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Ratified treaty no. 42, Documents relating to the negotiation of the treaty of October 24, 1804, with the Cherokee Indians. October 21, 1804

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RATIFIED TREATY NO. 42

DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF OCTOBER 24, 1804, WITH THE CHEROKEE INDIANS

Description of the Cherokee Country

in 1804

written from Southwest Point July 17, 1804

to Genl. of War - with sketch which is not on file in D.O.
(By Return J. Meigs)

Notes:
Bradley's
Map

Mobile x 1/2 ...
Hyawassee ...
Koosee ...
Mobile, D. ... = 6 ...

The Hyawassee ... Southwest Pt.

Kannasaga, ... Koosee ... pirogues

(pirogues) ... mobile ... ten feet

Mobile ... Eustinallee + light tower

Koosee ... Tugalo (Tugalo)

intersects ... Indians

Koosee ... gently

waving surface to the Mobile Bay

Muscle Shoals ... ford

thin timber ...

Duck ...

Great Iron Mountain
or
Smoky Mountain

the middle hunting ground
of the four nations.

Freeman in 1802, ...
Highway ...
Mr Vann, 500 ...
Smoky ...
Northward,
Chukamago Creek ...
100 lbs ...
Delicia ...

Meigs estimates the Cherokee at 8750 ...
cessation ... abandonment ... hunting
life and the ... women ... foetus, all conduce to increase
of population.

The
Cherokee
Country
Described

not necessary to be
Copied

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TRENTY, OCT 24, 1804

October 15. 1804

Talks of the chiefs in council in answer
to the talks given them by the commissioners of the
United States

Friends & Brothers you the commissioners
of the United States who have asked us for our lands and
also told us the care and kindness of our father the
President of the United States to our people, which we
know to be true. his ^{humanity} ~~benignity~~ we hope will be continued
towards us that we may be enlightened and become an
ornament of the red people - it is not long since
our father recommended to us the art of manufacturing
and agriculture & the raising of stock and it with
a grateful reflection to the chiefs we are the first that
have arrived to any degree of reformation on this side
of the big water

There is numbers of our people who are
about to remove with their stock, to that land which
you have now asked us for. our father from the fountain
of his goodness has allotted that little strip of land
that we might enjoy it and our posterity after us
and the chain of friendship brightens every day and
never will rust

Brothers you tell us of the increase
of your people and want room or land to live on
these things must be pleasing reflections to our father
to think of the goodness of our common father the
great Spirit to increase our numbers to inhabit
the earth, we can inform you that the Cherokees
have also greatly increased in numbers and wish to
provide for our children that they may not say that
their fathers had sold all their lands before they were
grown up

Brothers

The Cherokees have made great progress in the art of living. when the increase they must have new soil to live on we have therefore well considered the request of our father the President of the United States we have viewed around the extent of our country and find it is not in our power to sell any part of it. we have sold lands to our white brothers so often for no more than one thousand part of its value and what land we now have we have no desire to sell, if our white brothers want land send them over the Mississippi which our father have purchased of the French - indeed when the purchase was made we thought our father would not ask us for any more lands

Brothers the Representatives of the Chickasaw nation have always acknowledged in our councils that they never meant to claim any lands held by the Cherokees we can establish our right to the lands we hold to the mouth of the Ohio these are undeniable facts that the Chickasaws had several towns on the Savannah river near Augusta who has the possession of that land now it is our elder brothers and wants now to establish the right the Chickasaws has on our lands when did the Cherokees make towns over the Mississippi that they ever claimed they never did nor ever will we are your friends Brothers

Charles Hicks
Inspector

Tallotestee
Broom
John M. Clemore

To the Commissioners of the Indian States
Our conference in council, is listened to by our respective people
that we might satisfy their wishes, which purpose, we are in possession
of it to effect - we view the body of the people of the United
States, who are well clothed in comparison to our people
and were we to sell that part of the land you request - we
should do a injury ^{to ourselves} we want our people to improve and be
as well clothed of their manufactures as our neighbors - and how
can we think to sell any land that abundance distress them
we wish you to consider the welfare of our people -
Take it in this ~~we~~ need, when we sell our lands, we become
poor, therefore we cannot sell any more lands than what
we have already sold that part in Georgia
we want to know what have been ^{to those} to those who have
killed ~~some~~ some of our people - whether ^{there} has been any
measures taken to punish them -

Tell, Kiskee

Ch. H. H. H.
Interpreter.

