expenses of transportation twice from New Echota to Augusta, and back again	120 00
Mar. 5	Elijah Hicks - -	For services as interpreter at New Echota, on 15th February, 1837	2 50
Mar. 6	Ellis S. Harlin - -	For services as regular interpreter to superintendent Cherokee removal, from 1st to 24th January, 1837, at \$500 per annum, \$32 87½; expenses of transportation, \$21	53 87½

Mar. 9	John Ridge	-	-	For transportation of funds from New Echota to Gunter's landing, Alabama	40 75
Mar. 14	Caswell Johnston	-	-	For services rendered in steering flatboats in the emigration, from 3d to 7th March, 1837, at \$1 50 per diem, \$7 50, and compensation for returning 160 miles, at \$1 50 for 30 miles, \$8	15 50
Mar. 14	Spencer Jarnigan	-	-	For services rendered to clerk of superintendent of Cherokee removal, from 31st January to 27th February, 1837, at \$3 per diem	84 00
Mar. 13	Elijah Hicks	-	-	For services as interpreter to Cherokee party, on route, from 2d to 13th March, 1837, at \$2 50 per diem	30 00
Mar. 13	G. S. Denton	-	-	For steering flatboats in the emigration, from 28th February to 8th March, 1837, at \$1 50 per diem, \$13 50; and expenses in returning 200 miles, at \$1 50 for every 30 miles	23 50
Mar. 13	C. Lillybridge	-	-	For services as physician, from 31st January to 13th March, at \$6 per diem, \$250, and incidental expenses, \$10 50	262 50
Mar. 13	Nathl. Smith	-	-	For salary as superintendent of Cherokee removal, from 18th January to 13th March, at \$2,000 per annum	301 36 $\frac{3}{4}$
Mar. 13	John S. Young	-	-	For services as assistant superintendent, from 25th January to 6th February, at \$4 per day	52 00
Mar. 13	Gurnee Trimble	-	-	For medicines and sundries for use of Cherokees	93 03
Mar. 22	Wilson Lumpkin	-	-	For compensation as commissioner under Cherokee treaty, from 8th December, 1836, to 22d March, 1837, at \$8 per diem	840 00
Mar. 22	John Kennedy	-	-	For compensation as commissioner under Cherokee treaty, from 15th November to 22d March	1,016 00
Mar. 22	Wm. H. Jackson	-	-	For services as secretary to commissioners, from 7th December, 1836, to 22d March, 1837, at \$5 per diem	530 00
Mar. 23	Samuel Burns	-	-	For services as appraising and enrolling agent in first district, Georgia, from 20th October to 26th December, 1836, at \$4 per diem	272 00
Mar. 25	Tieskee Fields (Cherokee)	-	-	For services as interpreter to appraising and enrolling agents, from 31st October to 9th November, 1836, at \$2 50 per diem	25 00

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Mar. 25	Ellis S. Harlin - -	For services as regular interpreter to superintendent Cherokee removal, from 24th January to 23d February, 1837, at \$5 00 per diem - - - - -	\$41 66½
Jan. 27	Samuel Taylor (Indian) -	For commutation of transportation \$20; do. for subsistence one year after arrival \$33½, in accordance with article 8 of treaty -	53 33½
Jan. 27	William H. Foreman (Indian)	Do. do do do - - - - -	53 33½
Jan. 27	Jos. A. Foreman (Indian) -	Do. for himself and family, in all 3 persons - - - - -	160 00
Jan. 27	Stephen Ray (Indian) -	Do. for himself and family, in all 6 persons - - - - -	320 00
Jan. 27	Joseph Rogers (Indian) -	Do. for himself and family, in all 6 persons - - - - -	320 00
Jan. 28	Jacob W. West (Indian) -	Do. for himself and family, in all 22 persons, viz: 7 Indians and 15 slaves - - - - -	1,173 33½
Jan. 28	John W. West (Indian) -	Do. for himself and family, in all 4 persons, viz: 3 Indians and 1 slave - - - - -	213 33½
Jan. 28	John Brewer (Indian) -	Do. for himself and family, in all 9 persons, viz: 6 Indians and 3 slaves - - - - -	480 00
Jan. 28	Thos. F. Taylor (Indian) -	Do. for himself and family, in all 5 persons, viz: 2 Indians and 3 slaves - - - - -	266 66½
Jan. 28	Thos Brewer (Indian) -	Do. for himself and family, in all 3 persons, viz: 2 Indians and 1 slave - - - - -	160 00
Jan. 28	Th-nee-wah - - - - -	Do. for himself and family, in all 9 persons - - - - -	480 00
Jan. 28	Jas. J. Trott (Indian) -	Do. for himself and family, in all 3 persons - - - - -	160 00
Jan. 30	Joshua Kirkpatrick (Indian)	Do. for himself and family, in all 5 persons - - - - -	266 66½
Jan. 31	Samuel L. Ballard (Indian)	Do. for himself and family, in all 8 persons - - - - -	426 66½
Jan. 31	Alex. Dromgoole (Indian)	Do. for himself and family, in all 7 persons - - - - -	373 39½

Jan. 31	Peggy Lapley (Indian)	-	Do. for herself and family, in all 2 persons	-	-	-	106 66 $\frac{2}{3}$
Jan. 31	Mary Ann Howell (Indian)	-	Do. for herself and family, in all 4 persons	-	-	-	213 33 $\frac{1}{3}$
Jan. 31	Andrew Ross (Indian)	-	Do. for himself and family, in all 17 persons, viz: 12 Indians and 5 slaves	-	-	-	906 66 $\frac{2}{3}$
Jan. 31	S. Jane Harlin (Indian)	-	Do. for herself and family, in all 1 person	-	-	-	53 33 $\frac{1}{3}$
Feb. 1	Perry (Spaniard)	-	Do. for himself and family, in all 5 persons	-	-	-	266 66 $\frac{2}{3}$
Feb. 1	Robert Saunders (Indian)	-	Do. for himself and family, in all five persons, viz: 4 Indians and 1 slave	-	-	-	266 66 $\frac{2}{3}$
Feb. 1	Edw. Graves (Indian)	-	Do. for himself and family, in all 3 persons	-	-	-	160 00
Feb. 1	J. A. D. Brown (Indian)	-	Do. for himself and family, in all 1 person	-	-	-	53 33 $\frac{1}{3}$
Feb. 1	Joshua Buffington (Indian)	-	Do. for himself and family, in all 17 persons, viz: 5 Indians and 12 slaves	-	-	-	906 66 $\frac{2}{3}$
Feb. 1	Lorenzo Covington	-	For services in transporting Cherokees, from 27th to 31st January, 1837, at \$2 per diem	-	-	-	10 00
Feb. 2	David Bell (Indian)	-	For commutation of transportation and subsistence for 2 persons	-	-	-	106 66 $\frac{2}{3}$
Feb. 2	Sam'l McCamman (Indian)	-	For commutation of transportation and subsistence for 8 persons	-	-	-	426 66 $\frac{2}{3}$
Feb. 2	Isaac E. Nicholson (Indian)	-	For commutation of transportation and subsistence for 1 person	-	-	-	53 33 $\frac{1}{3}$
Feb. 2	Levi B. Jones (Indian)	-	For commutation of transportation and subsistence for 2 persons	-	-	-	106 66 $\frac{2}{3}$
Feb. 2	Jas. A. Thomson (Indian)	-	For commutation of transportation and subsistence for 20 persons, viz: 11 Indians and 9 slaves	-	-	-	1,066 66 $\frac{2}{3}$
Feb. 2	Johnston Thomson (Indian)	-	For commutation of transportation and subsistence for 14 persons, viz: 6 Indians and 8 slaves	-	-	-	746 66 $\frac{2}{3}$
Feb. 2	John Williams do.	-	Do. for 10 persons, viz: 5 Indians and 5 slaves	-	-	-	533 33 $\frac{1}{3}$
Feb. 2	Johnson Fields (son of T. Fields)	-	Do. for 1 person	-	-	-	53 33 $\frac{1}{3}$
Feb. 3	Johnston Fields (Indian)	-	Do. for 5 persons	-	-	-	266 66 $\frac{2}{3}$
Feb. 3	Major Ridge do.	-	For commutation of transportation for 14 slaves, \$280; do. for subsistence for himself and family, being 6 Indians and 18 slaves, \$800	-	-	-	1,080 00
Feb. 3	William Rogers do.	-	Do. for 12 persons, viz: 5 Indians and 7 slaves	-	-	-	640 00
Feb. 3	John Boston do.	-	Do. for 5 persons	-	-	-	266 66 $\frac{2}{3}$
Feb. 3	Joseph Crutchfield do.	-	Do. for 15 persons, viz: 7 Indians and 8 slaves	-	-	-	800 00
Feb. 3	William Lassley do.	-	Do. for 10 persons, viz: 8 Indians and 2 slaves	-	-	-	533 33 $\frac{1}{3}$

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Feb. 3	Leonard Hicks (Indian)	For commutation of transportation and subsistence for 1 person	\$53 33 $\frac{1}{2}$
Feb. 3	G. W. Adair do.	Do. for 10 persons, viz: 6 Indians and 4 slaves	533 33 $\frac{1}{2}$
Feb. 3	Wm. S. Hicks do.	Do. for 1 person	53 33 $\frac{1}{2}$
Feb. 4	James Fields do.	Do. for 2 persons	106 66 $\frac{1}{2}$
Feb. 4	John Elliot do.	Do. for 9 persons	480 00
Feb. 4	Lovely Rogers do.	Do. for 1 person	53 33 $\frac{1}{2}$
Feb. 4	Daniel M'Coy do.	Do. for 13 persons, viz: 9 Indians and 4 slaves	693 33 $\frac{1}{2}$
Feb. 4	Archibald Fields do.	Do. for 14 persons, viz: 8 Indians and 6 slaves	746 66 $\frac{1}{2}$
Feb. 13	Wiley J. Thornton do.	Do. for 5 persons	266 66 $\frac{1}{2}$
Feb. 15	David Vann do.	Do. for 22 persons, viz: 7 Indians and 15 slaves	1,173 33 $\frac{1}{2}$
Feb. 15	John Martin do.	Do. for 85 persons, viz: 11 Indians and 74 slaves	4,533 33 $\frac{1}{2}$
Feb. 15	Jos. M. Lynch do.	Do. for 12 persons, viz: 4 Indians and 8 slaves	640 00
Feb. 16	John Ponder -	For services in transporting Cherokees, from 2d to 9th February, 1837, at \$6 per day	48 00
Feb. 16	Benj. F. Thomson (Indian)	For commutation of transportation and subsistence for 28 persons, viz: 8 Indians and 20 slaves	1,493 33 $\frac{1}{2}$
Feb. 17	Wm. Conner do.	Do. for 9 persons	480 00
Feb. 19	J. T. Adair do.	Do. for 13 persons, viz: 8 Indians and 5 slaves	693 33 $\frac{1}{2}$
Feb. 19	Wm. Dennis do.	Do. for 7 persons	373 33 $\frac{1}{2}$
Feb. 19	Samuel Mayes do.	Do. for 19 persons, viz: 10 Indians and 9 slaves	1,013 33 $\frac{1}{2}$
Feb. 22	Jacob Bushyhead do.	Do. for 1 person	53 33 $\frac{1}{2}$
Feb. 23	Elijah Moore do.	Do. transportation for 1 person	20 00
Feb. 26	Benj. F. Adair do.	Do. transportation and subsistence for 5 persons, viz: 3 Indians and 2 slaves	266 66 $\frac{2}{3}$

Feb. 27	Wm. M'Bride	do.	-	Do. for 2 persons	-	-	-	106 66
Feb. 27	Henry Seabott	do.	-	Do. for 7 persons	-	-	-	373 33 $\frac{1}{2}$
Feb. 27	John Seabott	do.	-	Do. for 6 persons	-	-	-	320 00
Mar. 3	Christopher Spears	-	-	For 1 boat furnished superintendent Cherokee removal, for use of Indians	-	-	-	50 00
Mar. 4	Jn. & Maria Mulkey, (Indians)	-	-	For commutation of transportation and subsistence for 7 persons, viz: 5 Indians and 3 slaves	-	-	-	426 64
Mar. 4	John Gunter (Indian)	-	-	Do. for 7 persons	-	-	-	373 31
Mar. 4	Thomas Carey	do.	-	Do. for 5 persons	-	-	-	266 65
Mar. 8	John White	-	-	For hauling Cherokees and property	-	-	-	51 00
	Nelson Harlin (Indian)	-	-	For commutation of transportation and subsistence for 7 persons	-	-	-	373 31
	Reuben Tate	do.	-	Do. for 2 persons	-	-	-	106 66
	Wm. Turner	do.	-	Do. for 3 persons	-	-	-	159 99
Mar. 13	Wm. Poulston	do.	-	Do. for 4 persons	-	-	-	213 32
	Larkin Beavert	do.	-	Do. for 5 persons	-	-	-	266 65
Mar. 13	War-yar-nah-ter	do.	-	Do. for 4 persons	-	-	-	213 32
Mar. 13	Benj. Merrill	-	-	Do. for 14 persons	-	-	-	746 62
Mar. 13	Alex Gilbreath	-	-	Do. for 26 persons, viz: 3 Indians and 23 slaves	-	-	-	1,386 58
Mar. 13	William Simpson	-	-	For transportation of 450 Cherokees and baggage from Decatur to Tusculumbia landing	-	-	-	450 00
Mar. 13	William Simpson	-	-	For transportation of provisions from Decatur to Tusculumbia	-	-	-	37 50
Mar. 14	James Davis (Indian)	-	-	For commutation of transportation and subsistence for 1 person	-	-	-	53 33 $\frac{1}{2}$
Mar. 17	Calvin M. Hall	-	-	For hauling Cherokees and property, and plank furnished	-	-	-	141 62 $\frac{1}{2}$
Mar. 21	Joseph Wantyn	-	-	For transportation of 466 Cherokees and baggage, &c., from Tusculumbia, Ala., to Little Rock, Arkansas, at \$18 25 per head	-	-	-	8,504 50
Mar. 25	James A. Turnley	-	-	For hauling Cherokees, &c., 7 days, at \$3 75 per day	-	-	-	26 25
Mar. 25	James A. Turnley	-	-	For hauling Cherokees 8 days, at \$5 00 per day	-	-	-	40 00
Mar. 25	Archilla Smith (Indian)	-	-	For transporting himself and family from 10th to 13th Jan., 1837	-	-	-	10 00
Mar. 27	S. G. Moore	-	-	For transporting 466 Cherokees from Little Rock, Arkansas, to Fort Gibson, at \$5 00 each	-	-	-	2,330 00
Mar. 25	Joseph B. Byrd (Indian)	-	-	For commutation of transportation and subsistence for 3 persons	-	-	-	160 00

ABSTRACT—Continued.

