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RATIFIED TREATY NO. 199

DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF DECEMBER 29, 1835, WITH THE CHEROKEE INDIANS

Synopsis of
United States Treaties

with
Cherokees.

United States Treaties with Cherokees.

First Treaty.

The United States "give peace to the Cherokees" Page 8. Preamble. "On the following conditions" receiving them into "favour and protection". Do.

Cherokee Head Men & allies, to restore all prisoners from the United States, whether citizens or allies. — Also, all negroes & other property. Art.

1. page 8.

United States to restore all Indian prisoners. Art 2. page 8.

Cherokees acknowledge protection of United States and no other foreign whatsoever. Art 3. p. 8.

Boundary for "hunting grounds" within United States' limits, defined. — Art. 4. p. 8.

All intruders not removing within six months to forfeit United States protection. — Indians permitted to punish such. — Exception made in favor of persons settled between the fork of French Broad & Holston rivers, whose situation shall be left for the decision of congress. —

Art. 5. p. 9.

any Indian, or resident among them, if taking refuge there after murdering

No. 1. Concluded 1785, November 28. at Hopewell. Hawkins, Pickens, Martin & McIntosh, Commissioners. Ratified 1786, Ap: 17. — See Treaty Book, p: 8.

United States Treaties with Cherokees.

First Treaty.

murdering a citizen of the United States, No 1. Concluded 1785, November
or committing any other capital crime 28. at Hopewell. Hawkins, Pickens,
on any citizen or person under United & Martin & McIntosh, Commissioners.
States protection, to be delivered up Ratified 1786. Ap. 17. - See Treaty
for punishment on same terms as Book, page 8.
if citizens. Art. 6. p. 9.

Any United States citizen com-
-mitting crime against Indian, shall
be punished as if crime was com-
-mitted against United States citi-
-zen. Notice of punishment to be
given. Punishment to be im-
-flicted in presence of Cherokees,
if they choose to attend. Art 7.
page 9.

Retaliatory punishment on
innocent, declared unjust and not
to be practised on either side, ex-
-cept where this Treaty is manifestly
violated. - Then must be pro-
-ceeded by demand of justice. -
If refused, by declaration of hostilities.
Art: 8. p. 9 & 10.

United States may, for Indian
comfort and benefit, and to prevent
injuries and oppressions, regulate
Indian trade and "manage all
their affairs in such manner
as

United States Treaties with Cherokees.
First Treaty.

manner as they think proper." —

"Sole & exclusive right" secured. —

Art 9. p. 10.

Until pleasure of congress is known concerning the regulation of trade, all traders, citizens of the United States, are free to go to the Cherokee country and trade, and shall be protected. Art: 10. p. 10.

Indians shall give notice of all hostilities they may know of or suspect. Art: 11: p: 10.

That they may fully confide in United States justice concerning their interests, they shall have a right to send a deputy to Congress whenever they think fit. Art: 12: p: 10.

Hatchet to be forever buried.

Peace given by the United States to be universal. Art: 13. p: 10.

Second Treaty.

To establish permanent peace and friendship — remove causes of war, by ascertaining limits — and making other necessary, just & friendly arrangements. Preamble. p: 34.

Perpetual peace & friendship promised.

No 1. Concluded 1785, November 28.

at Hopewell. Hawkins, Pickens, Martin & McIntosh, Commissioners.

Ratified 1786. Ap: 17. —

See Treaty Book, p: 8.

No 2. Concluded, 1791, July 2, at

Holston. William Blount, Commissioner. Ratified 1791, Nov. 11.

See Treaty Book, p: 34.

United States Treaties with Cherokees.

Second Treaty.

promised. — Art: 1. p. 36.

Cherokees acknowledge the protection of the United States and no other sovereign whatever — will not treat with any foreign power, individual state or person. Art: 2: p: 34.

No 2. Concluded, 1791, July 2, at Holston. William Blount, Commissioner. Ratified, 1791, Nov: 11. — See Treaty Book, p. 34

Cherokees will deliver at Holston before Apr: 1. 1792, all United States prisoners. — United States also to deliver all Cherokee prisoners.

Art 3. p. 34.

Boundary between United States and Cherokees defined. Art: 4. p:

34. To preclude forever all disputes about boundary, lines to be ascertained and marked plainly by three persons on each side. Art: 4. page 35.

Forever to extinguish all claim to lands right of line above described, in addition to consideration already made for said land, certain goods to be immediately delivered to the Cherokees; and an annuity of one thousand dollars, — how long to be paid not specified. —

where is this consideration recorded?

Art. 4. page 35. [Note. By an additional

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Second Treaty.

additional article, this annuity raised No 2. Concluded, 1791, July 2, at
to one thousand five hundred dol- Holston. William Blount, com-
-lars. Page 38.] -missioner. Ratified 1791, Nov.

United States Citizens and inhab-
-itants to have free & unmolested use
of road from Washington District to
New District, and of Navigation
of Tennessee river. Art: 5. p: 35.

United States have sole exclu-
-sive right to regulate Cherokee
trade. Art: 6. p: 35.

United States solemnly guar-
-anty all lands not herely ceded.
Art: 7. p: 35.

Any citizen or other person
not Indian settling on Cherokee
lands, forfeits United States protec-
-tion and may be punished by the
Cherokees. Art: 8. p: 35.

No citizen or inhabitant
shall hunt or destroy game on
Cherokee lands; - nor go to Chero-
-kee country without passport
from some one duly authorized by
the President to grant it. Art: 9:
p: 35. -

Any Cherokee Indian or resi-
-dent, who shall seek refuge there,
if he

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Second Treaty.

if he steal a horse, or commit robbery or murder or other capital crime, on any United States citizen, shall be delivered up to be punished by the United States laws.

Art: 10: p: 36.

Any crime or trespass punishable by United States laws, committed by any United States citizen or inhabitant, on peaceable or friendly Cherokees, shall be punished as if committed in the States. Art: 11: p: 36.

In case of violence on either side, no retaliation nor reprisal by the other, before satisfaction shall have been demanded and refused. Art: 12: p: 36.

Cherokees must give notice of any hostile designs against the United States. Art: 13: p: 36.

To tempt Cherokees to become herdsmen & cultivators, instead of remaining hunters, the United States will, from time to time, gratuitously furnish them with useful implements

of

No 2. Concluded, 1791, July 2, at Holston. William Blount, Commissioner. Ratified, 1791, Nov: 11. — See Treaty Book, p. 34.

United States Treaties with Cherokees.

Second Treaty

of husbandry. Also, and to establish a certain mode of communication, will send persons, not exceeding four, to qualify themselves as interpreters. These shall have lands assigned for themselves and successors, by the Cherokees, but shall not exercise any traffic. Art: 14:
page 36.

Animosities shall cease. Art:
15. page 36.

Third Treaty

Treaty of Holston River on 2d July, 1791, (No 2) not fully executed, owing to misunderstandings. Preamble,
page 39.

To re-establish peace & friendship permanently, the Holston Treaty of 1791 (No 2) declared in full force; and binding. Art:
1. p: 39.

Boundaries in 4th Article of said Treaty to be ascertained and marked as there prescribed, whenever Cherokees have ninety days notice of time and place when United States Commissioners will commence.

No 2. Concluded, 1791, July 2, at Holston. William Blount, Commissioner. Ratified, 1791, Nov: 11. — See Treaty Book, p: 34. —

No 3. Concluded, 1794, June 26, at Philadelphia. Henry Knox, Commissioner. Ratified, 1795, Jan: 21. — See Treaty Book, page 39. —

United States Treaties with Cherokees.

Third Treaty.

Commence. — Art: 2: p: 39.

To evince justice by ample compensation for lands relinquished either by Hopewell or Holston Treaty (Nos. 1 & 2) in lieu of all former sums to be paid annually, the United States to furnish suitable goods to Cherokees, amounting to five thousand dollars yearly. Art:

3. p. 39. —

Cherokees, for every horse stolen by any of them from the whites, and not returned within three months, shall allow fifty dollars, to be deducted from the five thousand annuity. Art.

