

M E M O R I A L

OF

HEADMEN AND PEOPLE OF THE NORTH CAROLINA OR EASTERN CHEROKEES,

PROTESTING AGAINST

The ratification of the treaty concluded on the 9th day of July, 1868, between the United States and the Cherokees residing west of the Mississippi river.

JANUARY 14, 1869.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate of the United States :

The undersigned, headmen and people of the North Carolina or eastern Cherokees, and who, under the 12th article of the treaty of New Echota, of 1835, continued to reside east of the Mississippi river, beg leave most respectfully to present to your honorable body this our protest against the ratification of the treaty concluded on the 9th day of July, 1868, by and between the Hon. N. G. Taylor, Commissioner of Indian Affairs, on behalf of the United States, and Lewis Downing and others on behalf of the Cherokees residing west of the Mississippi river, which treaty is now pending in the Senate for confirmation.

We protest against the ratification of the treaty in its present form—

First. Because of its manifest injustice in granting to those Cherokees west the entire right of control of the national property and proceeds thereof, in direct disregard of the stipulations of the treaties of 1835 and 1846, and written explanatory contract on file in the Indian department, signed by the delegations of both parties.

Second. Because in the future, as in the past, on the payment of these national funds, the proceeds of the sale of the common lands, (in which we have all the rights possessed by the western Cherokees as securely as treaty, contract, and judicial and official decree can make it,) they will be expended by the western Cherokees for the benefit and to the western Cherokees only, leaving us, as we have been for 30 years last past, suing at the doors of the department and Congress for our rights, which have been granted us once only in all the payments of the national per capita.

Third. Because we desire the benefit of our share of the national trust and school funds, that we may educate our children, which privilege (though a large fund was placed in the treasury of the United States in trust for educational purposes years ago) we have never enjoyed in the value of the first dollar.

Fourth. And finally we protest against the ratification of the pending treaty until the same shall be so amended as to secure to us, the Cherokees east of the Mississippi, a full and complete settlement of all their rights to the national fund, past and present; and further protest against any further payment of any moneys belonging to said nation, until by decree of treaty such equities are secured, and the department having

such money in trust required to pay per capita from the Cherokee moneys now in trust to the eastern Cherokees such sum as shall, in accordance with such rights, make said eastern Cherokees equal in all respects, in personal receipts and school funds, including disbursements for expenses, to the western Cherokees; and further, that they have the same privileges, by appointment of an agent to examine and determine these national and private rights and claims, as are now granted the western Cherokees; and that the money so ascertained to be due said Cherokees from the national fund be paid them direct by an agent appointed to pay said Indians, with bonds approved by the Secretary of the Interior. To this end we will ever pray, and, with such amendments as we have designated, we ask the ratification of said treaty; and in view of our rights we respectfully refer to the oft-repeated constructions of the law by the Attorney General and others, whose duty required its construction; your petitioners, therefore, pray this in justice to them, in this their estate.

JOHN WAYNENA, chief, Buffalo Town.
 LONG BEAR, Sand Town.
 ALLEN RUTTER, Sand Town.
 TRAMPER, Buffalo Town.
 WM. McLEMORE, Hewassee Town.
 JOHN AXE, Hangdog Town.
 SOWANOOKAH, Buffalo Town.
 JAMES BLYTHE, Buffalo Town.
 SKEEGEE, Buffalo Town.
 JOHN ELIJAH, Qulla Town.
 WILLSON AXE, Sand Town.
 MINK, Buffalo Town.
 KURSKEELESKEE, Qulla Town.
 TAHQUAHTEEHEE, of Cheou Town.
 LITTLE JOHN, Qulla Town.
 ISAAC DAVIS, Qulla Town.
 JACKSON BLYTHE, Qulla Town.
 BEN NEWTOWEE, Qulla Town.
 JAMES PECKERWOOD, Sand Town.
 OO-SOWEH, Qulla Town.
 JOHNSON KATEGUH, Sand Town.