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Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Mar. 25	John Ratliff - - -	For commutation of transportation and subsistence for 14 persons	\$746 66 ² / ₃
Mar. 30	Lowry Williams - - -	Do. for 13 persons, viz: 3 Indians and 10 slaves	693 29
Mar. 31	Capt. Baldrige - - -	Do. for 3 persons	159 99
Mar. 31	Robert Brown - - -	Do. for 5 persons	266 65
Feb. 6	James J. Field - - -	For 882 pounds of salt pork, at 8 ³ / ₄ cts. per pound, for emigrating Indians	77 17 ¹ / ₂
Mar. 11	Geo. E. Mountcastle - - -	For 318 pounds bacon, at 11 cts. per pound, for emigrating Indians	34 98
Mar. 13	Darby D. M'Clure - - -	For 4 barrels flour, at \$10 50, and 377 pounds bacon, at 15 cts., for emigrating Indians	98 55
Mar. 25	James J. Field - - -	For 312 ³ / ₄ pounds of salt pork, at 12 cts., for emigrating Indians	37 09
Jan. 31	Jacob Nicholson (Indian) - - -	For commutation of subsistence for one year for 4 persons	133 33 ¹ / ₃
Jan. 31	Young Puppy do. - - -	Do. for 10 persons	333 33 ¹ / ₃
Jan. 31	Arcy Downing do. - - -	Do. for 6 persons	200 00
Jan. 31	Es-qua-quat do. - - -	Do. for 2 persons	66 66 ² / ₃
Jan. 31	Teckawatooga do. - - -	Do. for 6 persons	200 00
Jan. 31	Charles Moore do. - - -	Do. for 14 persons	466 66 ² / ₃
Jan. 31	Aelsy Downing do. - - -	Do. for 4 persons	133 33 ¹ / ₃
Jan. 31	Long Shell Turtle do. - - -	Do. for 7 persons	233 33 ¹ / ₃
Jan. 31	Black Bird do. - - -	Do. for 2 persons	66 66 ² / ₃
Jan. 31	Big Milk do. - - -	Do. for 3 persons	100 00
Jan. 31	Ooliesant do. - - -	Do. for 7 persons	233 33 ¹ / ₃
Jan. 31	To-morrow do. - - -	Do. for 6 persons	200 00
Feb. 1	Bear Meat do. - - -	Do. for 9 persons	300 00
Feb. 1	Riller Moore do. - - -	Do. for 7 persons	233 33 ¹ / ₃

Feb. 1	Ground Mole	do.	-	Do. for 5 persons	-	-	-	-	166	66 ² / ₃
Feb. 1	Culstea Teyohee	do.	-	Do. for 6 persons	-	-	-	-	200	00
Feb. 1	Jemmy Sconahchie	do.	-	Do. for 5 persons	-	-	-	-	166	66 ² / ₃
Feb. 1	Big Coon	do.	-	Do. for 5 persons	-	-	-	-	166	66 ² / ₃
Feb. 1	Joseph Scumtiah	do.	-	Do. for 5 persons	-	-	-	-	166	66 ² / ₃
Feb. 1	Archy Rowe	do.	-	Do. for 17 persons	-	-	-	-	566	66 ² / ₃
Feb. 1	Olly Lapley	do.	-	Do. for 6 persons	-	-	-	-	200	00
Feb. 1	Richard Scott	do.	-	Do. for 9 persons	-	-	-	-	300	00
Feb. 1	Nitts	do.	-	Do. for 8 persons	-	-	-	-	266	66 ² / ₃
Feb. 2	John Hawkins	do.	-	Do. for 5 persons	-	-	-	-	166	66 ² / ₃
Feb. 2	Alicia Swimmer	do.	-	Do. for 4 persons	-	-	-	-	133	33 ¹ / ₃
Feb. 2	Black Fox	do.	-	Do. for 8 persons	-	-	-	-	266	66 ² / ₃
Feb. 2	Cat Fields	do.	-	Do. for 5 persons	-	-	-	-	166	66 ² / ₃
Feb. 3	Turtle Fields	do.	-	Do. for 5 persons	-	-	-	-	166	66 ² / ₃
Feb. 2	Eteconnah	do.	-	Do. for 2 persons	-	-	-	-	66	66 ² / ₃
Feb. 3	David Watie	do.	-	Do. for 6 persons, viz : 3 Indians and 3 slaves	-	-	-	-	200	00
Feb. 4	Sally Raincrow	do.	-	Do. for 10 persons, viz : 6 Indians and 4 slaves	-	-	-	-	333	33 ¹ / ₃
Feb. 4	James Matear	do.	-	Do. for 4 persons	-	-	-	-	133	33 ¹ / ₃
Feb. 4	John Fields	do.	-	Do. for 13 persons	-	-	-	-	433	33 ¹ / ₃
Feb. 4	Calvin Wolf	do.	-	Do. for 7 persons	-	-	-	-	233	33 ¹ / ₃
Feb. 4	Sarah Pig	do.	-	Do. for 4 persons	-	-	-	-	133	33 ¹ / ₃
Feb. 4	John Fields	do.	-	Do. for 11 persons, viz : 9 Indians and 2 slaves	-	-	-	-	366	66 ² / ₃
Feb. 16	Alex. McCoy	do.	-	Do. for 23 persons	-	-	-	-	766	66 ² / ₃
Mar. 13	Isaac Springton	do.	-	Do. for 1 person	-	-	-	-	33	33 ¹ / ₃
Mar. 12	Richard Taylor	do.	-	Do. for 1 person	-	-	-	-	33	33 ¹ / ₃
Mar. 13	Alex. Brown	do.	-	Do. for 8 persons, viz : 3 Indians and 5 slaves	-	-	-	-	266	66 ² / ₃
Mar. 13	Peter Barbee	do.	-	Do. for 6 persons	-	-	-	-	200	00
Mar. 13	Tail	do.	-	Do. for 7 persons	-	-	-	-	233	33 ¹ / ₃
Mar. 14	James Wilkinson	do.	-	Do. for 1 person	-	-	-	-	33	33 ¹ / ₃
Mar. 14	Jenny Bark	do.	-	Do. for 3 persons	-	-	-	-	100	00
Mar. 14	Edward Bark	do.	-	Do. for 1 person	-	-	-	-	33	33 ¹ / ₃

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Mar. 14	Swell Belly (Indian)	For commutation of subsistence for one year for 6 persons	\$200 00
Mar. 25	Archilla Smith do.	Do. for 8 persons	266 66 ² / ₃
Jan. 24	John Gunter	Under 9th article treaty, as per voucher, certified by commissioners	2,150 00
Jan. 24	Thos. F. Taylor	Do.	1,500 00
Jan. 24	Joshua Kirkpatrick	Do.	469 00
Jan. 24	B. F. Thomson	Do.	4,586 25
Jan. 24	Thos. Brewer	Do.	120 00
Jan. 24	John Brewer	Do.	929 00
Jan. 24	Tallineewah	Do.	430 00
Jan. 24	Johnson Rodgers	Do.	862 00
Jan. 25	John Hilterbrand	Do.	471 00
Jan. 25	Joshua Buffington	Do.	1,833 00
Jan. 25	Joseph Rogers	Do.	757 00
Jan. 25	Jas. A. Thomson	Do.	2,772 00
Jan. 25	Johnson Thomson	Do.	2,110 00
Jan. 25	Jacob West	Do.	1,558 00
Jan. 26	John Hogg	Do.	813 50
Jan. 26	Jacob Nicholson	Do.	1,000 00
Jan. 26	John Williams	Do.	1,355 00
Jan. 26	John Williams	Do.	345 00
Jan. 26	Joseph M. Lynch	Do.	3,526 00
Jan. 26	Joseph M. Lynch	Do.	1,227 00
Jan. 26	John F. Adair	Do.	514 00
Jan. 26	Samuel Mays	Do.	4,646 00

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Jan. 26	Benjamin F. Adair	Do.	438 00
Jan. 26	John Elliott	Do.	568 00
Jan. 26	Joseph A. Foreman	Do.	263 00
Jan. 26	William H. Foreman	Do.	180 00
Jan. 26	Stephen Ray	Do.	203 00
Jan. 26	Lowry Williams	Do.	1,319 00
Jan. 26	Edward Adair	Do.	1,173 00
Jan. 26	Collins McDonald	Do.	1,653 00
Jan. 26	William Dameron	Do.	200 00
Jan. 26	John Timpson	Do.	483 00
Jan. 26	James J. Trott	Do.	1,678 00
Jan. 27	A. H. Hudson and wife	Do.	2,461 00
Jan. 27	Lewis Blackburn	Do.	5,000 00
Jan. 27	James Kell	Do.	641 00
Jan. 27	Lewis Ralston	Do.	1,703 00
Jan. 27	Thomas B. Adair's estate	Do.	1,405 00
Jan. 27	Walter Adair's estate	Do.	3,816 00
Jan. 27	Thomas Goss's orphans	Do.	923 00
Jan. 27	Samuel Taylor	Do.	25 00
Jan. 27	John Masten	Do.	8,257 00
Jan. 27	David Sanders	Do.	794 00
Jan. 27	Robert Sanders	Do.	963 00
Jan. 28	Edward Graves	Do.	594 00
Jan. 28	William Rogers	Do.	3,133 75
Jan. 28	Samuel Adair	Do.	1,021 00
Jan. 28	B. F. Adair	Do.	320 00
Jan. 28	Hawk Baldrige	Do.	173 00
Jan. 28	William Beamer	Do.	104 00
Jan. 28	G. W. Adair	Do.	2,550 00
Jan. 30	Dirt Thrower or Black Fox	Do.	242 00
Jan. 30	Cat Fields	Do.	145 00

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Jan. 30	Turtle Fields - -	Under 9th art. of treaty, as per voucher, certified by commissioners	\$845 00
Jan. 30	Johnson Fields - -	Do. - - - - -	554 00
Jan. 30	Aggy Smith, Archilla's wife	Do. - - - - -	161 00
Jan. 30	Achilla Smith - -	Do. - - - - -	1,065 00
Jan. 30	Alfred Scudder and wife	Do. - - - - -	1,062 00
Jan. 30	Jack Hawkins - -	Do. - - - - -	546 00
Jan. 30	Archy Rowe - -	Do. - - - - -	953 00
Jan. 31	Mary Ann Howell - -	Do. - - - - -	135 50
Jan. 31	Samuel L. Ballard - -	Do. - - - - -	744 00
Jan. 31	Andrew Ross - -	Do. - - - - -	4,437 00
Jan. 31	Alexander Dromgoole - -	Do. - - - - -	828 00
Jan. 31	Margaret Lassley - -	Do. - - - - -	489 00
Jan. 31	Young Puppy - -	Do. - - - - -	470 00
Jan. 31	Bear Meat - -	Do. - - - - -	972 00
Jan. 31	Charles Moore - -	Do. - - - - -	659 00
Jan. 31	Long Shell Turtle - -	Do. - - - - -	223 00
Jan. 31	Blackbird - -	Do. - - - - -	120 00
Jan. 31	Big Milk - -	Do. - - - - -	107 50
Jan. 31	Skager of Dirt Town - -	Do. - - - - -	275 50
Jan. 31	Susan Jane Harlin - -	Do. - - - - -	198 00
Jan. 31	T. Schultz, (Moravian Treas.)	Do. - - - - -	7,554 50
Feb. 1	Peggy Rowe - -	Do. - - - - -	110 00
Feb. 1	Ground Mole - -	Do. - - - - -	914 20
Feb. 1	Jenny Rowe - -	Do. - - - - -	217 00

Feb. 1	Big Coon	Do.	563 00
Feb. 1	Perry Spaniard	Do.	303 00
Feb. 1	James Brown, jr.	Do.	150 00
Feb. 1	Dick Scott	Do.	310 00
Feb. 1	James Daniel	Do.	5,213 00
Feb. 2	David Bell	Do.	754 00
Feb. 2	Samuel McAman	Do.	1,025 00
Feb. 2	James T. Gardenhire	Do.	474 00
Feb. 2	Do.	Do.	405 00
Feb. 2	John L. Yarnell	Do.	776 00
Feb. 2	Jeffry Beck	Do.	790 00
Feb. 2	Surry Eaton	Do.	790 00
Feb. 2	Jos. Beck	Do.	363 00
Feb. 2	Levi B. Jones	Do.	288 00
Feb. 2	Charles Reese	Do.	591 00
Feb. 2	Do.	Do.	400 00
Feb. 2	Isaac Childress	Do.	258 00
Feb. 2	Elizabeth Pettit	Do.	1,703 00
Feb. 2	Ned Bark	Do.	362 00
Feb. 2	Johnson Fields	Do.	255 00
Feb. 2	Major Ridge	Do.	12,049 00
Feb. 2	Wm. Rodgers	Do.	5,787 00
Feb. 2	John Boston	Do.	116 00
Feb. 2	George Harlin	Do.	202 00
Feb. 2	Joseph Crutchfield	Do.	6,744 00
Feb. 2	William Lasley	Do.	1,453 00
Feb. 2	Sally Hughes	Do.	40 00
Feb. 2	Ea-ta-con-na	Do.	150 00
Feb. 2	Leonard Hicks	Do.	575 00
Feb. 2	William Hicks	Do.	1,292 00
Feb. 2	Philip Innlow	Do.	165 00