October 19th 1844

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[Faint handwritten text, possibly bleed-through from the reverse side]

[Faint handwritten text, possibly bleed-through from the reverse side]

[Faint handwritten text, possibly bleed-through from the reverse side]

Copy of the treaty
at Galico, Oct
1804 of peace of
the San Luis

[Faint handwritten text, possibly bleed-through from the reverse side]

Articles of a Treaty between the United States of America
& the Cherokee Indians

Don. Smith of the State of Miss. being commis-
sioned by Thos. Jefferson President of the United States
with powers of acting in behalf of the United States in
arranging certain matters with the Cherokee Nation of
Indians & the under written Chiefs representing the Nation
having with the Commissioners in a Conference at
Tulico & having taken into ^{their} consideration certain
propositions made to them by the Commissioners
of the United States, the parties aforesd have unani-
-mously agreed & stipulated as is definitely expressed
in the following articles

article 1st For the considerations herein after expressed
the Cherokee Nation Relinquish & cede to the United
States a tract of Land ~~bounded~~ southerly on the
Boundary Line between the State of Georgia & the
Cherokee Nation begining at a point on the Bound-
ery Line Northeastly of the most Northeast plantation
in the Settlement known by the name of Waw-
-fords Settlement & running at Right angles with
the Boundery Line four miles into the Cherokee
Lands, thence at Right angles Southwesterly &
parrallal with the first mentioned Boundary
Line, so far as that a line to be Run at Right
angles southerly to the first mentioned Bounda-
ry Line shall include in this cession all the
plantations in Wawfords Settlement so called
as aforesd.

article 2nd For & in consideration of the Relinquishment
& cession as expressed in the first article

The United States when signing the present Treaty shall cause to be delivered to the Cherokee people goods worth & much more to the amt of five thousand Dollars or that sum in Money at the Option (timely signify) of the Cherokee, & shall also cause to be delivered annually to them other useful goods to the amt of one thousand Dollars or Money to that amt at the Option of the Cherokee timely making choice of being given in a paper to the Amenity heretofore stipulated to be delivered at the usual time of their receiving their Amenity

In witness of all & every thing herein determined between the United States & the Cherokee Nation the parties have hereunto set their hands & seals in the Garrison of Tallahoc on Cherokee ground within the United States this 24th October 1804 & in the 29th year of the Independence & sovereignty of the United States

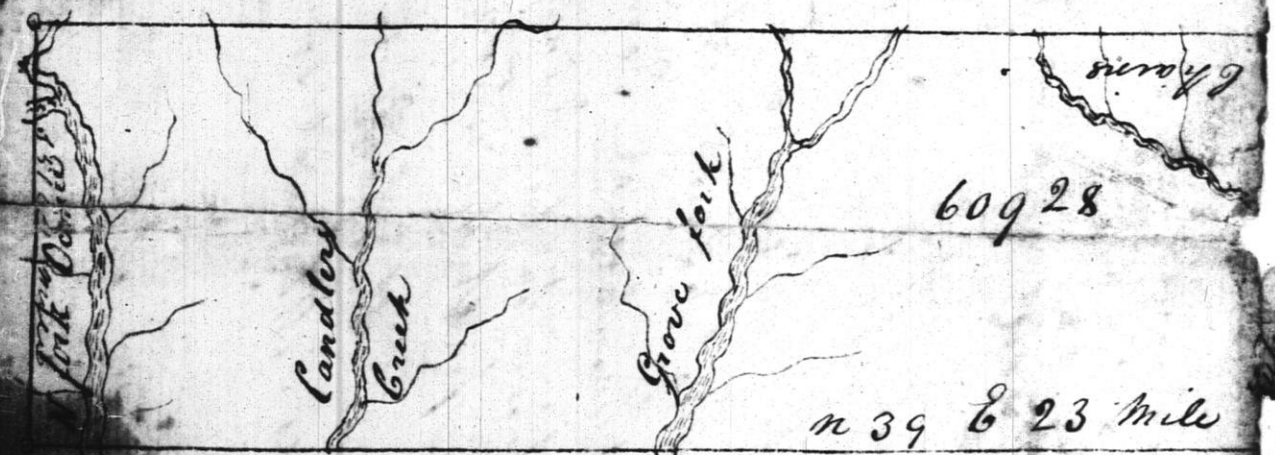
Signed

Robert D. Dwyer
 John White
 John Campbell
 John Brabam
 Wm Sharp
 Hendly Selbyway
 Wm Lovely as t apt
 Charles H. H. H. H.