4: p: 39.

Art 3. Concluded, 1794, June 26, at Philadelphia. Henry Knox, commissioner. Ratified, 1795, Jan: 21. — See Treaty Book, page 39.

Fourth Treaty.

Provision in Treaty of Philadelphia No. 4. to carry fourth article of Treaty of Holston into effect, by marking boundaries, not having been executed until the close of 1797 (nearly four years after) in the interval, from ignorance of the direct course of the boundary

agreed

Concluded, 1798, Oct. 2, at Tellico. Butler & Walton, commissioners. Ratified, 1799, Jan. 30. — See Treaty Book, page 78.

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United States Treaties with Cherokees.

Fourth Treaty.

agreed upon, divers settlements were made by United States citizens. They, however, were afterwards removed as soon as the lines were as lawfully ascertained as possible. — But, while the settlements did injustice to the Cherokees, the removals created inconvenience to Americans.

To reconcile these difficulties and to promote the general interests and safety of the citizens of the United States, new articles are agreed to. —

Preamble, p: 79.

Peace & friendship renewed,
continued and declared perpetual.
Art. 1. p. 79.

— Subsisting Treaties re-affirmed.

Art: 2: p: 79.

Limits & boundaries as defined by them, re-affirmed, where not now altered. Art: 3: p: 79.

In acknowledgment for the protection of the United States & other considerations, certain lands on Tennessee River &c, here defined, are given up by the Cherokees. Art: 4: p: 79.

To prevent future misunderstanding regarding these, two
Commissioners

No 4. Concluded, 1798, Oct. 2, at Tellico. Butler & Walton, commissioners. Ratified, 1799, Jan. 30. — See Treaty Book, page 78.

United States Treaties with the Cherokees.

Fourth Treaty

commissioners to be appointed to mark these lines, — one by the Cherokees, — one by the United States. — They are to cause three maps or charts to be made, — one for the War Office, — one for the Cherokees, — one for the state of Tennessee. Art: 5. p: 80.

Wash. Concluded, 1798, Oct. 2, at Tellico. Butler & Walton Commissioners. Ratified, 1799, Jan. 30. — See Treaty Book, page 78.

In consequence of the relinquishment and cession under this treaty, goods to the amount of five thousand dollars shall be forthwith delivered to the Cherokees; and other goods annually, amounting to one thousand dollars, in addition to the annuity already provided for. Guarantee of the remainder of the country continued.

* Until settlements render it improper, the lands relinquished under this treaty may remain open for the Cherokees to hunt upon and take game, in return for permission on their part, that the Kentucky road, running between Cumberland mountain & river, where it shall pass through Indian land, shall be free & open

* No settlements have yet extended over this region, which includes Iron or Smoky Mountain. It is asserted that no settlements are likely to reach there for the next half century. The uninhabited part of it extends about one hundred miles in length and from twenty to thirty in width, and abounds with game. "When the whites were suffered to settle the best lands of the Cherokee nation, the Cherokees, in part, gave place to those white settlements, and retired into the mountains, to exercise the privilege of hunting game, not so desirable to the whites as the cultivation of their lands; but when in the exercise of this privilege, they were as much governed by their ancient usages and customs, as any of the Cherokees east of the law of nations, were to be regarded as residing in the nation, and members of the Cherokee family." — So says a note to a Cherokee memorial signed by three hundred and thirty three of those, who, at certain seasons of the year hunted and took game on those mountains; — in April 1837, they memorialized the North Carolina Legislature for permission to remain and continue United States' citizens and subject to State Laws and their claim was sustained by the Cherokee Committee to see the Treaty executed.

for

United States Treaties with the Cherokee.

Fourth Treaty.

open for United States' citizens, in like manner as the road from South west point to Cumberland river. Art. 7. p. 80.

1794. Concluded 1798, Oct. 2, at Tellico. Butler & Walton, Commissioners. Ratified, 1799, Jan. 30. — See Treaty Book, page 78.

Due notice shall be given to the principal towns of the Cherokee, of the time for delivering the annual stipends. page 80. Art 8. United States shall furnish sufficient supplies of provisions to such reasonable numbers for a reasonable time, as may attend. page 81. Art 8.

Horses stolen and not returned within 90 days, to be paid for at the rate of sixty dollars each.

If stolen by a white United States citizen, to be paid for in cash. If by an Indian from a citizen, to be deducted as expressed in fourth article of treaty of Philadelphia. The article to have retrospect to the commencement of the first conferences at Tellico in 1799, no further. All prior animosities and plunderings to be forgiven. Art: 9: page 81.

Agent appointed to reside among
the

United States Treaties with the Cherokees.

Fourth Treaty.

among the Cherokees, from time
to time, to be furnished by
them with sufficient ground
for his temporary use. Art. 10.
Page 81. —

No 4. Concluded, 1798, Oct 2, at Tellico.
Butler & Walton, Commissioners. Rati-
fied, 1799, Jan. 30. — See Treaty Book,
page 78.

Fifth Treaty.

A new cession defined; between
Georgia line & Cherokee nation.
Art 1. page 108.

In consideration of this
cession, the United States agrees
to deliver Five Thousand Dollars
either in money or goods, at
the option of the Cherokees, time-
ly signified; and also to de-
liver them annually, either in
goods or money, one thousand
dollars yearly, at the same
time with, and in addition
to, the annuity heretofore
stipulated. Art. 2. p. 109.

No 5. Concluded, 1804, Oct 24, at
Tellico. Smith & Meigs, Com-
missioners. Ratified, 1804,
May 17. See Treaty Book,
page 108.

Sixth Treaty.

All former treaties providing
maintenance of peace & preventing
crimes, recognised and continued.
Art. 1. p. 121.

No 6. Concluded, 1805, Oct. 25, at
Tellico. Meigs & Smith, Com-
missioners. Ratified, 1806,
June 10. See Treaty Book, page

United States Treaties with Cherokees.

Sixth Treaty.

New cession defined, comprising lands at mouth of Duck river. Art. 2. p. 121.

No. 6.

Concluded 1805, Oct. 25, at Tellico. Meigs & Smith, Commissioners. Ratified, 1806, June 10. See Treaty Book, page 121.

Islands on Tennessee to the mouth of Clinch River left to Cherokees. Small tract lying at and below the mouth of Clinch river reserved to Cherokees; - also, Ferry on Clinch River and two sections each one square mile.

Art 2 p. 122.

United States reserve three other square miles for a garrison and factory; - the previous site of a garrison & factory having been rendered inconvenient to the Indians by the cession in the present Treaty. Art. 2. p. 122.

United States to pay immediately three thousand dollars in valuable merchandize; - eleven thousand dollars in cash, within ninety days after treaty's ratification; - or, if the Cherokees choose, so much of it in useful articles of, and machines for, agriculture and manufactures, as they desire. Art. 3. p: 122.

In

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United States Treaties with Cherokees.

Sixth Treaty.

In addition to the roads already enjoyed by the United States through the Cherokee country, two others covenanted for, to be marked out by men appointed on each side for that purpose.

Art: 4: p: 122.

No 6, Concluded 1805, Oct: 25: at Tellico. Meigs & Smith, Commissioners. Ratified, 1806, June 10. See Treaty Book, page 121.

Seventh Treaty.

A section of land (on which southwest point garrison stands) desired for the assembly of the state of Tennessee to convene at. It is desired for public purposes & not for private advantage. The Cherokees, in the spirit of conciliation, agree to part with it. They understand, at the same time, that the buildings erected by the public, are to belong to the public, as well as the occupation of the same, during the pleasure of the government. Art: 1: p: 124.

They also cede to the United States the first island in the Tennessee, above the mouth of Clinch. Art:

1: p: 124.