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure,	Amount.
Feb. 2	Tesagnoss - - -	Under 9th art. of treaty, as per voucher, certified by commissioners	\$294 50
Feb. 2	David Watie - - -	Do. - - - - -	1,876 00
Feb. 2	William S. Adair - - -	Do. - - - - -	1,000 00
Feb. 2	John S. Marsh - - -	Do. - - - - -	103 00
Feb. 2	Sarah Raincrow - - -	Do. - - - - -	176 00
Feb. 2	Bark Taylor - - -	Do. - - - - -	305 00
Feb. 2	George Sanders, Ala. - - -	Do. - - - - -	471 00
Feb. 2	Daniel Griffin - - -	Do. - - - - -	608 00
Feb. 2	Jack Taylor - - -	Do. - - - - -	94 00
Feb. 2	Sulu, or Buzzard - - -	Do. - - - - -	150 00
Feb. 2	Tonakilla - - -	Do. - - - - -	200 00
Feb. 2	John Riley - - -	Do. - - - - -	1,005 00
Feb. 2	Lovely Rogers - - -	Do. - - - - -	220 00
Feb. 2	William Conner - - -	Do. - - - - -	594 00
Feb. 4	Daniel M'Coy - - -	Do. - - - - -	1,498 00
Feb. 4	Artilla Sanders - - -	Do. - - - - -	131 00
Feb. 4	John Fields, jr. - - -	Do. - - - - -	900 00
Feb. 4	James Petit - - -	Do. - - - - -	1,703 00
Feb. 6	John Countryman - - -	Do. - - - - -	273 00
Feb. 7	Spencer Jarnigan - - -	Do. tenth article -	4,000 00
Feb. 8	Calvin S. Adair - - -	Do. ninth article -	757 00
Feb. 8	Kekotee - - -	Do. - - - - -	263 00
Feb. 8	Ka-an-ta-sulla, or Wiley Butler - - -	Do. - - - - -	54 00
Feb. 8	Olly Lasley - - -	Do. - - - - -	200 00

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Feb.	8	Widow Squirrel	Do.	200 00
Feb.	22	Te-sa-tes-ka	Do.	1,409 50
Feb.	22	Alex M'Coy	Do.	7,175 00
Feb.	22	Hammer	Do.	444 25
Mar.	4	Thomas Carey	Do.	778 50
Mar.	4	George M. Waters	Do.	7,187 75
Mar.	4	John and Sarah Rogers	Do.	7,244 50
Mar.	4	Robert Rogers	Do.	2,450 00
Mar.	6	Betsy Walker	Do.	820 00
Mar.	6	William Harris	Do.	399 00
Mar.	6	Martin Brannum and wife	Do.	1,324 00
Mar.	6	Charles Harris	Do.	330 00
Mar.	6	Rans Bird Harris	Do.	544 50
Mar.	6	Jeremiah C. Towers	Do.	937 00
Mar.	6	Jeremiah C. Towers	Do.	352 00
Mar.	6	Sam'l Martin	Do.	265 75
Mar.	6	Elizabeth Thomson	Do.	148 00
Mar.	6	Larkin Bevert	Do.	485 00
Mar.	6	Dryforehead	Do.	531 50
Mar.	6	Ben Merrill	Do.	129 00
Mar.	6	Nelson Harlin	Do.	504 00
Mar.	6	Wm. Turner	Do.	188 00
Mar.	6	C. F. Foreman	Do.	946 00
Mar.	6	James Lassley	Do.	4,105 00
Mar.	6	Hugh Henry	Do.	3,521 00
Mar.	6	Alex. Gilbraith	Do.	1,932 00
Mar.	6	Sam'l Neal	Do.	559 00
Mar.	6	John A. Bell	Do.	1,200 00
Mar.	7	Sam'l Mays	Do.	1,500 00
Mar.	7	Dixon Price	Do.	477 00
Mar.	7	Edw. Adair	Do.	500 00

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Mar. 8	Stephen Hilterbrand - -	Under 9th article of treaty, as per voucher, certified by commissioners	\$147 00
Mar. 8	George Welch - - -	Do. - - -	2,333 00
Mar. 8	Nicy Hilterbrand - -	Do. - - -	35 00
Mar. 9	David Carter - - -	Do. - - -	3,500 00
Mar. 9	Maria Mulkey - - -	Do. - - -	606 50
Mar. 11	Silas Palmour - - -	Do. - - -	1,393 00
Mar. 11	Sam'l W. Bell - - -	Do. - - -	815 00
Mar. 13	John Ridge - - -	Do. - - -	9,336 00
Mar. 13	James Fields - - -	Do. - - -	500 00
Mar. 13	Wm. Dennis - - -	Do. - - -	49 00
Mar. 14	Daniel Davis - - -	Do. - - -	6,803 00
Mar. 14	Martin Davis - - -	Do. - - -	253 00
Mar. 14	Lewis Ralston - - -	Do. - - -	1,017 00
Mar. 14	Joseph Vann - - -	Do. - - -	16,685 00
Mar. 14	Joseph Vann - - -	Do. - - -	2,000 00
Mar. 14	Jas. T. Gardenhire - -	Do. - - -	533 25
Mar. 15	Stephen Graves - - -	Do. - - -	500 00
Mar. 15	David Wilcoxson - - -	Do. - - -	117 00
Mar. 15	David Taylor - - -	Do. - - -	287 00
Mar. 15	Sam'l W. Bell - - -	Do. - - -	671 50
Mar. 15	Walter S. Adair - - -	Do. - - -	1,000 00
Mar. 15	John Timpson - - -	Do. - - -	523 45
Mar. 15	John Ridge, Pres't Ind. Com.	Do. 12th article - - -	4,332 25
Mar. 15	John Ridge, do. - - -	Do. 3d supplement of treaty	832 25

[120]

1030

Mar. 16	Elias Boudinot	-	-	Do.	12th article	-	-	32	00
Mar. 16	Samuel C. Bennett	-	-	Do.	9th article	-	-	246	00
Mar. 16	Charlotte Vickery	-	-	Do.	-	-	-	1,469	00
Mar. 17	George Whitfield	-	-	Do.	-	-	-	15	00
Mar. 17	John R. Blythe	-	-	Do.	-	-	-	623	00
Mar. 17	Moses Fields	-	-	Do.	-	-	-	1,600	00
Mar. 17	Elias Boudinot	-	-	Do.	-	-	-	3,170	00
Mar. 17	Michael Hilterbrand	-	-	Do.	-	-	-	4,000	00
Mar. 18	Benj. F. Adair	-	-	Do.	-	-	-	438	00
Mar. 18	John Brown	-	-	Do.	-	-	-	1,988	00
Mar. 18	Edmund Duncan	-	-	Do.	-	-	-	731	00
Mar. 18	Wm. M'Bride	-	-	Do.	-	-	-	160	00
Mar. 18	Henry Seabolt	-	-	Do.	-	-	-	500	00
Mar. 18	Wm. A. Davis	-	-	Do.	-	-	-	1,943	00
Mar. 18	John Cowart	-	-	Do.	-	-	-	717	00
Mar. 18	John Ridge	-	-	Do.	-	-	-	10,945	67 $\frac{1}{2}$
Mar. 20	Lindsay Johnson	-	-	Do.	-	-	-	785	00
Mar. 20	Lindsay Johnson	-	-	Do.	-	-	-	1,438	50
Mar. 21	Betsy Thomson	-	-	Do.	-	-	-	513	00
Mar. 21	John Satterfield	-	-	Do.	-	-	-	446	00
Mar. 21	Saml. Ratcliff	-	-	Do.	-	-	-	146	00
Mar. 22	George Starr	-	-	Do.	-	-	-	1,554	00
Mar. 22	Lemuel Childress	-	-	Do.	-	-	-	1,726	00
Mar. 22	Nicholas B. M'Nair	-	-	Do.	-	-	-	1,048	00
Mar. 22	David M'Nair	-	-	Do.	-	-	-	6,110	00
Mar. 22	James M'Nair	-	-	Do.	-	-	-	1,256	00
Mar. 22	Prussian Foreman	-	-	Do.	-	-	-	60	00
Mar. 22	Peggy Overtaker	-	-	Do.	-	-	-	231	00
Mar. 20	John Ratcliff	-	-	Do.	-	-	-	1,858	00
Mar. 22	Jos. Blackbird	-	-	Do.	-	-	-	182	00
Mar. 6	Ellis S. Harlin	-	-	Do.	-	-	-	1,000	00

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
Mar. 22	Sally Lamar - - -	Under 9th article of treaty, as per voucher, certified by comm'r's	\$2,354 00
Mar. 22	Zachariah B. Hargrove - - -	Do. - - - - -	1,637 00
Mar. 22	James Lamar - - -	Do. - - - - -	348 00
<i>Disbursements in second quarter of 1837.</i>			
April 11	Danl. C. Renner - - -	For 30,000 pounds of bacon for use of emigrating Cherokees, at \$11 94½ per cwt. - - - - -	3,583 50
April 11	James Walker - - -	For a boat to transport Indians, \$50; teams for hauling do., \$87; 1 barrel of flour for do., \$7 50 - - - - -	144 50
April 1	John Ridge - - -	For rent of room as an office to disbursing agent, from the 15th November, 1836, to 1st March, 1837, at \$8 per month - - - - -	28 00
June 30	Dr. Philip Minis - - -	For transportation from New Echota, Georgia, to Fort Gibson, Arkansas, and back again - - - - -	354 00
			395,126 68

I certify, on honor, that the foregoing abstract is just and true.

PHILIP MINIS,
United States army, Military Disbursing Agent.

The United States in account current with Philip Minis, U. S. A., removing and subsisting Indians, 4th quarter 1836, and 1st and 2d quarters 1837.

DR.

CR.

Date.	Nature of expenditure.	Amount.	Date.	Nature of expenditure.	Amount.
1836. Dec. 31	To abstract of contingencies - - -	\$3,627 50	1836. Nov. 11	By Treasury warrant on Bank of Augusta -	\$1,732 61
	To abstract of transportation - - -	140 00	13	By this amount, deposited to my credit in branch of the Planters' Bank of Tennessee, at Athens - - - - -	4,000 00
1837. March 31	To abstract of contingencies - - -	14,176 87½	13	By this amount, deposited to my credit in branch of the Planters' Bank of Tennessee, at Athens - - - - -	50,000 00
	To abstract of transportation - - -	24,958 87½	24	By this amount, deposited to my credit in branch of the Planters' Bank of Tennessee, at Athens - - - - -	200,000 00
	To abstract of subsistence - - -	32,714 10½	27	By Treasury warrant on Bank of Augusta -	8,505 00
	To commissioners' certificates - - -	315,399 32½	1837. January	By Treasury warrant on Bank of Augusta -	250,000 00
April 4	To disbursements, per act 23th June, 1834 -	1,205 48½			
May 2	To amount, as per receipt of Lieutenant J. Van Herne - - - - -	7,000 00			
June 30	To amount, as per receipt of Captain J. P. Simonton - - - - -	97,086 83½			
	To abstract of subsistence - - -	3,591 00			
	To abstract of transportation - - -	137 00			
	To abstract of contingencies - - -	382 00			
	Balance due United States - - -	13,818 61½			
		514,237 61			514,237 61

I certify the above account of moneys received and expended by me in the period above stated, is just and true.

PHILIP MINIS,
Disbursing Agent Cherokee Removal.

1033

[120]

ABSTRACT of moneys paid by Benjamin F. Currey to the Cherokees, for expenses incurred and services rendered, as per the following receipts.

[120]

Date.	To whom paid.	Nature of the expenditure.	Amount.
1836.			
May 26	James Starr -	For services and expenses incurred in negotiating treaty of 29th Dec., 1835	\$600 00
July 2	Do. -	Do. do. do. do. do. -	1,081 00
May 26	Andrew Ross -	Do. do. do. do. do. -	600 00
July 2	Do. -	Do. do. do. do. do. -	2,160 00
May 26	John Gunter -	Do. do. do. do. do. -	600 00
July 2	Do. -	Do. do. do. do. do. -	715 00
May 26	Longshell Turtle -	Do. do. do. do. do. -	600 00
July 6	Do. -	Do. do. do. do. do. -	600 00
2	Johnson Rogers -	Do. do. do. do. do. -	1,530 00
2	James Rogers -	Do. do. do. do. do. -	2,175 00
2	John Smith -	Do. do. do. do. do. -	2,175 00
2	William S. Coody -	Do. do. do. do. do. -	1,407 00
6	Elias Boudinot -	Do. do. do. do. do. -	1,550 00
6	John A. Bell -	Do. do. do. do. do. -	1,200 00
6	William Rogers -	Do. do. do. do. do. -	1,316 00
6	Robert Sanders -	Do. do. do. do. do. -	1,200 00
6	Tayesky -	Do. do. do. do. do. -	1,200 00
6	James Foster -	Do. do. do. do. do. -	1,200 00
6	John Fields -	Do. do. do. do. do. -	1,300 00
6	Major Ridge -	Do. do. do. do. do. -	1,280 00
6	George Welch -	Do. do. do. do. do. -	1,200 00
6	John Ridge -	Do. do. do. do. do. -	2,054 87
6	Stand Waitie -	Do. do. do. do. do. -	1,419 00

1034

	6	James Fields	-	Do.	do.	do.	do.	-	1,200 00	
	6	Wash. Adair	-	Do.	do.	do.	do.	-	110 00	
	6	Samuel A. Bell	-	Do.	do.	do.	do.	-	354 00	
	6	Archibald Smith	-	Do.	do.	do.	do.	-	354 00	
Jan.		Benj. F. Currey	-	For travelling expenses in North Carolina, and to seat of Government, and returning to Cherokee agency, also necessary repairs done to agency buildings, bill for stationery for public use					-	549 50
May	26	James A. Foreman		For services and expenses incurred in negotiating treaty of 29th Dec., 1835					-	600 00
July	2	Do.	-	Do.	do.	do.	do.	-	715 00	
									33,039 37	

BENJAMIN F. CURREY,
Acting Indian Agent.

1035

[120]

The United States in account current with Benjamin F. Currey, Indian agent, for disbursements made under the special directions of the War Department, for services rendered and expenses incurred by certain Cherokees, authorized by treaty of 29th December, 1835.

[120]

DR.			CR.		
Date.		Amount.	Date.		Amount.
1836.	To amount of disbursements, per abstract herewith	\$33,039 37	1836.	By amount of warrant received from the Treasury of the United States, in favor of George Thomas, for this amount advanced on my two drafts; one for - - - \$30,277 87 The other for - - - - 2,212 00	\$32,489 87
			July 15 -	By requisition on the Treasury, No. 7,316 -	549 50
		33,039 37			33,039 37

1036

I certify on honor, that the above account is just and true as stated; that the disbursements have been faithfully made for the objects expressed in the vouchers; and that the credits given embrace all the public money received by me, and appropriated by Congress to carry into effect the treaty concluded at New Echota, Georgia, December 29, 1835.