Dan Smith
 Return of Miss
 Tallentirey + his Mark
 Brown + his Mark
 John McBlomere +
 Quabquey +
 Path Miller +
 Angus Tishy +
 Samr Mush +
 Kealiker +
 James V. V.

True Copy by H. Montgomery

as Run by Hugh Montgomery



n 39 E 23 mile



Georgia old Temporary Boundary as Run by Col. Hawkins
 The above is a true Plat of the tract of Land ceded by the Cherokee Indians
 to the United States as laid off
 under the Direction of James Vann & Cartier Commissioners in behalf of
 the Cherokee & James Blair in behalf of the United States by
 Certified this 15th Novr 1804

H. Montgomery Surveyor

Articles of a Treaty between the United States of America
and the Cherokee Indians;

Daniel Smith, & Return J. Meigs being commissioned by
Thomas Jefferson President of the United States, with powers
of acting in behalf of the said United States, in arranging
certain matters with the Cherokee nation of Indians, and the
Undersigned principal Chiefs representing the said nation;
having met the said commissioners in a conference at Tellico,
and having taken into their consideration certain propositions
made to them by the said commissioners of the United States;

The parties aforesaid have unanimously agreed and stipulated
as is respectively expressed in the following Articles;

Article 1st For the considerations herein after expressed, The Cherokee
nation relinquish & cede to the United States, a tract of
land bounding ~~solely~~ on the boundary line between the state
of Georgia & the said Cherokee nation; beginning at a point
on the said boundary line northeasterly of the most northerly
plantation, in the settlement known by the name of Waffords
settlement, and running at right angles with the said boundary
line four miles into the Cherokee lands, thence at right angles
south westerly & parallel to the first mentioned boundary line;
so far, as that a line to be run at right angles, southerly to
the said first mentioned boundary line, shall include in
this cession all the plantations in Waffords settlement, so
called as aforesaid;

Article 2^d For and in consideration of the relinquishment and
cessions as expressed in the first article, the United
States upon signing the present treaty, shall cause
to be delivered to the Cherokee useful goods
wares and merchandize to the Amount of
Five thousand dollars, or that sum in Money

Money at the Option (timely signified) of the Cherokees, and shall also cause to be delivered, Annually to them, other useful goods to the Amount of One thousand dollars, or Money to that Amount, at the Option of the Cherokees, timely notice thereof being given, in addition to the Annuity here tofore stipulated, and to be delivered at the usual time of their receiving their Annuity;

In Witness of all and every thing herein determined between the United States, and the Cherokee nation, the parties have here unto set their hands and seals, in the Garrison of Tellico on Cherokee Ground, within the United States, this twenty fourth day of October in the year one thousand eight hundred and four, and in the twenty ninth year of the Independence and Sovereignty of the United States

Witness
received.

Robt. Purdy Surg

John McKee

J. Campbell Capt. Commandy
2nd Regt. Art.

John Branch Lieut. 2. Regt. Art.
Thos. J. Van Hook Surgeon Major

Wm. Ward

Hinchey Pettway

W. S. Jones of age 26
Interpreter

Dan Smith

Return Meigs

Tollantiskie & his mark

Broom & his mark

John W. Hamer & his mark

Inolqueskee & his mark

Path killer & his mark

Taqutiskee & his mark

Julio & his mark

Sour & his mark

Keatchee & his mark

James Lann

Articles of a Treaty between the United States of America
and the Cherokee Indians.

Daniel Smith & Peter J. McGehee being commissioned by
Thomas Jefferson President of the United States, with powers
of acting in behalf of the said United States, in arranging
certain matters with the Cherokee nation of Indians, and the
undersigned principal chiefs representing the said nation;
having met the said commissioners in a conference at Tellico,
and having taken into their consideration certain propositions
made to them by the said commissioners of the United States,
The parties aforesaid have unanimously agreed and stipulated
as is respectively expressed in the following Articles.

Article 1st For the considerations herein after expressed, the Cherokee
nation relinquish & cede to the United States a tract of
land bounding ~~strictly~~ on the boundary line between the state
of Georgia & the said Cherokee nation, beginning at a point
on the said boundary line northeasterly of the most northeast
plantation, in the settlement known by the name of Wafford's
settlement, and running at right angles with the said boundary
line four miles into the Cherokee lands thence at right angles
south westerly & parallel to the first mentioned boundary line,
so far as that a line to be run at right angles, southerly to
the said first mentioned boundary line, shall include in
this cession all the plantations in Wafford's settlement, so
called as aforesaid.