They

No 7. Concluded 1805, Oct: 27, at Tellico. Meigs & Smith, Commissioners. Ratified, 1806, June 10. - See Treaty Book, page 124.

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United States Treaties with Cherokees.

Seventh Treaty.

They agreed that the United States shall have the free and unobstructed use of a road from Tellico to Tombigbee, as part of the United States Mail route from Knoxville to New Orleans. Art. 2. p. 124.

No 7. Concluded 1805, Oct: 27, at Tellico. Meigs & Smith, Commissioners. Ratified, 1806, June 10. - See Treaty Book, page 124.

In consideration for this, the United States agree to give fifteen hundred dollars in money or merchandise to the Cherokees, at their option, within ninety days of the ratification of this treaty.

Art. 3. p. 124.

Eighth Treaty.

New cession defined, comprising tract north of Tennessee river: also, Long Island in Holston river. - Art. 1. p. 132 & 3.

No 8. Concluded, 1806, Jan: 7: at Washington. Henry Dearborn, Commissioner. Ratified, 1807, May 22. - See Treaty Book, page 132.

Two tracts of the first part of the present cession reserved by Cherokees; one tract being at Muscle Shoals, one north side of Tennessee river. -

They are both reserved for Cherokees residing there; - one of them including John D. Chesholm, Autowee, and Cheehout; and the other

United States Treaties with Cherokees.

Eighth Treaty.

the other for Moses Melton and Charles Hicks, in equal shares.

Art: 1: page 133.

Chickasaw claim to these reservations to be settled equitably by the United States and so as to secure the Cherokee reserves.

Art: 4: p: 134.

No 8. Concluded 1806, Jan: 7. at Washington. Henry Dearborn, Commissioner. Ratified 1807, May 22. - See Treaty Book, page 132.

United States to pay two thousand dollars on ratification; besides two thousand dollars more yearly for four years; and an annuity of one hundred dollars during life to Chief Black Fox: also, a machine for cleaning cotton; and a grist mill at some convenient place.

Art: 2: p: 133.

United States will use best efforts to fix a boundary which is therein specified between the Chickasaws & Cherokees. Art: 3: page 133.

Ninth Treaty.

Boundaries of the cession in Treaty No 8, fully described & defined. - In consideration of the readiness of the Cherokees to aid in fixing the boundaries and their expence in so doing

No 9. Concluded 1807, Sept: 11 at Washington. Robertson & Meigs, Commissioners. Ratified 1808, April 22. - See Treaty Book, page 135.

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United States Treaties with Cherokees.

Ninth Treaty.

so doing, two thousand dollars allowed to them. Hunting by the Cherokees on the ceded tract allowed, (as has always been the custom), till the fulness of settlers renders it improper. — All in one article. page 135.

No 9. Concluded 1807, Sept: 11 at Washington. Robertson & Meigs, Commissioners. Ratified 1808, April 22. — See Treaty Book, page 135.

Tenth Treaty.

Cession of that part of the Cherokee country lying in South Carolina, to that state. Art: 1: page 185.

No 10. Concluded 1816, Mar: 22: at Washington. George Graham, Commissioner. Ratified, 1816, Ap: 8. —

South Carolina gives for it the consideration of five thousand dollars, to be paid in ninety days. Art: 2: page 185.

See Treaty Book, page 185.

Eleventh Treaty.

Boundary defined of lands ceded by Creeks in Fort Jackson Treaty of 1814, and of lands claimed by Cherokees west of the Coosa & south of the Tennessee. Art: 1: page 186.

No 11. Concluded 1816, Mar: 22: at Washington. George Graham, Commissioner. — Ratified 1816, Ap: 8. — See Treaty Book, page 186.

To preclude disputes hereafter relative to this boundary, two Cherokee commissioners to accompany those of the United States already appointed

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United States Treaties with Cherokees.
Eleventh Treaty.

appointed to run the boundary of the ceded Creek lands. Art: 3.
page 187.

United States to have the right to lay off, open and freely use, such roads lying north of any part of the boundary now established, as may be deemed necessary for free intercourse between Tennessee and Georgia and Mississippi Territory: — also, freely to navigate and use as a highway all Cherokee rivers and waters: — also Cherokees agree to establish & keep up, under the sanction of the article authorizing the United States to use such roads, whatever ferries & public houses may be thereon requisite. Art: 2: p: 186.

Whenever a road is deemed expedient by the President, the principal chief of the Cherokees to appoint one commissioner to accompany the United States Commissioners, to lay off and mark the road; — the Cherokee Commissioner to be paid by
the

No 11. Concluded 1816, Mar: 22: at Washington. George Graham, Commissioner. Ratified 1816, April 8. — See Treaty Book, page 185. —

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United States Treaties with Cherokees.

Eleventh Treaty.

by the United States. Art: 4: p: 187. No 11. Concluded 1816, Mar: 22: at Washington. Gen: Graham, Commissioner. Ratified 1816, April 8. — See Treaty Book, page 185. —

Twenty five thousand Dollars to be paid by the United States, to Cherokee individuals who have lost in consequence of the march of militia and other United States troops through the Cherokee nation; the amount having been already ascertained by United States Agents. Art: 5: Page 187.

Twelfth Treaty.

To perpetuate peace and friendship and to remove all future causes of dissension from indefinite territorial boundaries. Preamble, 199. No 12. Concluded 1816, Sept: 14: at Chickasaw Council House. Jackson, Meriwether and Franklin, commissioners. Ratified, 1816, Dec: 30. — See Treaty Book, page 199.

Peace & friendship firmly established. Art: 1: page 199.

a western boundary defined. Art: 2: page 199. To be ascertained and marked by commissioners appointed by the President, and accompanied by two appointed by the Cherokees. Marks to be bold. Trees blazed on both sides of the line — fore and aft trees

United States Treaties with Cherokees.
Twelfth Treaty.

trees to be marked with the
letters U. S. art: 4: p: 199.

Cherokees cede all lands
south & west of the line now des-
cribed: as a consideration for
which the United States give
an annuity of six thousand
dollars for ten successive years.

And as a compensation for
improvements, five thousand
dollars in sixty days after
ratification. Art: 3: p: 199.

— Cherokee nation to meet
the Treaty Commissioners at
Turkey's Town, Coosa River, on the
28th September, to express their
approbation, or the reverse:—
their absence will be considered
as tacit approbation. Art: 5:

pages 199 & 200.— Ratified
by the nation, as appointed.—

Memorandum at the end, page
200.—

No 12. Concluded 1816, Sept: 14: at
Chickasaw Council House. Jack-
son, Meriwether & Franklin,
Commissioners. Ratified, 1816,
Dec. 30. — See Treaty Book,
page 199.

United States Treaties with Cherokees.

Thirteenth Treaty & First of Emigration.

In autumn of 1808 a deputation from Upper & Lower Cherokees, duly authorized, went to the President at Washington: the Upper Cherokees to declare their desire for agriculture and civilized life, in the country they then occupied: also to declare that the nation at large would not devote themselves to these pursuits:

No 13. Concluded 1817, July 8, at Cherokee Agency. Jackson, McMiner & Meriwether, Commissioners. Ratified 1817, December 26. - See Treaty Book, page 209.

Hence they ask a division line between the Upper & Lower Towns, which they define: the Lower Cherokees to declare their desire for a continuance of the hunter life; and, as game was getting scarce when they were, to propose removing across the Mississippi, to vacant lands of the United States.

*Upper Towns comprizes all that part of the nation situated within the chartered limits of the State of North Carolina and a small portion of what was included in the States of Georgia & Tennessee. Hence, the objections of the North Carolina Indians, and those adjacent, to removal, commenced with the emigration question and have continued to this day; many still remaining there.

President after red those who remained of patronage, aid and good neighborhood. He authorized an exploring party to go to reconnoitre the country on the Arkansas and White River.