BENJAMIN F. CURREY, *Acting Indian Agent.*

WASHINGTON CITY, July 9, 1836.

1836	To amount of disbursements, per abstract herewith	\$33,039 37	1836	By amount of warrant received from the Treasury of the United States, in favor of George Thomas, for this amount advanced on my two drafts; one for - - - \$30,277 87 The other for - - - - 2,212 00	\$32,489 87
			July 15 -	By requisition on the Treasury, No. 7,316 -	549 50
		33,039 37			33,039 37

ABSTRACT of disbursements made by Joel Cruttenden, assistant agent in the transportation of Indian rations, from New Orleans to Fort Gibson, 2d and 3d quarters, 1837.

Date.	To whom paid.	Nature of the expenditure.	Amount.
1837.			
Aug. 7	T. Everett -	For board, Louisville, Kentucky -	\$3 00
July 30	N. Smith -	For passage from Little Rock to White river	10 00
Aug. 5	Jno. Hagerty -	For passage from White river to Louisville	30 00
	T. N. Perry -	For two days' board at Little Rock	3 00
7	Jas. Griffith -	For passage from Louisville to Cincinnati	4 00
9	A. John -	For board at Cincinnati -	2 00
	James Purten -	For passage from Cincinnati to Guyandott	6 00
11	H. Husleton -	For passage from Guyandott to Lewisburg	12 00
13	H. Balden -	For passage from Lewisburg to Staunton	7 25
15	Geo. Knapp -	For passage from Staunton to Fredericksburg	9 50
17	J. Perkins -	For passage from Fredericksburg to Washington	3 00
	Joel Cruttenden	For porterage, hack-hire, and subsistence, between 6th May and 16th August, 1837 -	18 50
			<hr/> 108 25

JOEL CRUTTENDEN.

1037

[120]

The United States in account current with Joel Cruttenden.

Dr.

Cr.

Date.	Nature of expenditure.	Amount.	Date.	Nature of expenditure.	Amount.
1837.	To compensation for services rendered as assistant agent in the transportation of Indian rations from New Orleans to Fort Gibson, from 4th May to 18th August, 1837, inclusive, at \$5 per diem -	\$535 00	1837.		
	To disbursements, between 4th May and 18th August, 1837, per abstract herewith -	108 25	July 26 -	By cash, from Captain Brown - - -	\$157 00
		643 25	Aug. 24 -	By cash, from C. A. Harris - - -	232 00
				By requisition on Treasury - - -	254 25
					\$643 25

I certify, on honor, that the above account is correct.

JOEL CRUTTENDEN.

August 18, 1837.

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(Copy of so much of Lieutenant Van Horne's account as relates to the Cherokee treaty of December, 1835.)

The United States in account current with Lieutenant J. Van Horne, Disbursing Agent Cherokee treaty of December, 1835.

DR.

CR.

Date.	Nature of expenditure.	Amount.	Date.	Nature of expenditure.	Amount.
1837. June 30	To this amount, paid Alexander Brown, son of Nakey, for a claim under treaty of December, 1835, being a balance due him	\$500 00	1837. April 4	By cash, received of Surgeon P. Minis, disbursing agent	\$7,000 00
	To balance	6,932 13	15	By cash, received of J. L. McCoy & Co., for provisions	432 13
		7,432 13			7,432 13

I certify, &c.

J. VAN HORNE,
Disbursing Agent Cherokees.

1039

[120]

ABSTRACT of disbursements on account of the Indian Department, by Col. Wm. Lindsay, military disbursing agent, for the quarter ending 30th September, 1837—Cherokee agency.

Date.	To whom paid.	Nature of expenditures.	Amount.	Aggregate.
		<i>Purchases for subsistence, &c.</i>		
1837.				
July 1	George E. Mountcastle -	For 8 bushels of salt, for poor Cherokees, at \$1 67 per bushel	\$13 36	
Sept. 13	Wm. Hale -	For 440 bushels of corn, for poor Cherokees, at \$1 37½ per bushel -	605 00	
Sept. 30	Gen. Nathaniel Smith -	For 3,370 lbs. bacon, at \$11 98½ per cwt. -	403 72	
Sept. 30	Do. -	For 15,522 lbs. do. do. do. -	1,859 53½	
Sept. 30	W. A. Lenoir -	For 7,719 lbs. of fresh beef, for poor Cherokees, at 5 cents per lb. -	385 95	
Sept. 30	Cyrus A. Kennedy -	For clothing for poor Cherokees -	10 50	
		<i>Disbursements for contingencies.</i>		
July 1	A. McKeldin & Co. -	For stationery -	10 77	
July 21	G. E. Mountcastle -	For a pair of steelyards -	3 00	
July 24	G. W. Smith -	For hauling off goods from New Echota to Fort Cass -	5 00	
July 24	Lewis Petit -	For hauling off goods from New Echota to Fort Cass -	5 00	
Aug. 5	John Walker -	For hauling provisions from Fort Cass, Tennessee, to Valley river, North Carolina -	60 00	
Aug. 5	Thos. G. Grills -	For hauling provisions from Fort Cass, Tennessee, to Valley river, North Carolina -	60 00	
Sept. 24	Perry G. Garnon -	For putting a new roof on Cherokee agency house at New Echota -	7 50	
				\$3,278 06½

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1040

Sept. 30	Samuel Caldwell -	-	For 17 day's labor as assistant to issuing agent at Valley river, North Carolina -	11 70
Sept. 30	A. S. Lenoir -	-	For services as issuing agent, at New Echota, Georgia, from 1st July to 30th September, at \$4 per day -	368 00
Sept. 20	Wm. Bean -	-	For services as interpreter to issuing agent at New Echota, from 1st July to 30th September -	13 80
Sept. 30	B. A. Jett -	-	For services as assistant to do. do. do. do. -	13 80
Sept. 30	A. S. Lenoir -	-	For travelling expenses from New Echota, Georgia, to Fort Cass, Tennessee, and back again -	5 75
Sept. 30	Geo. W. Rowles -	-	For services as issuing agent at Valley river, North Carolina, 92 days, at \$4 per diem -	368 00
Sept. 30	Jacob Howard -	-	For services as issuing agent at Fort Cass, Tennessee, 76 days, at \$4 per diem -	308 87½
				1,241 19½
				\$4,519 26

WM. LINDSAY,
Col. 2d Art. Com., Agent Cherokee nation.

1041

[120]

The United States in account with Colonel William Lindsay, disbursing agent Cherokee agency.

DR.

CR

Date.		Amount.	Date.		Amount.
1837. 3d quarter	To amount of purchases, per abstract - -	\$3,278 06½	1837. July 1	By cash received from General Wool, as per receipts - - -	\$18,117 00
	To disbursements for contingencies, per abstract	1,241 19½			
	To amount due United States, carried to new account - - -	13,597 74			
		18,117 00			18,117 00

I certify that the above account of moneys received and expended by me in the period above stated, is just and true.

WILLIAM LINDSAY,
Colonel 2d Artillery.

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1042

The United States in account current with J. F. Schermerhorn, on account Cherokee treaty, December, 1835.

DR.

CR^d

My account for services as commissioner to treat with Cherokees east, from 6th July, 1835, to 15th July, 1836, both days inclusive, at \$8 per day, and mileage - -	\$4,585 60	Received of Lient. M. W. Batman, on account, September 30, 1835 - - - - - \$520 00 November 2, 1835 - - - - - 248 00 January 7, 1836 - - - - - 488 00	\$1,256 00
<i>Account of Samuel Rockwell:</i>		Balance due him and paid - - - - -	4,041 60
For subsistence, transportation, &c., while engaged in furthering the ratification of the treaty - \$250 00			
William Hansel: For subsistence, transportation, &c., while engaged in furthering the ratification of the treaty - - - - - 462 00	712 00		
	5,297 60		5,297 60

J. F. SCHERMERHORN.

1043

[120]

ABSTRACT of expenditures of Isaac McCoy, in causing surveys of Cherokee lands, &c. &c.

Date.	Nature of expenditure.	Amount.
1837.		
April 22	For compensation of Isaac McCoy while causing surveys to be made, and documents prepared for the issuing of a patent, under instructions from honorable C. A. Harris, Commissioner of Indian Affairs, dated 5th July, 1836: from date of instructions to April 22d, 1837, inclusive, being 292 days, at \$8 per day	\$2,236 00
August 25	For amount of compensation of John McCoy, surveyor	*4,663 24
		6,999 24

ISAAC MCCOY.

WESTPORT, JACKSON COUNTY, MISSOURI, September 20, 1837.

* *The United States to John McCoy, Dr.*

For making the following surveys, viz: To surveying the meanders of Neosho river, 2 miles 76 chains; to surveying a line from the southeast corner of Osage lands, west 75 miles 24 chains; to surveying the meanders of Arkansas river and Verdigris, to the east boundary Creek lands, in all 5 miles 34 chains; to surveying a line from the Arkansas river to northeast corner of Creek lands, 25 miles; to surveying a line from northeast corner of Creek lands west, to Mexican boundary, 273 miles 111 chains and 26 links; to surveying a line from southwest corner of Cherokee lands north, on the Mexican boundary, to northwest corner of same, 60 miles 24 chains; to surveying a line from northwest corner of Cherokee lands east, to the Arkansas river, 180 miles and 46 chains; all at \$7 50 per mile—\$4,663 24.

Received, of Isaac McCoy, four thousand six hundred and sixty-three dollars and twenty-four cents, in full of the above account.

JOHN MCCOY, Surveyor, &c.

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1044

The United States in account with Isaac McCoy.

DR.

CR.

Date.		Amount.	Date.		Amount.
1837.			1836.		
Sept. 20	To cost of making surveys of Cherokee lands, preparing plats and other documents, agreeably to abstract, herewith, of this date	\$6,999 24	August 16	By bill of exchange, on Secretary of War, of this date, in favor of W. M. Chick	\$1,000 00
			22	By bill of exchange, in favor of Blaine and Bacon	500 00
			Sept. 7	By bill of exchange, in favor of Flournoy and Hickman	500 00
			19	By bill of exchange, in favor of W. W. Kavanaugh & Co.	500 00
			1837.		
			January 20	By bill of exchange, in favor of W. W. Kavanaugh & Co.	1,363 00
				By bill of exchange, in favor of W. M. Chick	332 00
			Feb'y. 25	By bill of exchange, on Commissioner of Indian Affairs, in favor of self	500 00
				By bill of exchange, on Commissioner of Indian Affairs, in favor of self	400 00
				Amount due to balance account	1,904 24
		6,999 24			6,999 24

1045

ISAAC McCOY.

WESTPORT, JACKSON COUNTY, MISSOURI, September 20, 1837.

[120]

ABSTRACT of disbursements on account Cherokee treaty of December 1835, made by Dr. Jno. C. Reynolds.

[120]

Date.	To whom paid.	On what account.	Amount.
1837.		<i>Contingencies.</i>	
April 15	Jourdan Smith - -	Services as assistant conductor, and travelling expenses from 22d February to 14th March, 1837 - - \$76 06 Transportation in returning from Tuscumbia, Alabama, to Calhoun, Tennessee - - - 26 00 Services in receiving and storing provisions, from 22d March to 15th April, 1837 - - - 62 50	164 56
April 15	D. M. Foreman - -	Services as interpreter in collecting, &c., Cherokees, 51 days, at \$2 50 - - -	127 50
April 18	A. Westmoreland - -	Services in removing and repairing a house at the agency for the reception of bacon - - - 11 50 Services in making a coffin for an emigrant - - - 3 50	15 00
April 18	George Orr - - -	Services as issuing agent for Cherokees, 23 days, at \$1 per day - - -	23 00
April 19	G. J. Denton - - -	Services as collecting agent for Cherokees, 39 days, at \$2 50 per day - - -	97 50
April 21	Thos. Rogers - - -	Services as express from Cherokee agency to Athens, Tennessee - - -	2 50
April 26	Jno. McCue - - -	Services in making table and putting up shelves for office of Cherokee emigration - - -	2 50
April 30	N. Smith - - -	Services as superintendent of Cherokee removal, 48 days, at \$2,000 per annum - - -	263 00

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May 9	W. F. Eichbaum	-	-	Sundry articles of stationery	5 69 $\frac{1}{2}$
May 13	J. W. M. Breazeale	-	-	Printing 10 quires of blank accounts, and advertising for supplies for Cherokee emigration	12 50
May 15	Geo. W. Mayo	-	-	Saddle and trimmings delivered at Cherokee agency on 24th April, 1837	32 75
May 16	Jas. Hunter	-	-	Services as physician to Cherokees, 100 days, at \$3 50 per day	350 00
Feb. 6	Wm. W. Cowan	-	-	For sundry articles delivered at Cherokee agency	342 62
May 16	Dr. J. W. Lide	-	-	For services as medical director for Cherokee emigration, 90 days, at \$6	540 00
May 17	E. Hicks	-	-	For expenses from Ross's Landing to Decatur, Alabama, accompany emigrating party as interpreter	5 00
				For expenses from Courtland to Decatur, \$3; do. at Bank Hotel, Decatur, \$1 50	4 50
				For services as interpreter, 23 days, at \$2 50	57 50
				For fare and passage from Tuscumbia to Little Rock, \$40; do. from Little Rock to Fort Coffee, \$10	50 00
				Transportation and allowance from Fort Gibson to Calhoun, 800 miles, at 10 cents per mile	80 00
					197 00
May 17	K. Moore	-	-	For services transporting books, &c., from the agency to New Echota	15 00
May 23	S. Mays	-	-	For services as valuing agent, 15 days, at \$4	60 00
May 24	A. McCoy	-	-	For services as interpreter, 78 days, at \$2 50	195 00
May 24	S. Jarnigan	-	-	For services as assistant conductor, actual expenses, &c.	341 75
May 24	A. McCoy	-	-	For services as conductor and interpreter, from 3d March to 5th April, 1837	70 00
May 27	J. Fisher	-	-	For one desk delivered at Cherokee agency	5 00
May 27	S. Jarnigan	-	-	For amount paid L. Hicks, a Cherokee, for interpreting for the agents, at \$2 50 per day	45 00
May 27	J. C. Reynolds	-	-	For cash paid S. H. Jordan as cost of a protest of draft	2 00

ABSTRACT—Continued.