Article 2nd For and in consideration of the relinquishment and
cession as expressed in the first article, the United
States upon signing the present treaty, shall cause
to be delivered to the Cherokee useful goods
wares and merchandise to the amount of
five thousand dollars, or that sum in money.

Money at the Option (timely signified) of the Cherokees, and shall also cause to be delivered, annually to them, other useful goods to the Amount of one thousand dollars or Money to that Amount, at the Option of the Cherokees, timely notice thereof being given in addition to the Annuity here before stipulated and to be delivered at the usual time of their receiving their Annuity;

In Witness of all and every thing herein determined between the United States, and the Cherokee nation, the parties have hereunto set their hands and seals, in the Garrison of Tellico on Cherokee Ground, within the United States, this twenty-fourth day of October in the year one thousand eight hundred and twenty-nine in the twenty-ninth year of the Independence and Sovereignty of the United States

John [unclear]
John [unclear]
John [unclear]
John [unclear]
John [unclear]
Richard [unclear]
[unclear]

Dan Smith
Return [unclear]
Tollan [unclear] & his mark
Bacon & his mark
John [unclear] & his mark
[unclear] & his mark
Cath [unclear] his mark
Tay [unclear] his mark
Julia & his mark
John [unclear] his mark
Keaton & his mark
James [unclear]

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Daniel Smith's Enclosure
Treaty made with the Cherokee
Oct 24-1802, ceding lands to the
U.S. near the Currah mountain
and a receipt of \$5000 by the
Chief of said nation &c. &c.

PK
✓
(Treaties)
(Originals)
See File box "Currah's"

Rec. Nov 20-1802,

10-24-04

Sr

Southwest Point

31st Octo. 1804

Having been previously assured that our meeting only a convention of the Chiefs of the Cherokees would produce disappointment in the prosecution of our endeavors to obtain a Cession of the lands pointed out in our Instructions on that head, it was thought best to meet them at Tellico, where they were to assemble on the 10th Instant to receive their annuity for the current year. We met them at Tellico on the 10th and communicated our authority to hear & made the propositions directed. We have only succeeded in obtaining a cession of the lands near the Currahee Mountain, called Waffords Settlement. For this cession we stipulated to give them Five thousand dollars in prompt pay & one thousand dollars in addition to their former annuity. We drew on the United States Factor at Tellico Mr. Hooker for goods to the amount of three thousand four hundred & sixty dollars & thirty three & one third cents - the ballance fifteen hundred & thirty nine dollars & sixty six & two thirds cents Mr. James Penn assumed to pay which was very satisfactory to the Cherokees & which sum we have engaged to refund to him within sixty days, & as one of the undersigned was present on the 10th Instant the maps were only signed one. As there could be no difficulty in ascertaining the boundary lines of the ceded tract & as the persons who were lately removed off were anxious to return & the cold weather advancing, two persons with two Cherokee Chiefs were empowered to run the lines & report by a plat & remarks. From the particular circumstances of the case we doubt not this will be agreeable to the Executive. The Cherokees were then urged on the propriety of making a cession of the lands lying between East & West Tennessee. Several days were taken up on this part of our business, & as far as we could discover there was a strong party in favor of the cession, probably a majority of the Chiefs: But a majority unless it amounts to nearly the whole is not considered with them sufficient to determine on matters of great interest, particularly in making cessions of lands. The best informed amongst them, & who are in favor of their advancement in useful improvements, are in favor of the cession, as by lessening the quantity of their wild lands they will gradually be drawn from the hunting life. To oppose the selling of lands & to make themselves popular a party had concerted measures for the purpose of preventing a sale. This was principally amongst the young Chiefs. The principal Chiefs had apparently acquiesced, as they say to let the young men know & see that they are not competent to conduct business without them. I request that this may be mentioned to their Father the Principal