* Thomas Jefferson. Jan: 9. 1809.

Should they find one to their liking and "the higher up the better", the United States would arrange to exchange it for a just portion of the country they leave

United States Treaties with Cherokees.

Thirteenth Treaty & First of Emigration.

leave, and to a part of which, No 13. Concluded 1817, July 8, at Chero-
 proportioned to their numbers, they
 have a right: and would also
 give every aid towards their re-
 -moval & supply what would
 be necessary when removed; these
 to be "freely administered:"—and
would also when established, con-
 -sider them as children — always
 hold them firmly by the hand—
 and give them the benefit of
 exchanging their peltries for
 what would be wanted at the
 United States factories. — Re-
 -lying on these promises, the
 Cherokees did explore the country
 west of Mississippi; and made
 choice of the country on the Ar-
 -kansas & White River & settled
 down on vacant United States
 lands. Having done so,
 they send agents to execute a
 treaty, relinquishing all their
 right in the lands to them be-
 -longing as part of the Chero-
 -kee nation, which they have
 left or are about to leave, pro-
 -portioned to their numbers: —

kee Agency. — Jackson, McMin, and Meriwether, Commissioners. Ratified 1817, Dec. 26. — See Treaty Book, page 209.

United States Treaties with Cherokees:

Thirteenth Treaty of First of Emigration.

— To carry into full effect the Pres- No 13. Concluded, 1817, July
 -ident's promises and to promote a 8, at Cherokee Agency.
 continuation of friendship with the Jackson, McMinn & Meri-
 Cherokees on the Arkansas & to make -wether, Commissioners.
 an equal distribution of the an- Ratified 1817, Decr 26.-
 -nuities secured by the United States See Treaty Book, page 209.
 to the whole Cherokee Nation: — Pre-
-amble, page 211.

The whole Cherokee Nation makes
 a cession, comprizing lands on Apa-
 -lachi & Chatahouchy rivers; — lands
 from Tennessee to Little Sequatchie
 rivers; — reservation to Doublehead
 and others, by treaty of January 7,
 1806, (for which see Treaty Book,
 page 133); — and the aforesaid
 cession is defined in Art: 1 & 2,
page 211. — also, Art: 10: p: 213.

Census of the whole nation a-
 -greed on, to be taken in June, 1818,
 as follows: those east of the
 Mississippi, declaring their desire
 to remove, shall be taken by a
 commissioner appointed by the
 President and by another appointed
 by the Cherokees west, or on the
 Arkansas: those west, or on
 the Arkansas, and those removing
 thither

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United States Treaties with Cherokees.

Thirteenth Treaty & First of Emigration.

thicker, and who, at that time No 13. Concluded 1817, July 8, at
declare their intention to remove,
shall be taken by a commissioner
appointed by the President and by
another commissioner appointed
by the Cherokees east: Art 3:
p: 211. -

Cherokee Agency. Jackson,
McMinn & Meriwether, Com-
-missioners. Ratified 1817,
December 26. - See Treaty
Book, page 209.

The annuity due from the
United States to the whole nation,
for 1818, to be divided between
the two parts of the nation, in
proportion to their numbers.

The division to continue there-
-after in the same proportion.

Art: 4: page 212. The lands
to be apportioned and surrendered
to the United States agreeably to
the aforesaid enumeration, as
the proportionate part, agreeably
to their numbers, to which those
who have removed, and those
who declare their intention to
remove, have a just right; -
including these with the lands
ceded in this treaty. - Art: 4:
page 212.

The United States, in return
for the cession in this treaty
already

United States Treaties with Cherokees.

Thirteenth Treaty and First of Emigration.

already defined, make a cession on No 13. Concluded 1817, July 8, at the Arkansas & White River, which they also define; expressing that it is given to "that part of the Cherokee nation on the Arkansas" which has then already exchanged "acres for acre"; and that the same principle of exchange, - viz: acre in the same part of the west, for acre in the east, is to continue.

Cherokee Agency. Jackson, Mc Minn & Meriwether, Commissioners. Ratified 1817, December 26. - See Treaty Book, page 209.

The lines to be run soon after the treaty's ratification. All United States citizens, excepting Mrs P. Lovely, who is to remain for life, to be removed. Art: 5. page 212.

The United States reserve the right to establish factories, - a military post, - and roads, - within the defined boundaries. - Art: 5: - page 212.

All previous treaties to continue in full force with both parts of the nation. Art 5: p: 212.

All poor warriors who emigrate west, to receive one rifle gun and ammunition: one blanket & brass kettle, or, in lieu of

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like of brass kettle, a beaver trap; — these to be considered full compensation for improvements left by them. — To be delivered at such point as the President may direct. —

Art: 6. p: 212.

No 13. Concluded 1817, July 8, at Cherokee Agency. Jackson, Mc Minn & Meriwether, Commissioners. Ratified 1817, December 26. — See Treaty Book, page 209.

Emigrants whose improvements add real value to the land, shall be paid according to a full valuation, to be ascertained by a commissioner appointed by the President. Payment to be made as soon after treaty's ratification as possible. Art: 6. page 212.

The United States to furnish flat bottomed boats and provisions sufficient for the emigrants in removing: — to be furnished by the United States Agent on the Tennessee, at such time as the emigrants shall notify him of. Art: 6. pages 212 & 13.

All improvements adding real value to the land now ceded, to be paid for by the United States at the just valuation, like individual improvements, to be

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to be paid for at the time & valued No 13. Concluded 1817, July 8, at
in the same manner stipulated for Cherokee Agency. Jackson,
individual improvements: Or, when Mc Minn & Meriwether, Com-
not paid for in money, to be ex- missioners. Ratified 1817,
-changed for improvements equiva- December 26. - See Treaty
-lent in the west. Art: 7: p: 213. Book, page 209.

All improvements paid for
in money and not in an exchange
for equivalent improvements west,
to be rented to Indians by the Agent,
year after year, for the benefit of
the poor and decrepit of that part
of the nation east, until surren-
-dered by or to the nation. The
nation never to be called upon for
any part of the consideration paid
for such improvements. Art: 7:
p: 213.

Each and every head of any*
Indian family residing east, on
the lands which now are, or which
hereafter may be, surrendered to
the United States, - if desirous of
becoming citizens of the United States, -
may have a reservation of six
hundred and forty acres of land,
in a square, including their im-
-provements, which are to be as

near

* An Argument on this article states
that it seems to have made provision for
all the Cherokees east of the Mississippi, to
become citizens of the United States, inasmuch
as it was a right extended to them on
the unceded as well as the ceded terri-
-tory, in the enjoyment of which privilege,
they were not regarded as relinquishing any
of their right, as Cherokees, but could remove
therefrom & join their nation, whenever they
desired to do so. -

Note. This article states, not lands
ceded or unceded, but lands which now
are, or hereafter may be, ceded. -

See memoranda on the operation of
this arrangement about reservations appen-
-ded to the next treaty No 14. -

An argument states that by accepting
these reservations, the life estate reserves
forfeited none of their rights in common
with the Cherokee people, & could at any time
thereafter remove from their reservations and at-
-tach themselves again to the nation.

See Article on Reserves under
this Treaty & that of 1819, in the Opinions
of the Attorneys General, page 1183.

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as near its centre as possible. No 13. In this reservation, they will have a life estate — a reversion in fee simple to their children — reserving to the widow her dower.

Art: 8: p: 213.

Removal by any of the heads of families forfeits their rights to the United States. Art: 8: p: 213.

The land reserved to be deducted from the amount defined as ceded in this treaty. Art: 8: p: 213.

The register of the names of reserves to be filed in the Cherokee agent's office, which shall be kept open till the census stipulated for in this treaty shall be taken.

Art: 8: p: 213.

The free navigation of all the waters mentioned in this treaty, secured to the United States. Art: 9: p: 213.