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1048

Date.	To whom paid.	Nature of expenditure.	Amount.
1837. May 28	S. Young - - -	For services rendered as assistant superintendent, 17 days, at \$4 per day	\$68 00
May 28	J. S. Young - - -	For services as conductor of Indians, 76 days, at \$4 per day, transportation and actual expenses	507 52
June 5	D. M. Foreman - - -	For services as interpreter to the superintendent Cherokee removal, 46 days, at \$2 50	115 00
June 10	Jas. S. Bridges - - -	For one pair saddle bags for Cherokee emigration service	5 00
June 21	B. S. Cannon - - -	For services as assistant conductor, 32 days, at \$3 per day, travelling allowance, &c.	247 00
June 24	A. Roach - - -	For services as laborer in loading and attending a boat, for use of Cherokee emigration	2 50
June 28	J. Cochran - - -	For services as laborer in storing bacon	2 00
June 29	Geo. Candy - - -	For services as interpreter for collecting agents, from the 2d to the 10th of April, 1837	22 50
June 30	J. M. Gibbs - - -	For printing ruled blanks, and advertising proposals in relation to Cherokee emigration	18 50
June 30	W. H. Foreman - - -	For services as interpreter to medical director, 10 days, at \$2 50	25 00
July 4	W. Huss - - -	For 1 day's labor in storing corn for use of Cherokees	1 00
July 10	D. M. Foreman - - -	For services as interpreter at the Cherokee agency, from 1st June to 10th July, 1837, 40 days, at \$2 50	100 00
July 10	G. J. Denton - - -	For services as issuing agent at the Cherokee agency, 86 days, at \$2 50	215 00
July 10	Lewis Ross - - -	For rent of an office for disbursing agent Cherokee removal, 2 months and 27 days	23 20

July 10	John Reneau	-	-	For services of himself and wagon in hauling logs for the erection of a hospital near the Cherokee agency, 2 days, at \$3 per day	6 00
July 10	John Smith	-	-	For services as issuing agent, 76 days, at \$2 50 per day	190 00
					\$4,247 45

Transportation.

Feb. 16	S. Jarnigan	-	-	For cash paid J. Elliot for hauling a Cherokee family to New Echota, and for pork, corn, &c.	\$10 11
Feb. 16	S. Jarnigan	-	-	For cash paid J. Elliot for hauling Cherokees to New Echota, and for pork, corn, &c.	10 11
April 17	Jos. Cook	-	-	For services of a wagon and team, 5 days, in hauling Cherokees from New Echota to Cherokee agency, at \$5 per day	25 00
April 21	M. Watts	-	-	For services of a wagon and team, 4 days, in hauling Cherokees from New Echota to Cherokee agency, at \$4 per day	16 00
April 26	J. & E. Hickey	-	-	For 1 boat to transport Cherokee Indians	65 00
May 23	D. Wilcoxon	-	-	For commutation of transportation for myself and family, being Cherokees; 4 persons, at \$20 per head	80 00
May 24	J. Cookson	-	-	Do. do. do. do. do. do.	80 00
May 24	A. M'Coy	-	-	For services of wagon and team for 1 day, in hauling Cherokees to Ross's landing	5 00
May 24	J. M'Lain	-	-	For commutation of transportation for myself and family, being Cherokees; 7 persons, at \$20	140 00
May 27	Steamboat	-	-	For transporting 2 flat boats with Cherokees and baggage, \$300	300 00
		-	-	For cabin passage for Major Ridge and family on their way to Arkansas	45 00
May 27	S. Jarnigan	-	-	For hauling Cherokee Indians and baggage, and for wood furnished them, &c.	19 75
June 3	Jas. B. Riley	-	-	For services rendered in hauling baggage for Cherokees, &c.	12 00

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ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
June 3	R. D. Blackstone - -	For 3 flat-bottomed boats furnished for Cherokee removal -	\$115 00
June 3	Jno. Elliot - - -	Do. do. do. do. do. -	55 00
June 7	H. Summers - - -	For services of himself and wagon in hauling emigrating Cherokees, 9 days, at \$5 - - - -	45 00
June 8	K. Moore - - -	For services of himself and wagon in hauling emigrating Cherokees, 15 in number - - - -	25 00
			<u>\$5,295 42</u>
<i>Subsistence.</i>			
Feb. 16	S. Jarnigan - - -	For 84 pounds pork, 2 bushels corn, for Cherokee emigrants -	\$8 22
Feb. 18	S. Jarnigan - - -	For 10 barrels flour - - - -	120 00
April 18	Edw. Sharp - - -	For 2,373 pounds bacon - - - -	272 89½
April 18	Alex. Ish - - -	For 20,000 pounds bacon - - - -	2,375 00
April 20	John M'Clatchy - - -	For 25 pounds salt, 604 pounds beef; 51½ bushel meal - - -	66 07½
April 21	J. Hambright - - -	For 150 bushels meal - - - -	87 00
April 26	Thos. Boyd - - -	For 4,614 pounds bacon - - - -	507 54
April 26	H. McClatchy - - -	For 4 bushels corn, 29½ bushels meal - - - -	20 43½
April 28	Hickey & Whiteman - - -	For 8,224 pounds bacon - - - -	982 76
April 29	D. C. Kenner - - -	For 10,000 pounds bacon - - - -	1,194 50
May 16	D. C. Kenner - - -	For 9,845 pounds bacon - - - -	1,175 98
May 16	W. W. Cowan - - -	For 2,067 pounds bacon - - - -	227 37
May 17	Jno. Morris - - -	For 28 barrels flour, and 156 pounds - - - -	215 07

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June 3	D. C. Kenner -	-	For 20,838 pounds bacon	-	-	-	2,489 10
June 3	Hickey & Whiteman -	-	For 10,000 pounds bacon	-	-	-	1,195 00
June 6	Hickey & Whiteman -	-	For 13,000 pounds bacon	-	-	-	1,558 05
June 7	H. B. Shaw -	-	For 6 barrels flour	-	-	-	60 00
June 8	Hickey & Whiteman -	-	For 7,000 pounds bacon	-	-	-	838 95
June 27	Mountcastle & Kenner	-	For 4,576 pounds salt, 15 salt barrels	-	-	-	103 52
June 28	A. M. Rawlings	-	For 5,483 pounds flour	-	-	-	246 73
June 30	Jno. Lambert -	-	For 12 bushels, 3 pecks, and 7 quarts meal	-	-	-	9 41
July 4	Thos. J. Gritts	-	For hauling provisions	-	-	-	150 00
July 8	Arthur Orr	-	For hauling flour, &c.	-	-	-	50 00
July 9	J. Billingsley	-	For 1,450 bushels meal	-	-	-	1,377 50
July 10	J. Renan	-	For hauling provisions	-	-	-	9 00
July 10	Thos. Boyd	-	For 16,060 pounds bacon	-	-	-	1,766 60
April 29	Hickey & Whiteman	-	For 30,000 pounds bacon	-	-	-	3,585 00
							25,987 12

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The United States, in account current with John C. Reynolds, assistant surgeon United States army, on account of the removal and subsistence of Indians, ending 10th July, 1837, (Cherokees.)

DR.

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Date.		Amount.	Date.		Amount.
1837. July 10	To amount of disbursements, abstract A	\$1,081 75	1837.	By Treasury warrant for	\$25,000 00
	To amount of disbursements, abstract C	4,247 45		By cash received of Captain J. P. Simonton,	
	To amount of disbursements, abstract B	20,691 70		U. S. A., disbursing agent Cherokee removal	1,766 60
	Balance due United States	745 70			
		<u>26,766 60</u>			<u>26,766 60</u>

I certify that the above account of moneys, &c.

1837	July	10	To amount of disbursements, abstract A	\$1,081 75	
			To amount of disbursements, abstract C	4,247 45	
			To amount of disbursements, abstract B	20,691 70	
			Balance due United States	745 70	
				<u>26,766 60</u>	
					<u>26,766 60</u>

ABSTRACT of disbursements on account of Cherokee treaty of December, 1835, made by Brigadier General John E. Wool, United States Army.

Date.	To whom paid.	On what account.	Amount.
1836		<i>Contingencies.</i>	
July 22	Jas. W. McSpadden - -	For transporting corn - - - - -	\$19 21
July 31	John Matlock - - - -	Expenses in negotiating draft - - - - -	20 00
July 31	George W. Rowles - - -	For services as clerk and agent in commissary's department, from 9th to 31st July, 23 days, at \$3 per day - - - - -	69 00
Aug. 31	George W. Rowles - - -	Do. do. do. from 1st to 31st August, at \$60 per month - - - - -	60 00
Aug. 31	R. A. Ramsey - - - -	Do. do. do. from 12th July to 31st August, at \$3 per day - - - - -	153 00
Aug. 31	A. S. Lenoir - - - -	For services as issuing agent, from 23d July to 31st August, at \$3 per day - - - - -	120 00
Sept. 13	John A. Watie - - - -	For services as interpreter, from 28th July to 27th August, at \$1 per day - - - - -	31 00
Sept. 24	Stand Watie - - - -	For services as confidential interpreter, from 15th to 25th Sept., at \$2 per day - - - - -	20 00
Sept. 30	Samuel Davis - - - -	For services as assistant in issuing to Indians, from 20th July to 19th September - - - - -	7 95
Sept. 30	R. A. Ramsay - - - -	For services as issuing agent, from 1st to 30th Sept., at \$3 per day - - - - -	90 00
Sept. 30	G. W. Rowles - - - -	For services as clerk, from 1st to 30th Sept., at \$2 per day; expenses on express, \$5 25 - - - - -	65 25
Nov. 15	Pay Roll - - - -	For services as carpenter, repairing store-house - - - - -	16 65
Nov. 23	Allen Vineyard - - -	For transporting 2,597 pounds of Indian clothing from Augusta to New Echota - - - - -	71 41 $\frac{1}{2}$
Nov. 24	Elijah Meadows - - -	Do. do. 2,523 do. do. do. do. - - - - -	69 39 $\frac{1}{2}$
Nov. 26	Nimrod Andrews - - -	Do. do. 2,112 do. do. do. do. - - - - -	73 92

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ABSTRACT—Continued.

[120]

Date.	To whom paid.	Nature of expenditure.	Amount.
1837.			
Nov. 27	Nicholas Sewall - -	For transporting 1,722 pounds of Indian clothing from Augusta to New Echota	\$60 27
Nov. 27	George W. Justice - -	Do. do. 2,006 do. do. do. do.	70 21
Nov. 27	George W. Justice - -	Do. do. 2,528 do. do. do. do.	88 48
Nov. 27	D. C. R. Lowe - -	Do. do. 2,690 do. do. do. do.	94 15
Nov. 29	Henry Mitchell - -	Do. do. 3,000 do. do. do. do.	82 50
Nov. 29	Thomas Hays - -	Do. do. 2,034 do. do. do. do.	53 93
Dec. 5	J. Robertson - -	Do. do. 700 do. from New Echota to Fort Cass	5 25
Dec. 7	A. S. Lenoir - -	For services as issuing agent, from 1st to 19th Sept., 1836, at \$3, and his services as agent in purchasing Indian clothing, &c.	459 00
Dec. 7	A. S. Lenoir - -	For amount paid for freight of Cherokee clothing, from New York to Charleston, S. C., wharfage, coopering, &c. &c.	344 00
Dec. 7	George C. Mountcastle - -	For amount paid for transporting 1,200 pounds Cherokee clothing from New Echota to Fort Cass	12 00
Dec. 7	Colthrop & Co. - -	For nails, saw, padlock, stationery, &c.	14 31 $\frac{1}{4}$
Dec. 10	Thomas Stoddert - -	For transporting beef from Fort Cass to New Echota	22 00
Dec. 15	S. Morgan - -	For transporting bacon from Fort Cass to Valley River, N. C.	66 00
Dec. 24	Jos. Walker - -	Do. do. do. do. do.	66 00
<i>Clothing and provisions.</i>			2,348 89 $\frac{3}{4}$
July 19	G. W. Rowles - -	For 242 $\frac{1}{2}$ bushels of corn	\$182 62
July 25	Jas. W. McSpadden - -	For 522 do.	417 60

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Aug. 13	Jona. P. Long	-	-	For 500 do.	-	-	415 00
Sept. 8	J. Buffington	-	-	For $\frac{1}{2}$ bushel of corn and 21 pounds bacon	-	-	3 77 $\frac{1}{2}$
Sept. 18	John A. Bell	-	-	For gingham, calico, shirts, &c.	-	-	36 35
Sept. 19	J. A. Bell	-	-	For 18 bushels corn, and 324 pounds fresh meat	-	-	24 00
Sept. 30	C. S. Howe	-	-	For 11,891 $\frac{1}{2}$ pounds bacon, 2 $\frac{1}{2}$ bushels salt, and 2 6-10 barrels flour	-	-	1,699 31
Oct. 15	Buckingham & Co.	-	-	For 1,836 blankets, 1,802 $\frac{1}{2}$ yards shirting, 1,583 $\frac{1}{2}$ yards gingham, 4,013 shoes, &c.	-	-	15,159 81
Nov. 22	John Ellis	-	-	For 44 $\frac{1}{2}$ bushels corn	-	-	33 56
Nov. 23	D. H. Dickey	-	-	For 6 barrels flour	-	-	54 00
Nov. 27	C. S. Howe	-	-	For 1,066 pounds bacon	-	-	140 00
Nov. 30	W. S. Adair	-	-	For 1,366 pounds fresh beef	-	-	40 98
Dec. 20	C. S. Howe	-	-	For 6,000 pounds bacon	-	-	840 00
Dec. 2	E. Boudinot	-	-	For 145 pounds fresh beef	-	-	7 30
Dec. 7	W. S. Adair	-	-	For 65 do.	-	-	3 25
Dec. 8	John Ridge	-	-	For 48 bushels corn	-	-	60 00
Dec. 9	E. Boudinot	-	-	For 31 $\frac{1}{2}$ do.	-	-	39 62 $\frac{1}{2}$
Dec. 10	Colthrop & McSpadden	-	-	For 54 do.	-	-	40 50
Dec. 28	W. Kinman	-	-	For 308 pounds beef	-	-	15 40
Dec. 28	U. Philips	-	-	For 1,271 pounds fresh pork	-	-	161 68
Dec. 30	W. S. Adair	-	-	For 277 pounds fresh beef	-	-	101 68
							19,314 76 $\frac{1}{2}$

The United States, in account with Brigadier General John E. Wool, on account of subsistence, &c., for Cherokees, from 28th July to 31st December, 1836.