and have pointedly told us that we must not consider the treaty at an end
that they are concerting measures to resume their proper places & have fixed on a mode
of correspondence with us - they appear strongly inclined to this on account of the close
of their claims with the Chickasaws. The Chickasaws claim the lands
East & Elk Rivers & from the Tennessee ridge to the Tennessee River & down the
Tennessee River on the north side under the ridge to the Ohio. This tract may
be estimated at about Ten thousand square miles & is esteemed by those
acquainted with it to be very valuable. They have informed General Robt
who was with General Lewis at the conference of appointment of
of Tennessee, that they will sell this land to the United States. we beg
leave to observe that good policy seems to indicate that the present time should
be embraced to make the purchase. The Cherokees claim nearly all the
same lands as being allotted to them by the treaty of Hopewell in 1785 &
conferred to them by the subsequent treaties with them to, & including the
treaty of 1798 at Tellico. The Chickasaws ^{say this} was done in the first
instance at Hopewell where they had only a small representation
when their claims were not well understood. There has probably
been some error inevitable at that early period after the war,
may which & for other causes, particularly their sending us
all for the United States under Generals S. Clair & Wayne. we
obtained from President Washington an acknowledgement of their right
to these lands in question. This they have under his signature dated
in 1794 or 1795. which they hold with great care & call it their
Marchment. The titles of these two nations to the lands in question
are questionable & they are both conscious of it, each is afraid that
the other will sell. The Cherokees request that they may first be
consulted on the business. If the lands ^{should be} purchased a relinquishment
must be had from each party. Steps are taking to sound the
Chickasaws more fully on the subject. If their lands can be
had of the Chickasaws it is probable that it will facilitate the
purchase of the lands between East & West Tennessee. Should it
be thought proper to treat for these lands, we think it our duty to mention
that it will be of importance that General Robertson be appointed a
commissioner, he possesses the confidence of both the parties. particularly
so of the Chickasaws. The treaty for the lands ceded near the
Carrabee Mountain will accompany this communication together with the
receipts for the sum agreed to be paid down.

1302

At another conference it will not be necessary to assemble many of
The Cherokee besides the Chiefs, as the matter has been so much
discussed they cannot expect to acquire more information on the
Subject. - At the first meeting it was necessary - the authority
& influence of the Chiefs is so limited that they do not conclude
on any important business but in the presence of a considerable
number of their people. We have strong expectations of succeeding in
another conference.

We are Sir

with high respect,

Your obed^t Servants.

Daniel Smith,

Henry Dearborn Esq.

Secretary of War.

Oct 24. 1804.
Rough Copy of a
Treaty with the Senecas
at Tullys 24. Octo
— 1804 —

Articles of a Treaty between the United States of
and the America & the Cherokee Indians. 4.

Daniel Smith & Return J. Meigs being commissioned by the
Thomas Jefferson President of the United States with powers of
acting in behalf of the said United States in arranging certain
matters with the Cherokee Nation of Indians - And the undersigned
principal Chiefs representing the said Nation having met the
said Commissioners in a Conference at Tellico & having taken
into their consideration certain propositions made to them by the said
Commissioners of the United States. The parties aforesaid have unanimously
agreed & stipulated as is definitely expressed in the following articles.

Article 1st For the considerations hereinafter expressed, the Cherokee
Nation relinquish & cede to the United States a tract of land
boundary Southly on the boundary line between the ~~the~~ State of
Georgia & the said Cherokee Nation beginning at a point on the
said boundary line northwesterly of the most Northeast Plantation
in the Settlement known by the name of Waffards Settlement & running
at right ^{angles} with the said boundary line four miles into the Cherokee
lands, thence at right angles Southwesterly & parallel to the said
first mentioned boundary line so far as that a line to be run at
right angles Southly to the said first mentioned boundary line shall
include in this cession all the Plantations in Waffards Settlement
so called as aforesaid. 4

Article 2nd For & in consideration of the relinquishment & cession as expressed
in the first article, the United States, upon signing the present
Treaty shall cause to be delivered to the Cherokees ^{usefull} Goods wares &
Merchandise to the amount of Five thousand dollars or that sum in
money at the option ^{timely seized} of the Cherokees, & shall ^{also} cause to
be delivered annually ^{to them} other ^{usefull} Goods to the amount of one thousand dollars,
or money to that amount at the option of the Cherokees timely notice thereof
being given in addition to the annuity heretofore stipulated ~~to~~ to be
delivered at the usual time of their receiving their ~~annuity~~ ^{annuity}.

In witness of all & every thing herein determined between the
United States and the Cherokee Nation, the parties hereunto set their hands & seals
in the Garrison of Tellico on Cherokee ground within the United States, this
twenty fourth day of October in the year one thousand Eight hundred & four,
in the ~~seventh~~ ^{seventh} year of the Independence & Sovereignty of the United States.