The boundaries of the land ceded on either side, to be run and marked by a commissioner or commissioners, appointed by the President, accompanied by

Such

Concluded 1817, July 8, at Cherokee Agency. Jackson, Mc Minn & Meriwether, Commissioners. Ratified 1817, December 26. — See Treaty Book, page 209.

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by such others as the Cherokees No 13. Concluded 1817, July 8, at
may appoint. Due notice to Cherokee Agency. Jackson,
be given to the nation. Art: 11: Mc Minn and Meriwether,
p: 214. Commissioners. Ratified,
1817, December 26. - See
Treaty Book, page 209.

The United States will pre-
vent United States Citizens from
intruding into the country ceded
to the United States, prior to the
ratification and promulgation
of the Treaty. Art: 12: p: 214.

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The majority of the Cherokee No 14. Concluded 1819, Feb: 27: at
nation desire not to emigrate west - Washington. John C. Calhoun,
the whole nation desire to commence Commissioner. Ratified 1819,
the measures necessary to civilize Mar: 10. - See Treaty Book,
and preserve their nation: - to page 265.
avoid the trouble and expence of
taking the census, as stipulated
in the Treaty of 1817 (No 13) they
offer a tract of country at least
as extensive as that to which
a census would entitle them, ac-
-cording to the treaty of 1817. Pream-
-ble, p: 265.

The present cession defined, -
comprising lands north & east of
Tennessee river, including Jolly's
Island;

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Island; but excepting all the islands No 14. Concluded 1819, Feb: 27, - at
in the Chestatee and the parts of
the Tennessee and Highwassee, which
constitute a portion of the present
boundary. Art. 1. p: 265.

Washington. John C. Calhoun,
Commissioner. Ratified, 1819,
Mar: 10. - See Treaty Book,
page 265.

The reservations in Tellico
Treaty of Oct: 25: 1805 (Nov. p: 121)
being, - a small tract below the
mouth of Clinch River; - a ferry
on Clinch river, - and two sec-
-tions each one square mile:
- with a tract equal to twelve
miles square, defined; - ceded to
the United States in trust for the
Cherokees as a school fund, to
be sold by the United States; - (Art. 1.
p: 266.) - in same manner &
on same terms with United
States' lands; - proceeds invested
under President's direction in United
States or such other stock as he
may deem most advantageous to
Cherokees: - interest or dividend
to be applied, under his direction,
in the manner he may judge
best calculated to diffuse education
east of the Mississippi. Art 4.
p: 267.

In treaty No 6 these sections
called one square mile -
This treaty speaks of the
12 mile reservation as
miles square - is this
intended, or a blunder?

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The lands ceded in this treaty No 14. Concluded 1819, Feb: 27, - at Washington. John C. Calhoun, Commissioner. Ratified, 1819, Mar: 10. - See Treaty Book, page 265.

to be in full satisfaction of all claims by the United States on the Cherokees, on account of the cession to a part of their nation, who have, or may hereafter, emigrate to Arkansas. Art: 1: p: 266.

qu. does not this take away the right of the U.S. to have surveyed & taken possession of certain lands to the north of the nation. last Emigratory? -

The present Treaty fully adjusts that of 1817. - Art: 1: p: 266.

The rights vested by the Cherokee Nation in the Union Turnpike Company, not to be affected by this Treaty. - Certified copies of the instruments securing these rights annexed to the Treaty. Art. 1. p: 266.

These instruments secure to the company described (page 269) authority to lay out and open a road which is defined. - The road when opened & established, to remain a free & public highway, unobscured by the Cherokees, for the interest & benefit of the company and their successors, for the twenty years after the road may be open and complete: Thenceforward, it ce-

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reverts to the Cherokee Nation. The No 114. Concluded 1819, Feb: 27, - at Washington. John C. Calhoun, Commissioner. Ratified, 1819, Mar: 10. - See Treaty Book, page 265.

company may erect public stands and houses, one at each end, and one in the middle, or as nearly so as practicable, of the road; - may cultivate one hundred acres at each end and fifty at the middle stand; - may have sufficient timber for the use of the said stands.

The company promise to pay a rent of one hundred & sixty dollars yearly, (to commence after the road is in complete operation), to the nation for the privileges given. 269-70. -

- The company to have the benefit of one ferry on the Tennessee river, and such other ferry or ferries as are necessary on the turnpike. page 270. During the twenty years, they are to have the exclusive privilege of trading on the road. page 270 & 271. - These privileges granted March 8. 1813. page 270.

On the 6th of January 1817, the Cherokees gave the proprietors of Union Turnpike the further liberty of cultivating all the ground contained in the bend

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head north side of Tennessee river, No 14. Concluded 1819, Feb: 27, - at Washington. John C. Calhoun, Commissioner. Ratified, 1819, Mar: 10. - See Treaty Book, p: 265. -

also the liberty to erect a grist mill on Four mile Creek, for the joint use & benefit of the road & the neighboring Cherokees: - the privileges to extend during the term of the lease granted by the Cherokees, of the Union Turnpike. The arrangements sanctioned by the President, for the United States. - Certificates annexed to the Treaty, pages 269, 70 & 71.

The stipulations concerning payment for improvements which add real value to the land, in the ceded country, - and to allow a reservation of six hundred & forty acres to each head of an Indian family choosing to become United States' Citizens, re-affirmed from the Treaty (No 13) of 1817. - Page 266. Art. 2.

A reservation in fee simple of six hundred & forty acres square, to be made to certain persons inscribed on a certified list affixed to the treaty, all of whom are believed to be persons of industry, capable

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capable of managing their property with discretion, and who, with a few exceptions, have made considerable improvements on the tracts reserved. The improvements of the reserves in this list, to be as near the centre of each reservation as possible. Major Walker's reservation, which is to be located as provided for in the second paragraph, is made an exception. Art 3. p: 266. **

No 14. Concluded 1819, Feb: 27, - at Washington. John C. Calhoun, commissioner. Ratified, 1819, Mar: 10. - See Treaty Book, page 165.

The reserves required to notify the agent in writing within 6 months of treaty's ratification, that they mean to reside permanently on the land reserved. Art: 3: p: 266.

** An argument on this subject of reservations states that the different classes of reserves forfeited none of their rights in common with the Cherokee nation, but could, at any time thereafter, remove from their reservations & attach themselves to the nation again.

Note. An argument says that these reserves having become citizens by the supreme law of the land, their rights as such could not be forfeited in consequence of their return to the Cherokee Nation, for even there they were within the acknowledged limits of the United States. Nor does it seem that they were expatriated; for John Ross, on the 16th of May, 1838, was appointed postmaster at the head of Coosa, in the Cherokee Nation. And it is evident they were still citizens of the United States at the time the treaty of 1835 was concluded. How then, it may be asked, have they a right to participate in the advantages of the late treaty, they being citizens? But it may be answered that those persons furnish the example of Cherokees possessing both rights at the same time, of citizen by treaty & residence, & of Cherokee by blood, belonging to the Cherokee family. On the same principle, all other Cherokees east of the Mississippi have the same rights, & should be entitled to the same advantages.

The reservation of Lewis Ross to include his house & out-buildings & ferry adjoining the Cherokee Agency. The United States reserve all public property there, and the right to continue the agency there, as long as they choose. — Major Walker's to include his dwelling house & ferry. He is allowed an additional
Reservation

Most of the reserves of the last mentioned class, sold their reservations, & attached themselves again to the nation, & were included in the census taken of the tribe; but a small portion of them continued on their reservations, and were not included in that census.

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reservation of 640 acres square, No 14. Concluded 1819, Feb: 27, -
to include his grist and saw mill. - at Washington. John C. Calhoun,
Art 3. p: 266. Commissioner. Ratified,
1819, Mar: 10. - See Treaty
Book, page 165.

A list of the thirty one re-
-serves is annexed to the treaty,
in page 268.