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Date.		Amount.	Date.		Amount.
1836.			1836.		
Dec. 31	To abstract of purchases - - -	\$19,314 76½	July 18	By bill of exchange in favor of Lient. C. S. Howe, on the Secretary of War - -	\$10,000 00
	To abstract of disbursements, on account of contingencies - - -	2,348 89½	October 3	By notice of requisition No. 7,601, drawn by Secretary of War on the Treasury, to be deposited in the Merchants' Bank of New York, for - - -	5,000 00
	To balance due United States, when my bill of exchange in favor of Buckingham & Huntington, of New York, is paid - -	14,289 73½	October 5	By warrant of the Treasury, No. 4,656, on the branch bank at Athens, of the Planters' Bank of Tennessee, at Nashville - - -	5,000 00
				By transfer of corn, per abstract K - -	793 59
			Nov. 2	By bill of exchange in favor of Buckingham & Huntington, of New York, on the Secretary of War, not paid - - -	15,159 81
		35,953 40			35,953 40

JOHN E. WOOL,
Brigadier General Commanding.

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ABSTRACT of purchases of subsistence for poor and destitute Cherokee Indians, by Brigadier General John E. Wool, 1st quarter 1837.

Date.	To whom paid.	Nature of the disbursement.	Amount.
1837.			
January 20	John Philips - - -	For 7 bushels corn, for Cherokees - - -	\$7 00
23	Wm. Rogers - - -	For 43 bushels corn, for Cherokees - - -	42 93½
	George M. Lavender - - -	For 72 bushels corn, for Cherokees, and 2,182 pounds flour - - -	220 92
February 2	J. Whitesides - - -	For 56½ bushels corn, for Cherokees - - -	63 28
3	J. F. Beavers - - -	For 6,030 pounds bacon and 724 pounds beef - - -	1,166 82
15	Robert Agnew - - -	For 35 bushels corn - - -	39 37½
17	Colthorp & Co. - - -	For 3,482 pounds salted pork - - -	295 97
	Colthorp & Co. - - -	For 3,419 pounds bacon - - -	410 28
	Colthorp & Co. - - -	For 20½ bushels corn - - -	20 87½
	Colthorp & Co. - - -	For 31½ bushels corn - - -	35 43½
March 18	Marg't. Morgan - - -	For 500 bushels corn - - -	500 00
20	Preston Starrett - - -	For 950½ bushels corn - - -	950 00
28	Walter S. Adair - - -	For 20 bushels corn meal - - -	25 37½
		Total - - -	3,778 77
1837.		<i>Contingencies.</i>	
January 6	Wm. Vaught - - -	For building provision-house - - -	\$11 05
February 18	A. S. Lenoir - - -	For issuing agent at New Echota, Georgia - - -	186 00
March 13	W. S. Adair - - -	For nails, &c. &c. - - -	8 75
		Total - - -	205 80

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ABSTRACT of disbursements made by Captain J. P. Simonton, U. S. A., disbursing agent of the United States for the removal and subsistence of the Indians, in the quarter ending the 30th June, 1837.

Date.	To whom paid.	Nature of the expenditure.	Amount.	Aggregate.
1837.		<i>Subsistence.</i>		
April 21	Curtis Herrin - - -	For furnishing 845½ rations to emigrating Creeks at Gunter's Landing, Alabama, between 10th February and 5th March, 1837, at 11½ cents per ration	\$97 23	
May 6	John M. Bruce - - -	For 1,122 pounds bacon, furnished at Ross's Landing, at 10 cents per pound, \$112 20; 627½ pounds bacon, same place, at 12½ cents per pound, \$78 46½; 65 bushels and 31 quarts corn meal at 75 cents per bushel, \$49 47½; 1 barrel and 26 pounds flour, furnished at Ross's Landing, at \$8 per barrel, \$9 06; 71 pounds salt, same place, at 2½ cents per pound, \$1 77½	250 97½	
	Richard Keys - - -	For commutation allowance for self and family (Cherokees) for one year's subsistence west of the Mississippi, 5 persons, at \$33 33 each	166 65	
	Charles F. Foreman - - -	For commutation of subsistence for self and wife, (Cherokees) for one year's subsistence, 2 persons -	66 66	
17	John R. Nicholson - - -	For commutation of subsistence for 8 persons, viz: 3 Indians and 5 slaves	266 64	
20	Wm. A. Davis - - -	For commutation of subsistence for 11 persons, viz: 6 Indians and 5 slaves	366 63	

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 20	Jesse Mayfield - - -	For 1,015 pounds bacon furnished at the agency for Cherokee emigrants 8th February, at 11 cents per pound - - -	\$111 65	
27	Ryder Fields - - -	For commutation of subsistence for self and family (Cherokees) 7 persons, viz: 6 Indians and 1 slave -	233 33 $\frac{1}{2}$	
June 5	Wm. Beamer - - - Mountcastle & Walker - -	For commutation of subsistence for 3 persons - - For 1,202 pounds bacon for emigrant Cherokees, at 11 cents per pound, \$1,320 22; 50 barrels flour for emigrant Cherokees, at \$8 per barrel, \$400 -	100 00 1,720 22	
<i>Transportation.</i>				\$3,379 89
May 5	Wm. B. Chester - - -	For hauling Cherokees 27 days, at \$6 per day, \$162, and services as wagon master, 9 days, at \$2 25 per diem, \$20 25 - - -	182 25	
6	John M. Bruce - - - B. B. Cannon - - -	For hauling Cherokees 3 days, at \$4 per diem, \$12 - For furnishing, cleaning, and repairing flat boats for Cherokees - - -	12 00 47 75	
	John M. Bruce - - - Richard Keys - - -	For one flat boat for Cherokees - - - For commutation of transportation for self and family (Cherokees) 5 persons, at \$20 each - - -	40 00 100 00	
8	John F. Beavers - - -	For use of team in transporting Indians, 6 days, at \$5 per diem - - -	30 00	

May 8	John F. Beavers	-	-	For hauling 4 Cherokee families 8 days, at \$5 per diem	40 00
1	John R. Nicholson	-	-	For commutation of transportation for self and family, 8 persons, viz: 3 Indians and 5 slaves	160 00
20	Wm. A. Davis	-	-	For commutation of transportation for self and family, 11 persons, viz: 6 Indians and 5 slaves	220 00
26	Stand Watie	-	-	For commutation of transportation for self and family, 1 person	20 00
	Jay Hicks	-	-	For commutation of transportation for self and family, 1 person	20 90
	John Casters	-	-	Hire of a wagon 6 days, at \$5 per diem	30 00
27	Ryder Fields	-	-	For commutation of transportation for self and family, 7 persons, viz: 6 Indians and 1 slave	140 00
	Wm. Beamer	-	-	For commutation of transportation for self and family, 3 persons	60 00
<i>Contingencies.</i>					
5	James Ring & Co.	-	-	For drugs and medicines for emigrant Indians	83 68
	Colthrop & McSpaddon	-	-	For drugs and sundries for emigrant Indians	39 74
	Dr. C. Lillybridge	-	-	Expenses incurred in procuring the above	21 38
6	B. B. Cannon	-	-	For services rendered as collecting agent in Cherokee removal, 20 days, at \$2 50 per diem	50 00
	Dr. C. Lillybridge	-	-	For medical services and expenses to emigrant Indians	309 60
	John M. Bruce	-	-	For 29 days' services issuing rations to Cherokee Indians, at \$2 50 per diem	72 50
22	Carrington W. H. Hicks	-	-	For services as interpreter, 106 days, at \$2 50 per diem	265 00

1,142 00

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ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 22	Josiah Shaw - - -	For services as valuing agent, 118 days, at \$4 per diem, \$472; incidental expenses \$3 25 - -	\$475 25	
	John Ratliff - - -	For services as interpreter to collecting agent, 2 days, at \$2 50 per diem - - -	5 00	
	Rezin Rawling - - -	Incidental expenses while acting as valuing agent - -	2 20	
27	Ira Van Nortwick - - -	For publishing 3 notices of superintendent - - -	5 00	
	Wm. Rogers - - -	For 1 pine paper case - - -	13 00	
	John M. Gibbs - - -	For furnishing paper and printing 56 quires of blank bonds at \$1 06 $\frac{1}{4}$ per quire - - -	59 50	
	Leonard & Eaton - - -	For inserting notices of superintendent - - -	6 00	
29	Walter S. Adair - - -	For a cabin, as office for disbursing agent - - -	35 00	
June 25	Barker & Cessna - - -	For stationery for said office - - -	5 25	
			\$1,438 10	
<i>Commissioner's certificates.</i>				
May 2	Ezekiel Bates - - -	Under 9th article of treaty - - -	131 10	
3	John Williams - - -	Do. - - -	135 35	
	Do. - - -	Do. - - -	6 36	
	Do. - - -	Do. - - -	16 31 $\frac{1}{4}$	
	Do. - - -	Do. - - -	27 18 $\frac{1}{4}$	
	John Davis - - -	Do. - - -	26 18 $\frac{1}{4}$	
	George M. Lavender - - -	Do. - - -	50 00	
	Do. - - -	Do. - - -	200 00	

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	Do.	-	-	Do.	-	-	-	263
	Do.	-	-	Do.	-	-	-	133
4	John Towns	-	-	Do.	-	-	-	19
	L. B. Hargrove	-	-	Do.	-	-	-	4 25
	Do.	-	-	Do.	-	-	-	8 62 ¹ / ₂
	Do.	-	-	Do.	-	-	-	12 22 ¹ / ₂
	George M. Lavender	-	-	Do.	-	-	-	9 18
	Do.	-	-	Do.	-	-	-	56 31
	Do.	-	-	Do.	-	-	-	300 00
	Do.	-	-	Do.	-	-	-	34 31
	Do.	-	-	Do.	-	-	-	100 00
	Do.	-	-	Do.	-	-	-	66 00
	Do.	-	-	Do.	-	-	-	80 00
	Do.	-	-	Do.	-	-	-	63 81
	H. M. Cunningham	-	-	Do.	-	-	-	12 42
	Do.	-	-	Do.	-	-	-	35 10
	Do.	-	-	Do.	-	-	-	30 48
	Do.	-	-	Do.	-	-	-	9 62 ¹ / ₂
	Do.	-	-	Do.	-	-	-	2,400 00
	Robert Sanders	-	-	Do.	-	-	-	132 50
5	John A. Bell	-	-	Do.	-	-	-	1,896 18
	Do.	-	-	Do.	-	-	-	32 75
6	James F. Bradford	-	-	Do.	-	-	-	51 00
	Felix Axley	-	-	Do.	-	-	-	38 20
	Alex. D. Keys	-	-	Do.	-	-	-	30 25
	N. J. Tunell	-	-	Do.	-	-	-	109 85 ³ / ₄
	Do.	-	-	Do.	-	-	-	22 40
	Do.	-	-	Do.	-	-	-	28 21
8	Thos. Treadaway	-	-	Do.	-	-	-	35 93 ³ / ₄
	Do.	-	-	Do.	-	-	-	4 68 ³ / ₄
	Do.	-	-	Do.	-	-	-	40 62 ¹ / ₂

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 8	Thomas Treadaway	Under 9th article of treaty	\$87 25	
	Do.	Do.	23 18 ³ / ₄	
	Do.	Do.	4 37 ¹ / ₂	
	Do.	Do.	30 87 ¹ / ₂	
	John F. Beavers	Do.	340 25	
	Do.	Do.	21 18 ³ / ₄	
	Do.	Do.	37 31 ¹ / ₄	
	Do.	Do.	27 25	
	Do.	Do.	19 87 ¹ / ₂	
	David M. Harlin	Do.	2,241 00	
	Wm. J. Underwood	Do.	49 50	
	John Rice	Do.	105 00	
	Geo. M. Lavender	Do.	104 62 ¹ / ₂	
	Do.	Do.	112 50	
	Do.	Do.	200 00	
	Do.	Do.	120 00	
	Do.	Do.	245 25	
	Do.	Do.	23 93	
	Do.	Do.	110 62	
	Do.	Do.	374 18	
	Do.	Do.	192 25	
	Do.	Do.	2 00	
	Do.	Do.	30 00	
	Do.	Do.	120 00	

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	Do.		Do.	\$100
	Do.		Do.	114
	Do.		Do.	10 80 ¹ / ₂
	Do.		Do.	300 00
	Do.		Do.	50 31 ¹ / ₄
	Do.		Do.	25 62 ¹ / ₂
	Do.		Do.	34 00
	Do.		Do.	24 75
	Do.		Do.	11 81
	Do.		Do.	17 43 ³ / ₄
	Do.		Do.	8 31 ¹ / ₄
	Do.		Do.	70 00
	Do.		Do.	6 87 ¹ / ₂
	Do.		Do.	81 93
	Do.		Do.	337 00
	Do.		Do.	78 32
	Do.		Do.	9 00
	Do.		Do.	37 50
	George Dougherty		Do.	155 25
	Do.		Do.	506 00
	John R. Nicholson		Do.	39 68 ³ / ₄
	Thos. Treadaway		Do.	26 68 ³ / ₄
	Do.		Do.	14 12 ¹ / ₂
	Do.		Do.	17 25
	Do.		Do.	79 50
	Do.		Do.	2 75
	Do.		Do.	54 75
	Do.		Do.	28 12 ¹ / ₂
	Do.		Do.	29 87 ¹ / ₂
	Do.		Do.	23 87 ¹ / ₂
10	X. G. & T. G. M'Farlan		Do.	151 24

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 10	Wm. Vann - - -	Under 9th article of treaty - - -	\$69 75	
	Richard Literal - - -	Do. - - -	100 00	
	Samuel Morgan - - -	Do. - - -	53 64 $\frac{1}{4}$	
	Do. - - -	Do. - - -	251 45	
	George M. Lavender - - -	Do. - - -	8 56 $\frac{1}{2}$	
	Do. - - -	Do. - - -	25 62 $\frac{1}{2}$	
	Do. - - -	Do. - - -	23 18 $\frac{1}{2}$	
	Do. - - -	Do. - - -	13 25	
	Do. - - -	Do. - - -	121 00	
	Do. - - -	Do. - - -	76 31	
	Do. - - -	Do. - - -	10 00	
	Do. - - -	Do. - - -	115 68 $\frac{3}{4}$	
	Do. - - -	Do. - - -	4 50	
	Do. - - -	Do. - - -	10 00	
	Do. - - -	Do. - - -	300 00	
	Do. - - -	Do. - - -	62 62 $\frac{1}{2}$	
	Do. - - -	Do. - - -	99 87 $\frac{1}{2}$	
	Solomon Fouts - - -	Do. - - -	75 00	
	Hiram Proctor - - -	Do. - - -	20 31 $\frac{1}{4}$	
	Do. - - -	Do. - - -	17 00	
	John Gunter - - -	Do. - - -	302 75	
	Do. - - -	Do. - - -	81 31 $\frac{1}{4}$	
	Do. - - -	Do. - - -	31 60	
	Do. - - -	Do. - - -	32 10 $\frac{1}{2}$	

	John Black	-	-	Do.	-	-	-	135
	J. L. Yarnell	-	-	Do.	-	-	-	777
11	John F. Story	-	-	Do.	-	-	-	31 00
	Do.	-	-	Do.	-	-	-	13 93 ¹ / ₂
	Do.	-	-	Do.	-	-	-	1 87 ¹ / ₂
	Do.	-	-	Do.	-	-	-	9 75
	Do.	-	-	Do.	-	-	-	107 25
	Do.	-	-	Do.	-	-	-	2 87 ¹ / ₂
	Do.	-	-	Do.	-	-	-	8 18 ¹ / ₂
	John Hogg	-	-	Do.	-	-	-	214 00
	X. G. McFarlan	-	-	Do.	-	-	-	32 33 ¹ / ₂
	H. R. Turk	-	-	Do.	-	-	-	213 00
	Caleb Sanders	-	-	Do.	-	-	-	1,054 56
	George M. Lavender	-	-	Do.	-	-	-	10 00
	Do.	-	-	Do.	-	-	-	2 87 ¹ / ₂
	Do.	-	-	Do.	-	-	-	37 31
	Do.	-	-	Do.	-	-	-	1 50
	Do.	-	-	Do.	-	-	-	85 25
	Do.	-	-	Do.	-	-	-	50 81
	Do.	-	-	Do.	-	-	-	13 75
	William Literal	-	-	Do.	-	-	-	65 00
	John F. Jones	-	-	Do.	-	-	-	45 00
	Do.	-	-	Do.	-	-	-	45 00
	Thomas Barnes	-	-	Do.	-	-	-	113 00
	Stephen Mays	-	-	Do.	-	-	-	165 00
12	John Gunter	-	-	Do.	-	-	-	3,051 00
	John M. Bruce	-	-	Do.	-	-	-	108 15
	Hiram R. Turk	-	-	Do.	-	-	-	103 00
	Greenway & Sackett	-	-	Do.	-	-	-	1,140 50
	Jesse Morris	-	-	Do.	-	-	-	569 00
	Alsey Eldridge	-	-	Do.	-	-	-	1,529 00

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 12	William Reed - - -	Under 9th article of treaty - - -	\$495 37	
1	George M. Lavender - - -	Do. - - -	5 25	
	Do. - - -	Do. - - -	5 75	
	Do. - - -	Do. - - -	1 25	
	Do. - - -	Do. - - -	12 00	
	Do. - - -	Do. - - -	8 00	
	Do. - - -	Do. - - -	5 31 $\frac{1}{4}$	
	Do. - - -	Do. - - -	111 56	
	Do. - - -	Do. - - -	5 00	
	Do. - - -	Do. - - -	1 56 $\frac{1}{4}$	
	Do. - - -	Do. - - -	2 25	
	Do. - - -	Do. - - -	15 00	
	Do. - - -	Do. - - -	55 18 $\frac{3}{4}$	
	Do. - - -	Do. - - -	53 50	
	Do. - - -	Do. - - -	42 31	
	Do. - - -	Do. - - -	11 62 $\frac{1}{2}$	
	Do. - - -	Do. - - -	8 18 $\frac{3}{4}$	
	Do. - - -	Do. - - -	46 00	
	Do. - - -	Do. - - -	1 50	
	Do. - - -	Do. - - -	10 00	
	Do. - - -	Do. - - -	2 31 $\frac{1}{4}$	
	Do. - - -	Do. - - -	126 25	
	Do. - - -	Do. - - -	20 00	

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837. May 13	George M. Lavender - -	Under 9th article of treaty - - - -	\$10 00	
	Do. - - - -	Do. - - - -	11 87 ¹ / ₂	
	Do. - - - -	Do. - - - -	17 75	
	Do. - - - -	Do. - - - -	7 00	
	Do. - - - -	Do. - - - -	7 00	
	Do. - - - -	Do. - - - -	50 12 ¹ / ₂	
	Do. - - - -	Do. - - - -	1 50	
	Do. - - - -	Do. - - - -	12 31 ¹ / ₄	
	Do. - - - -	Do. - - - -	53 46	
	Do. - - - -	Do. - - - -	13 00	
	Do. - - - -	Do. - - - -	44 00	
	Do. - - - -	Do. - - - -	23 50	
	Do. - - - -	Do. - - - -	7 31 ¹ / ₄	
	Do. - - - -	Do. - - - -	3 37 ¹ / ₂	
	Do. - - - -	Do. - - - -	66 56 ¹ / ₄	
	Do. - - - -	Do. - - - -	2 68 ¹ / ₄	
	Do. - - - -	Do. - - - -	3 25	
	Do. - - - -	Do. - - - -	5 50	
	Do. - - - -	Do. - - - -	1 25	
	Do. - - - -	Do. - - - -	10 00	
	Do. - - - -	Do. - - - -	1 93 ³ / ₄	
	Do. - - - -	Do. - - - -	94 06	
	Do. - - - -	Do. - - - -	323 67	
	Do. - - - -	Do. - - - -	25 00	

	Do.	Do.	200 00
	Do.	Do.	40
	Robert Brown	Do.	333
	John Gunter	Do.	121 50 $\frac{1}{2}$
	Do.	Do.	20 98
	Do.	Do.	11 90
	Do.	Do.	11 10
	Do.	Do.	10 87 $\frac{1}{2}$
	Do.	Do.	9 20
	Do.	Do.	4 92 $\frac{1}{2}$
	John Ridge	Do.	14 48
	Do.	Do.	67 00
	George W. Churchill	Do.	171 87
	Wm. C. Mount	Do.	10 00
15	John Riley	Do.	902 80
	Sarah Hicks	Do.	159 44
16	R. Hall	Do.	9 12 $\frac{1}{2}$
	Betsey Candy	Do.	306 00
	M. M. Scrimshear	Do.	1,175 00
	Catharine Vaught	Do.	610 00
	Johnson Thompson	Do.	800 00
	Narcissa Monroe	Do.	200 00
	R. Hall	Do.	123 12 $\frac{1}{2}$
	Do.	Do.	536 87 $\frac{1}{2}$
	George M. Lavender	Do.	1 25
	Do.	Do.	414 68
	James White	Do.	244 80
	Do.	Do.	472 63
17	John Williams	Do.	707 00
	John Smith	Do.	224 00
	Avery Miller	Do.	902 25

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837. May 17	John R. Daniel	Under 9th article of treaty	\$605 00	
	Moses Daniel	Do.	671 00	
	Jack Still	Do.	350 00	
	Jackson Ratling Gourd	Do.	358 00	
	Wm. Grammit	Do.	440 00	
	Wm. Brewster	Do.	304 50	
	Allen Dyer	Do.	54 10	
	Gideon Morgan	Do.	367 97	
	Do.	Do.	1,327 27	
	John F. Gillispy	Do.	51 00	
	George E. Mountcastle	Do.	29 75	
	Do.	Do.	5 25	
	Do.	Do.	15 30	
	Do.	Do.	10 35	
	Do.	Do.	109 00	
	Do.	Do.	17 75	
	Do.	Do.	58 30	
	Do.	Do.	13 24	
	Do.	Do.	6 22½	
18	Elias Boudinot	Do.	14 40	
	Do.	Do.	1 50	
	Do.	Do.	12 65	
	Do.	Do.	22 50	
	Do.	Do.	280 00	

Do.		1
Do.		8
Do.		39 20
Do.		5 00
Do.		3 60
Do.		8 00
Do.		23 60
Do.		34 50
Do.		4 50
Do.		5 00
Do.		9 60
Do.		30 00
Do.		9 00
Do.		17 70
Do.		15 70
Do.		10 00
Do.		16 00
Do.		60 00
Do.		19 50
Do.		142 00
Joseph Spears -		62 87 ¹ / ₂
C. D. Terhune		62 87 ¹ / ₂
Do.		62 87 ¹ / ₂
Do.		56 00
Holsenback & Coffee		116 75
Stand Watie		11 50
Do.		12 50
Do.		73 00
Do.		15 68 ¹ / ₂
Do.		1,200 00
Isabella Watie -		500 00

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May. 18	Mary Ann Howell	Under 9th article of treaty	\$128 00	
	G. W. Adair	Do.	1,653 69 $\frac{1}{2}$	
19	John Riley	Do.	4,150 00	
	David England	Do.	1,390 00	
	George E. Mountcastle	Do.	14 87 $\frac{1}{2}$	
	Do.	Do.	110 39	
	Do.	Do.	116 50	
	Do.	Do.	10 65	
	Do.	Do.	108 65	
	Do.	Do.	36 87 $\frac{1}{2}$	
	Do.	Do.	135 25	
	Do.	Do.	17 69 $\frac{1}{2}$	
	Do.	Do.	77 75	
	Do.	Do.	4 42 $\frac{1}{2}$	
	Do.	Do.	19 50	
	Do.	Do.	66 68 $\frac{3}{4}$	
	Do.	Do.	14 56 $\frac{1}{4}$	
	Do.	Do.	37 00	
20	Wesley M'Allister	Do.	204 00	
	John Hodges	Do.	158 46	
	Andrew Bell	Do.	100 00	
	Russell & Hare	Do.	96 00	
	Do.	Do.	10 00	
	Do.	Do.	11 25	

Do.	Do.	4
Do.	Do.	1
Do.	Do.	32 50
Thomas Morgan	Do.	5 50
Do.	Do.	25 18 1/2
Do.	Do.	15 68 1/2
John E. Brown	Do.	96 75
James Law & Co.	Do.	9 26
Joseph M. Lynch	Do.	1,113 00
Jesse Mayfield	Do.	4,310 00
Russell & Hare	Do.	11 00
Dillard Love	Do.	108 24
Do.	Do.	23 52 1/2
Do.	Do.	15 43 1/2
Do.	Do.	11 68 1/2
Do.	Do.	20 43 1/2
Do.	Do.	8 07
Do.	Do.	84 43
Do.	Do.	20 31 1/2
Do.	Do.	9 75
Do.	Do.	14 37 1/2
Do.	Do.	25 94
Do.	Do.	11 00
Do.	Do.	26 00
Do.	Do.	19 26
Do.	Do.	81 03 1/2
Do.	Do.	14 47 1/2
Do.	Do.	71 37 1/2
Do.	Do.	95 02 1/2
Do.	Do.	63 04
Do.	Do.	52 56 1/2

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837. May 20	Dillard Love - - -	Under 9th article of treaty - - -	\$30 75	
	Do. - - -	Do. - - -	71 35	
	Do. - - -	Do. - - -	9 18 ³ / ₄	
	Do. - - -	Do. - - -	10 06 ¹ / ₄	
	Do. - - -	Do. - - -	12 87 ³ / ₄	
	Do. - - -	Do. - - -	20 68 ³ / ₄	
	Do. - - -	Do. - - -	42 90	
	Do. - - -	Do. - - -	8 77	
	Do. - - -	Do. - - -	10 43 ³ / ₄	
	Do. - - -	Do. - - -	31 45 ³ / ₄	
	Do. - - -	Do. - - -	9 28	
	Do. - - -	Do. - - -	2 62 ¹ / ₃	
	Do. - - -	Do. - - -	10 03 ³ / ₄	
	Do. - - -	Do. - - -	8 50	
	Do. - - -	Do. - - -	5 00	
	Do. - - -	Do. - - -	7 37 ¹ / ₂	
	Do. - - -	Do. - - -	7 07	
	Do. - - -	Do. - - -	6 12 ¹ / ₃	
	Do. - - -	Do. - - -	109 35	
	Do. - - -	Do. - - -	13 75	
	Do. - - -	Do. - - -	11 99 ³ / ₄	
	Do. - - -	Do. - - -	11 65	
	Do. - - -	Do. - - -	7 42 ¹ / ₃	
	Do. - - -	Do. - - -	23 68	

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ABSTRACT—Continued.