In addition to the foregoing,
the following are intended in fee
simple to persons not residing
on them; each reservation being
of six hundred and forty acres:

Cabin Smith } the same land given
John Ross } to them many years
 } previous by the Cherokee Nation.

Mrs Eliza Ross, step daughter of Major Welker.

Margaret Morgan

George Harlin

James Lowry

Susannah Lowry

Nicholas Byers. - Art: 3: p: 267.

All white people who have, ^{intruded,} or
may intrude, on reservations for
the Cherokees, shall be removed
by the United States, according to
the Indian intercourse act of
March 30, 1802. Art 5: p: 267.

The leases stipulated for in
the Treaty (No 13, page 213) - of 1817,
to be void. - Art: 5: p: 267.

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Fourteenth Treaty & Second of Emigration.

It being estimated that the Cherokee west & those enrolled to go west, constitute one third of the nation, the Cherokee annuity to be paid, two thirds to those east, and one third to those west. —

No 14. Concluded 1819, Feb: 27, — at Washington. John C. Calhoun, commissioner. Ratified, 1819, Mar: 10. — See Treaty Book, page 165.

Art: 6: pages 267 & 8. Due notice to be given of this distribution to the Cherokees west.

If they object within one year after this Treaty's ratification, then the census, solely for regulating the distribution, shall be taken at such times & in such manner, as the President may designate. Art: 6: p: 268.

The United States, to preserve to the Cherokees residing on the ceded lands, their summer crops, — and to give time for those who do not take reservations, to remove, — will keep out intruders until after the first of January, 1820. — art: 7: p: 268.

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Fifteenth Treaty & Third of Emigration.

The United States declare their No 15. Concluded 1828, May 6, at intention to secure to the entire Cherokee nation, as well those of them now living within the boundaries of Arkansas territory, as those yet remaining east, but desirous of going west, — first, — a permanent home, — under the most solemn guarantee of the United States to be and remain, theirs forever: — second, a home never, in any future time, to be embarrassed by having the lines around it, or the jurisdiction over it, or the preasure upon it by extension in any way, — of any existing territory or state. — These objects seem incompatible with the present location of the Cherokees. — To remedy the various inconveniences arising from this incompatibility and relying upon the pledges of the United States in March, 1818, — and 8th of October, 1821, regarding the outlet west, — the Cherokees & the United States make a new arrangement. — Pre-
amble, page 423.

where found?

They define the western boundary

United States Treaties with Cherokees.

Fifteenth Treaty & Third of Emigration.

boundary of Arkansas. Art: 1: No 15. — Concluded 1828, May 6, at
page 423. Washington. James Barbour,

commissioner. Ratified, 1828,
May 28. — See Treaty Book,
page 423.

The United States solemnly
guarantee forever to the Cherokees,
seven millions of acres west,
defining the boundaries. Art:
2: p: 424.

They guarantee in addition
a perpetual outlet west, and a
free & unmolested use of all
the country lying west of the
western boundary of the limits
described, extending as far
west as the United States sovereig-
-ty and right of soil. Art: 2. p:
424. — To this clause, a qual-
-ifying proviso was afterwards
added, as follows: — the nor-
-thern boundary of the perpetual
outlet west, must not extend
north of the thirty sixth
degree of north latitude, nor
so as to interfere with the
lands assigned or to be assigned
to emigrant Creeks from Geo-
-gia & Alabama. — No article
in the convention must be so
construed, as to cede, or assign, to
the

United States Treaties with Cherokees.

Fifteenth Treaty & Third of Emigration.

the Cherokees, any lands heretofore ceded or assigned to other Indians. Supplementary proviso, page 427. No 15. — Concluded 1828, May 6, at Washington. James Barbour, Commissioner. Ratified, 1828, May 28. — See Treaty Book, page 423.

The lines of the present cession to be run without delay; say, not later than October 1828. Art: 3: page 424.

Immediately after running the eastern line from Arkansas river to south west corner of Missouri, all whites from the west to the east of said line, to be removed; as well as all others unacceptable to the Cherokees: — and to be kept thereafter always from the west of said line. Art: 3: page 424.

The United States agree to appoint suitable appraisers to unite with the agent in valuing the improvements abandoned by the Cherokees in their present removal. Art: 4: page 424.

The United States will pay for such improvements immediately after the assessment is made and the amount ascertained. Art: 4: page 424.

The

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The property and improve-
ments connected with the agency,
shall be sold under the agent's
direction, and the proceeds applied
to aid in the erection in the new
country, of a grist & saw mill,
for the Cherokees. Art 4. p. 424. -

No 15. - Concluded 1828 May 6, at
Washington. James Barbour,
commissioner. Ratified, 1828,
May 28. - See Treaty Book,
page 423.

This property and improvements
defined. Art: 4: p: 424-5. -

Note. Eight corn mills substi-
tuted for the preceding, by treaty
Feb 14, 1833, see page 564.

To compensate the Chero-
kees for their present removal,
and to make up to them for
the smaller value of the new
part of the west, compared with
that part made theirs by the
treaty of 1817 and the convention
of 1819, - the United States
will pay the Cherokees within
fourteen months of date, fifty
thousand dollars; - also, -
towards the cost and trouble
of seeking their stock straying
in quest of the pastures in
the territory whence they are
driven, an annuity for
three

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Fifteenth Treaty & Third of Emigration.

three years, of two thousand dol- No 15. - Concluded 1828, May 6, at
-lars a year: - also, for spolia- Washington. James Barbour,
-tions, as claimed by the Cherokees, Commissioner. Ratified, 1828,
\$8760; - being in full for all May 28. - See Treaty Book,
such Cherokee demands, not page 423.
only against the United States,
but against the Osages. - Also,
to Thomas Graves, a Cherokee Chief,
\$2000 for losses in property sustain-
-ed by him, and for his personal
sufferings when imprisoned under
a false criminal accusation: -
also, to George Guefs, in com-
-pliment to his invention of the
Cherokee alphabet, \$500; - and,
in consideration of his relinquish-
-ment of a valuable saline, the
privilege to locate & occupy another
saline on Lee's creek: - also,
an annuity payable annually to
the Cherokees for ten years, of
two thousand dollars, to be ex-
-pended under the President's di-
-rection in educating Cherokee
children in their own country,
in letters and the mechanic arts:
- also, one thousand dollars
towards purchasing a printing
press

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press and types, to aid the Cherokees in the progress of education, in their own and the English language. — Art: 5:
page 425. —

No 15. — Concluded 1828 May 6, at Washington. James Barbour, Commissioner. Ratified, 1828, May 28. — See Treaty Book, page 423.

The expense of erecting buildings & improvements, as far as paid by the benevolent society still engaged in educating Cherokee children, to be paid back to the society, for the purpose of being re-expended in other buildings and improvements in the country now ceded to the Cherokees. Art: 5: p: 425.

The United States relinquish their claim on the Cherokees due to the late United States factory, provided it do not exceed \$3,500.—

Art 5. page 426.

The United States agree to give the Cherokees, whenever desired, a plain set of laws, suited to their condition. —
Alw to supply them, free of cost to them, with a surveyor, when they may wish to lay off their lands and own them

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them individually. — Art: 6: page 426. Note. Both parts of the preceding article, annulled by Treaty, Feb: 14: 1833; — see page 564, art 3.

No 15. — Concluded 1828, May 6, at Washington. James Barbour, commissioner. Ratified, 1828, May 28. — See Treaty Book, p: 423.

The Cherokees, in consideration of the foregoing stipulations, relinquish, in the name of the Cherokee nation, all the lands in Arkansas secured by treaty of 8th * January, 1817, and convention of 27th February, 1819. Art: 7: p: 426.

no such treaty as Jan 8, 1817 — This must mean treaty of July 8, 1817 —

"The Cherokee Nation, west of the Mississippi, by this agreement, free themselves from the harassing and ruinous effects consequent upon a location amidst a white population" — "secure to themselves their posterity" — "a large extent of unembarrassed country" — Art: 8: page 426.