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Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 20	Dillard Love	Under 9th article of treaty	18 00	
	Do.	Do.	5 01	
	Do.	Do.	3 00	
	Do.	Do.	3 56 ¹ / ₄	
	Do.	Do.	6 20	
	Do.	Do.	69 73 ³ / ₄	
	Do.	Do.	19 05	
	Do.	Do.	59 37 ¹ / ₂	
	Do.	Do.	18 12 ¹ / ₂	
	Do.	Do.	28 65	
	Do.	Do.	53 18 ³ / ₄	
	Do.	Do.	24 37 ¹ / ₂	
	Do.	Do.	19 93 ³ / ₄	
	Do.	Do.	152 93 ³ / ₄	
	Do.	Do.	4 37 ¹ / ₂	
	Do.	Do.	2 87 ¹ / ₂	
	Do.	Do.	3 75	
	Do.	Do.	32 75	
	Do.	Do.	123 53 ¹ / ₂	
	Do.	Do.	77 65 ¹ / ₄	
	Do.	Do.	5 37 ¹ / ₂	
	Do.	Do.	7 20 ¹ / ₂	
	Do.	Do.	3 60	
	Do.	Do.	31 88 ¹ / ₂	

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837. May 22	Dillard Love - - -	Under 9th article of treaty - - -	\$19 75	
	Do. - - -	Do. - - -	6 10	
	Do. - - -	Do. - - -	18 71 $\frac{1}{4}$	
	Do. - - -	Do. - - -	37 31 $\frac{1}{4}$	
	Do. - - -	Do. - - -	8 87 $\frac{1}{3}$	
	Do. - - -	Do. - - -	1 40	
	Do. - - -	Do. - - -	12 00	
	Do. - - -	Do. - - -	36 00	
	Do. - - -	Do. - - -	107 40	
	Do. - - -	Do. - - -	8 00	
	Do. - - -	Do. - - -	16 25	
	Do. - - -	Do. - - -	25 75	
	Do. - - -	Do. - - -	16 16	
	Do. - - -	Do. - - -	5 12 $\frac{1}{2}$	
	Do. - - -	Do. - - -	19 87 $\frac{1}{2}$	
	Do. - - -	Do. - - -	17 18 $\frac{1}{4}$	
	Do. - - -	Do. - - -	7 35	
	Do. - - -	Do. - - -	10 06 $\frac{1}{4}$	
	Do. - - -	Do. - - -	32 02	
	Do. - - -	Do. - - -	13 75	
	Do. - - -	Do. - - -	6 50	
	Do. - - -	Do. - - -	35 15 $\frac{1}{2}$	
	Do. - - -	Do. - - -	74 30	
	Do. - - -	Do. - - -	38 69 $\frac{1}{4}$	

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ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837. May 22	Dillard Love	Under 9th article of treaty	\$9 44 $\frac{1}{4}$	
	Do.	Do.	21 12 $\frac{3}{4}$	
	Do.	Do.	30 97 $\frac{1}{4}$	
	Do.	Do.	12 50	
	Do.	Do.	79 74	
	Do.	Do.	16 37 $\frac{1}{2}$	
	Do.	Do.	16 12 $\frac{1}{2}$	
	Do.	Do.	26 07 $\frac{1}{2}$	
	Do.	Do.	2 02 $\frac{1}{2}$	
	Do.	Do.	17 76 $\frac{1}{4}$	
	Do.	Do.	17 12 $\frac{3}{4}$	
	Do.	Do.	17 97 $\frac{3}{4}$	
	Do.	Do.	93 67 $\frac{1}{2}$	
	Do.	Do.	19 88 $\frac{3}{4}$	
	Do.	Do.	3 00	
	Do.	Do.	13 44 $\frac{1}{4}$	
	Do.	Do.	18 33	
	Do.	Do.	18 75	
	Do.	Do.	12 25	
	Do.	Do.	8 62 $\frac{1}{2}$	
	Do.	Do.	15 75	
	Do.	Do.	16 85	
	Do.	Do.	21 75	
	Do.	Do.	17 96	

23

Do.	29	37 $\frac{1}{2}$
Do.	48	74 $\frac{1}{2}$
Do.	14	75
Gideon Morgan	545	00
Betsey Walker	802	18 $\frac{3}{4}$
Wm. H. Standefer	106	00
Richard Meredith	126	97
Elijah Gillenwater	2	90 $\frac{3}{4}$
Do.	1	61
Do.	5	40
John Cowart	717	50
Gillenwater & Weaver	6	25
John Brandon	20	80
Do.	53	00
Do.	73	87 $\frac{1}{2}$
Do.	12	75
Do.	87	25
Do.	36	37 $\frac{1}{2}$
H. M. Cunningham	2,500	00
Daniel Walker	59	64 $\frac{3}{4}$
S. A. Hoyle	190	34 $\frac{1}{2}$
Dan'l Clayton	25	37 $\frac{1}{2}$
Do.	13	50
Do.	20	17 $\frac{1}{4}$
Do.	866	12 $\frac{1}{2}$
Clayton & Sims	17	84 $\frac{1}{2}$
Do.	28	62 $\frac{1}{2}$
Felix Axley	1,000	00
Elizabeth Pack	1,018	87 $\frac{1}{2}$
Lewis Cunningham	104	68 $\frac{3}{4}$
Do.	15	10

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ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 23	Lewis Cunningham - - -	Under 9th article of treaty - - -	\$423 71	
	Do. - - -	Do. - - -	12 61 ¹ / ₂	
24	David Dobbs - - -	Do. - - -	100 00	
	David Taylor - - -	Do. - - -	21 18	
	Edward Graves - - -	Do. - - -	110 37 ¹ / ₂	
	John Brandon - - -	Do. - - -	42 75	
	Henry & Moore - - -	Do. - - -	64 61 ¹ / ₂	
	Joseph Waters - - -	Do. - - -	63 42 ¹ / ₂	
	John Dawson - - -	Do. - - -	8 00	
	Do. - - -	Do. - - -	18 45	
	Do. - - -	Do. - - -	3 25	
	Do. - - -	Do. - - -	3 25	
	Do. - - -	Do. - - -	5 87 ¹ / ₂	
	Do. - - -	Do. - - -	1 37 ¹ / ₂	
	Dawson & Douthett - - -	Do. - - -	74 21 ¹ / ₄	
	Do. - - -	Do. - - -	11 12 ¹ / ₂	
	James Rell - - -	Do. - - -	880 50	
	Jesse McLain - - -	Do. - - -	1,079 50	
	Stephen Hilterbrand - - -	Do. - - -	147 00	
	Joseph Cookson - - -	Do. - - -	1,001 00	
	Michael Hilterbrand - - -	Do. - - -	9,221 00	
	Asahel Rawlings's guardian, &c. - - -	Do. - - -	2,000 00	
	R. Rawlings - - -	Do. - - -	1 75	
	Do. - - -	Do. - - -	6 06 ¹ / ₄	

	Do.	-	-	Do.	-	-	15	68 $\frac{1}{4}$
	Do.	-	-	Do.	-	-	73	81
	Do.	-	-	Do.	-	-	4	06 $\frac{1}{4}$
	Do.	-	-	Do.	-	-	4	50
	Do.	-	-	Do.	-	-	4	37 $\frac{1}{2}$
	Do.	-	-	Do.	-	-	16	37 $\frac{1}{2}$
	Do.	-	-	Do.	-	-	8	06 $\frac{1}{4}$
	Do.	-	-	Do.	-	-	28	00
	Do.	-	-	Do.	-	-	16	31 $\frac{1}{4}$
	Do.	-	-	Do.	-	-	1	18 $\frac{3}{4}$
	Do.	-	-	Do.	-	-	2	00
	Do.	-	-	Do.	-	-	21	00
	Do.	-	-	Do.	-	-	7	15
	Do.	-	-	Do.	-	-	2	25
	Do.	-	-	Do.	-	-	2	93 $\frac{3}{4}$
	Do.	-	-	Do.	-	-	11	81 $\frac{1}{4}$
	Do.	-	-	Do.	-	-	27	25
	Do.	-	-	Do.	-	-	267	29
	Margaret Lassley	-	-	Do.	-	-	490	00
	Alfred H. Hudson and wife	-	-	Do.	-	-	4,410	00
	Lewis Ralston	-	-	Do.	-	-	2,720	00
	W. W. & J. M'Farlan	-	-	Do.	-	-	19	39
25	Alfred Scudder and wife	-	-	Do.	-	-	1,182	50
	Lewis Blackburn	-	-	Do.	-	-	7,414	01
	Asahel Rawlings	-	-	Do.	-	-	21	06
	James Gaston	-	-	Do.	-	-	10	00
	James J. Trott	-	-	Do.	-	-	4,422	50
	Wm. Lassley	-	-	Do.	-	-	1,000	00
	Brice Martin	-	-	Do.	-	-	727	25
26	George M. Lavender	-	-	Do.	-	-	15	00
	Do.	-	-	Do.	-	-	12	25

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 26	Dillard Love	Under 9th article of treaty	\$35 00	
	Do.	Do.	16 00	
	Do.	Do.	23 68	
	Do.	Do.	8 06 $\frac{1}{4}$	
	Do.	Do.	65 25	
	Do.	Do.	94 68	
	Do.	Do.	20 00	
	Do.	Do.	173 86	
	Do.	Do.	16 57	
	Do.	Do.	206 50	
	Do.	Do.	145 87 $\frac{1}{2}$	
	Do.	Do.	47 00	
	Do.	Do.	25 87 $\frac{1}{4}$	
	Do.	Do.	9 68 $\frac{3}{4}$	
	Do.	Do.	79 12 $\frac{1}{2}$	
	Do.	Do.	220 93	
	Do.	Do.	226 54	
	Do.	Do.	59 00	
	Do.	Do.	23 06 $\frac{1}{4}$	
	Do.	Do.	20 18 $\frac{3}{4}$	
	Do.	Do.	90 00	
	Do.	Do.	25 00	
	James Bigby, jr.	Do.	55 00	
	Andrew Taylor	Do.	2,490 37 $\frac{1}{2}$	

John A. Bell	Do.	31 00
Do.	Do.	304 00
John Sanders	Do.	895 00
Do.	Do.	558 00
R. J. Loyless	Do.	18 62 $\frac{1}{2}$
Do.	Do.	108 00
Do.	Do.	18 81 $\frac{1}{2}$
Do.	Do.	20 58
Do.	Do.	147 25
Do.	Do.	30 87 $\frac{1}{2}$
Do.	Do.	10 87 $\frac{1}{2}$
Do.	Do.	10 87 $\frac{1}{2}$
Do.	Do.	26 00
Do.	Do.	2 25
Do.	Do.	33 19
Do.	Do.	11 25
Do.	Do.	11 93 $\frac{3}{4}$
Do.	Do.	1 87 $\frac{1}{2}$
Do.	Do.	21 75
Do.	Do.	60 00
Stand Water	Do.	130 00
Benj. F. Adair	Do.	504 00
James Vann	Do.	1,556 00
Wm. Blythe, jr.	Do.	303 50
Jas. W. Fields	Do.	220 00
Richard Fields	Do.	234 00
George Fields	Do.	1,562 00
John A. Bell	Do.	40 00
Wilson Nivers	Do.	2,308 00
James Bigby, jr.	Do.	555 00
Adam Seabolt	Do.	942 25

ABSTRACT—Continued.

Date.	To whom paid.	Nature of expenditure.	Amount.	Aggregate.
1837.				
May 26	Adam Seabolt - - -	Under 9th article of treaty - - -	\$8 50	
27	Thomas Smith - - -	Do. - - -	88 37 $\frac{1}{2}$	
	William J. Tarvin - - -	Do. - - -	1 00	
	Do. - - -	Do. - - -	1 87 $\frac{1}{2}$	
	Do. - - -	Do. - - -	2 62 $\frac{1}{2}$	
	Do. - - -	Do. - - -	67 $\frac{1}{2}$	
	Do. - - -	Do. - - -	50 00	
	Do. - - -	Do. - - -	4 50 $\frac{1}{2}$	
	Do. - - -	Do. - - -	42 25	
	Do. - - -	Do. - - -	4 06 $\frac{1}{4}$	
	Do. - - -	Do. - - -	40 00	
	Richard Blackburn - - -	Do. - - -	1,055 00	
	William Hendricks - - -	Do. - - -	100 00	
	Rider Fields - - -	Do. - - -	721 00	
29	Edward Adair - - -	Do. - - -	1,256 00	
	Collins M'Donald - - -	Do. - - -	1,653 50	
	Susanna - - -	Do. - - -	222 75	
	Isabella Watie - - -	Do. - - -	237 00	
	Do. - - -	Do. - - -	75 00	
	Stand Watie - - -	Do. - - -	15 78	
	William Hardin - - -	Do. - - -	125 12 $\frac{1}{2}$	
	L. H. Walthall - - -	Do. - - -	12 25	
	Do. - - -	Do. - - -	9 50	
	Do. - - -	Do. - - -	11 00	
	Do. - - -	Do. - - -	59 12 $\frac{1}{2}$	

Do.	Do.	38 48 $\frac{1}{4}$
Do.	Do.	84 81 $\frac{1}{4}$
Do.	Do.	18 00
Do.	Do.	24 00
Do.	Do.	29 62 $\frac{1}{2}$
Do.	Do.	4 56 $\frac{1}{2}$
Do.	Do.	4 56 $\frac{1}{2}$
Do.	Do.	3 12 $\frac{1}{2}$
Do.	Do.	50 99
Do.	Do.	25 43
Do.	Do.	39 62 $\frac{1}{2}$
Do.	Do.	6 50
Samuel Adair	Do.	1,402 00
William J. Tarvin	Do.	34 81 $\frac{1}{4}$
Edward West & Co.	Do.	443 54
John White	Do.	12 75
Do.	Do.	11 10
Do.	Do.	22 75
Do.	Do.	5 99
Do.	Do.	129 03 $\frac{1}{4}$
Do.	Do.	12 50
Do.	Do.	7 87 $\frac{1}{2}$
Do.	Do.	106 00
Do.	Do.	75 00
Do.	Do.	89 02 $\frac{1}{2}$
Do.	Do.	140 00
		\$135,110 53
		\$141,070 62

I certify, on honor, that the above abstract is just and true.

J. P. SIMONTON,
Capt. U. S. Army, Military Disbursing Agent.

The United States in account current with Capt. J. P. Simonton, United States Army, disbursing agent Indian Department, for the quarter ending 30th June, 1837.

[120]

1090

DR.			CR.		
Date.		Amount.	Date.		Amount.
1837.	To disbursement per abstract A	\$3,379 99	1837.	By amount, requisition 8,386, for warrant issued in favor of cashier of branch of Planters' Bank of Tennessee, at Athens	\$100,000 00
	To disbursement per abstract B	1,142 00		Cash received of Dr. P. Minis	97,086 83
	To disbursement per abstract C	1,438 10	May 2	Cash received of Dr. Lillybridge	50 00
	To disbursement per abstract D	135,110 53	6	Cash received of Dr. Young	446 00
	Total expended	141,070 62	Jan. 14	R. Bennett's draft on bank at Athens, Tenn.	200,000 00
	Balance on hand	256,548 21	22	Cash received of Gen. N. Smith	36 00
		397,618 83			397,618 83

I certify that the above account of moneys received and expended by me, in the period above stated, is just and true.

J. P. SIMONTON,
 Capt. U. S. Army, Disbursing Agent C. R.