See Attorney General's Opinion on the nature of the rights acquired under this treaty — p: 800

To induce their brethren yet remaining east, to join them, the United States offer any so disposed, on enrolling, — to each head of a family, a good rifle, a blanket, and kettle, and five pounds of tobacco; with one blanket to each member

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Fifteenth Treaty & Third of Emigration.

member of the family. — Also, for No 15. — Concluded 1828 May 6, at Washington. James Barbour, Commissioner. Ratified, 1828, May 28. — See Treaty Book, page 423.

the property said head of family may abandon, just compensation, as ascertained by persons appointed by the President. — Also, for all such emigrants, cost of emigration to be paid by the United States; — good & suitable ways opened; — provisions to be procured for their comfort, support & accommodation by the way, — and for twelve months after their arrival at the agency; — also, to each person, taking with him four others, if emigrating from within the chartered limits of Georgia, the United States, on his arrival at the agency, and reporting himself & followers as emigrants & permanent settlers, will pay fifty dollars in addition to the above; — and this sum in proportion to any greater or less number of such followers.

In this clause see Attorney General's Opinion, Document of Opinions, page 755.

Art: 8: p: 426.

A tract of land two miles wide and six miles long, reserved for the use & benefit of
the

United States Treaties with Cherokees.

Fifteenth Treaty of Mind of Emigration.

of the United States, to accom- No 15. - Concluded 1828, May 6,
 -modate the military force stationed at Washington. James Par-
 at Fort Gibson. Art 9: p: 426 & 27. -bour, commissioner. Ratified,
 Location of the foregoing defined. p: 1828, May 28. - See Treaty
427. - Cherokees agree that the Book, page 423. -
 United States shall be entitled to
 establish a road through their
 country for the purpose of having
 a free & unmolested way to &
 from the fort. Art. 9: p: 427.

United States agree to pay
 captain James Rogers five hun-
 -dred dollars for his services to
 the United States and for a horse
 lost in said service and for all his
 other claims and losses. Art: 10: page
427.

Sixteenth Treaty of Fourth of Emigration.

No 16. Concluded (west of Mississippi)
 1833, Feb. 14, at Fort Gibson.
 Stokes, Ellworth & Scher-
 -merhorn, commissioners. -
 Ratified, 1834, April 12. -
 See Treaty Book, page 561.

United States Treaties with Cherokees.

Sixteenth Treaty & Fourth of Emigration.

The boundaries defined in Treaty no 15, found to be incompatible with the article in that treaty regarding prior cession to the Creeks. — The Creeks & Cherokees meet to adjust the difficulty thence arising. — Preamble, page 562 & 3.

Art 16. Concluded (West of Mississippi) 1833, Feb. 14, — at Fort Gibson. — Stokes, Ellsworth & Schermerhorn, commissioners. — Ratified, 1834, April 12. — See Treaty Book, page 561. —

The United States arrange the matter by a new definition and a modification of the cession, — but continuing the guarantee forever of seven millions of acres, — with the proviso, that, should the saline or salt plain on the great western prairie, fall within the limits prescribed for the western outlet, other tribes of red men may get salt on it, in common with the Cherokees. — Art: 1: page 563.

Letters patent shall be issued by the United States as soon as practicable, for the land hereby guaranteed. — Art: 1: page 563.

United States Treaties with Cherokees.

Sixteenth Treaty of Emigration.

The Cherokees give up all the land ceded or claimed under the treaty of May 6. 1828 (No 15) which is not embraced within the limits fixed in the present supplementary treaty or articles of convention and agreement. Art: 2: page 564.

No 16. Concluded (West of Mississippi) 1833, Feb: 14, - at Fort Gibson. - Stokes, Ellsworth & Schermershorn, commissioners. - Ratified, 1834, April 12. - See Treaty Book, page 561. -

The sixth article of treaty No 15, stipulating that the United States will furnish laws & a surveyor, cancelled. - Art: 3: page 564.

In consideration of the modification of the Cherokee boundaries and in view of improving the nation, the United States promise to erect, on the land now guaranteed, - four blacksmith shops; - one waggon-maker shop; - one wheelwright shop; - and to supply necessary tools & implements for the same; - also, one ton of iron and 250 pounds of steel, for each of the blacksmiths shops, to be worked up for the benefit of the poorer Cherokees: - also, four blacksmiths, one

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Sixteenth Treaty & Fourth of Emigration.

one wagon maker, and one wheelwright, to work in said shops respectively for the benefit of the Cherokees. — Said materials & workmen to be furnished during the pleasure of the President. — Also, the United States will erect on said lands for the benefit of the Cherokees, eight patent rail-way corn mills; in lieu of those stipulated for in the treaty of May, 1828 (No 15) from the avails of the sale of the old agency. Art: 4: p: 564.

No 16. Concluded (west of Mississippi) 1833, Feb: 14, — at Fort Gibson. — Stokes, Ellsworth & Schermerhorn, commissioners. — Ratified, 1834, April 12. — See Treaty Book, page 561. —

The present articles of agreement & convention to be considered as supplementary to the treaty of May, 1828 (No 15) and not to vary the rights of the parties thereto, excepting when incompatible with the provisions in the present convention. Art: 5: page 564.

One mile square is given up by the Cherokees for the United States Agency — the location to be designated by the Cherokees & the United States Agent conjointly. Art: 6. page 564.

Seventeenth

United States Treaties with Cherokees.

Seventeenth Treaty & Fifth of Emigration.

Peace declared between the United States and all Comanche & Kitchetaw Indians & their associated bands or tribes; and between these nations or tribes and the Cherokees, Muscogees, Choctaws, Osages, Senecas & Quapaws. —
Art: 1: page 626.

No 17. Concluded (west of Mississippi) 1835, August 24, at Camp Holmes. — Stokes & Arbuckle, commissioners. — Ratified, 1836, May 19. — See Treaty Book, page 626.

Unobstructed intercourse secured; — free passage through their settlements or hunting ground, to any provinces of Mexico; and indemnification on either side for losses & injuries &c. — Remaining articles from 2 to 9, inclusive: from pages 626 to 627.

Eighteenth Treaty & Sixth of Emigration.

Cherokees anxious to escape from the difficulties they have experienced from contiguity to United States state governments: — they wish to re-unite their people in one body: — they wish to secure a permanent home for themselves and their posterity in the country selected by their forefathers, with-
- out

No 18. Concluded (east of Mississippi) 1835, Dec 29 at New Echota. — Carroll & Schermerhorn, commissioners. — Ratified 1836, May 23. — See Treaty Book, page 633.

United States Treaties with Cherokees.

Eighteenth Treaty & Sixth of Emigration.

without the territorial limits No 18; Concluded (east of Mississippi) of the State sovereignties — there to establish and enjoy a government of their choice — and to perpetuate a state of society consonant to their views, habits, condition; — and tending to their individual comfort and advancement in civilisation. Preamble page 633.

1835, Dec: 29: at New Echota. — Carroll & Schermerhorn, commissioners. — Ratified 1836, May 23. — See Treaty Book, page 633.

A Cherokee delegation consisting of John Ross, Richard Taylor, Daniel McCoy, Samuel Gunter & William Rogers, on the 28th February 1835, promised to submit to and to recommend to their people, whatever amount the Senate should fix to allow the Cherokees for their claims & a cession of their lands east of the Mississippi: preamble, p: 633.

The Senate thereupon advised a sum not exceeding five millions of dollars for all their lands & possessions east: Preamble p: 633.

The delegation, after said award of the Senate, refused to enter upon a Treaty for its acceptance

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Eighteenth Treaty of Emigration.

acceptance, but insisted on referring No 18. Concluded (east of Mississippi) it to their nation, to deliberate & determine in general Council: preamble, p: 633.

Another delegation, comprising John Ridge, Elias Boudinot, Archilla Smith, S. W. Bell, John West, Wm A. Davis & Ezekiel West, representing that portion of the nation favorable to emigration west, entered into propositions for a treaty with John F. Schermerhorn, United States Commissioner, which were to be submitted to their nation for final action & determination: — preamble, p: 634.

The Cherokees at the last October (1835) Council at Red Clay, delegated twenty of their nation to treat with the United States Commissioner, then present, there, or elsewhere. preamble, page 634.

The people had good reason to expect this delegation to treat them & there, — or else at a subsequent Council which the United States Commissioners were known to have convened at New Echota under authorization & instruction; — preamble, p: 634.

1835, Dec. 29. at New Echota. — Carroll & Schermerhorn, Commissioners. — Ratified 1836, May 23. — See Treaty Book, page 633.

Yet

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Yet the Cherokee delegation of twenty proceeded to Washington for the purpose of treating there, although officially informed by the United States commissioner that no business of this nature would be transacted with them there; but a treaty would only be made in the nation, if made at all: a course advised by the delegation at Washington last winter "for the purpose of promoting peace & harmony among the people". — Preamble, page 634.

These facts corroborated by a recent communication from the United States commissioner, read and explained in open Council of the Cherokees. Preamble, page 634.

Hence the Cherokees believe the delegation of twenty at Washington can effect nothing: — they find their difficulties daily increasing — their situation rendered more & more precarious by the legislation of the States: — they therefore see no effectual way of relief, but

in

No 18. Concluded (east of Mississippi)

1835, Dec: 29: at New Echota. —

Carroll & Schermeshorn, commissio-

-ers. — Ratified 1836, May 23. —

See Treaty Book, page 633.

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but in accepting the "liberal overtures" No 18. Concluded (east of Missis-
sippi) 1835, Decr 29: at new
Echota. — Carroll & Schermers-
horn, commissioners. —
Ratified 1836, May 23. —
See Treaty Book, page 633

Genl Com Carroll & John F.
Schermershorn, were fully commision-
ed by the United States to treat with
the Cherokees — the President direc-
ted them to convene a general na-
tional council at new Echota — there
to submit propositions to them,
liable to variation so as to suit
them to the views of the Cherokees
in reference to details. Preamble,
page 634.

Accordingly the commissioners
called a general council of the
nation at new Echota on Dec: 21:
1835, informing them that they
would be there & there prepared to
make a Treaty with the Cherokee
people who should there assemble
and would conclude that those
who said away, implied their
assent and sanction to whatever
might be done by those who
did not: Preamble, page 634.

The people met in council
according to the notice and agreed
with

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with the United States Commissioners, upon the following articles of a treaty, - declared to be made, by the "chiefs, head men and people of the Cherokee nation in general council assembled, this 29th day of December, 1835." - pre-
amble pages 634 & 635.

No 18. Concluded (east of Mississippi)
1835, Dec: 29: at New Echota. -
Carroll & Schermerhorn, commission-
ers. - Ratified 1836, May 23. -
See Treaty Book, page 633.

The Cherokee Nation cede, relinquish and convey to the United States all the lands owned, claimed or possessed by them, east of the Mississippi; and they also release all their claims on the United States for spoliation of every kind; - the consideration Five Millions of Dollars. Art.

1. page 635.

An after clause of the same article allows for spoliation claims an additional sum of three hundred thousand dollars. Art.

1. page 635.

Note. This sum, in a subsequent article, is stated as only "set apart" out of the five million. Art: 10: page 639. But in

the

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in the previous article 1, page 635, - No 18. Concluded (east of Mississippi) it is left open for the Senate to decide a doubt started by the Cherokees, and in a supplementary article pages 646 & 647, this doubt is decided in their favor, by an avowal that the amount in question is over & above the five millions. Supplementary Art: 3.

1835, Decr 29: at New Echota. - Carroll & Schermershorn, commissioners. - Ratified 1836, May 23. - See Treaty Book, page 633.

The aforesaid supplementary article merges the sum of three hundred thousand dollars just named, in an extended allowance of six hundred thousand dollars, and explains that the whole six hundred thousand dollars is meant to pay off the spoliation claims, - the expence of removal, the reservation & pre-emption claims and all claims of every nature and description against the United States by the Cherokees, not otherwise expressly provided for. Supplementary Article 3, page 647.

Note. The second section of "an act making appropriations for preventing and suppressing Indian hostilities

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hostilities, for the year 1838, and No 18. Concluded (east of Mississippi) for arrearages for the year 1837," 1835, Dec: 29: at New Echota. — sets forth that One Million, Carroll Schermerhorn, commiss- Forty Seven Thousand and Sixty - sioners. — Ratified 1836, May Seven Dollars, is thereby ap- 23. — See Treaty Book, page propriated for all objects specified 633. in the third of these supplemen- tary articles, and for the further object of aiding in the subsis- tence of the Cherokees one year after their removal west: — the phrase used is "in full for all objects specified" &c.^a. — No part to be deducted "from the five millions stipulated to be paid to said tribe" &c.^a. — No benefit to be given them from said appropriation, unless they complete their emigration within such time as the President deems reasonable & without coercion. — To satisfy all claims for arrear- ages of annuities, for sup- plying blankets and other necessaries, } for the Cherokees who are not able to supply themselves and which may be

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may be necessary for their comfortable removal, and for medicines & medical assistance & for such other purposes as the President shall deem proper to facilitate their removal, one hundred thousand dollars appropriated. — June 12, 1838. Acts & Resolutions of 1838. —

Art 18. Concluded (east of Mississippi) 1835, Decr 29: at New Echota. — Carroll & Schermerhorn, Commissioners. — Ratified, 1836, May 23. — See Treaty Book, page 633.

Page 69.

The six hundred thousand dollars to be applied and distributed agreeably to the provisions of the Treaty. Supplementary Art. 3. p: 647. — Note. of course this applies to the extended sum, no modification of the terms being expressed in the act of 1838. —

In addition to the six hundred thousand dollars over & above the five millions, the United States agree to pay certain Osage half breed reserves within the territory ceded to the Cherokees, Fifteen thousand dollars; — so as to secure the lands thus reserved, to the Cherokees. — The United States also agree to do the same in reference to the Union & Harmony missionary

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missionary establishment, for No 18. (Concluded (east of Mississippi) which the American Board of Commissioners for Foreign Missions is to be paid, under the direction of specified appraisers, the proceeds to be expended elsewhere to educate the Osages. Art: 4: p: 637.

1835, Dec: 29: at New Echota. — Carroll & Schermerhorn, commissioners. — Ratified 1836, May 23. — See Treaty Book, page 633.

The boundaries of the last cession of seven millions of acres, re-affirmed; with the conditions concerning the outlet west and the freedom of the saline plain to all other red men, in common with the Cherokees. Art: 2: pages 635 & 6.

The Cherokees being apprehensive that the seven millions of acres will be insufficient for the whole nation, the United States sells them eight hundred thousand acres in addition, for the sum of five hundred thousand dollars. — The boundaries of this sale defined. — Should any part of the bounds encroach on previous assignments

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assignments to the Quapaws, a pro- pro 18. Concluded (east of Mississippi) rate deduction to be made in pi) 1835, Dec: 29: at New Echota. -- Carroll & Schermerhorn, Commissioners.

All the lands ceded or sold to the Cherokees, to be included in one patent, executed to the Cherokee nation of Indians by the President, according to the provisions of the act of May 28, 1830. Art. 3, page 636. Ratified 1836, May 23. -- See Treaty Book, page 633.

Art. 2: page 636. All the lands ceded or sold to the Cherokees, to be included in one patent, executed to the Cherokee nation of Indians by the President, according to the provisions of the act of May 28, 1830. Art. 3, page 636.

* This act is contained in chapter 148 of the acts passed in the first session of the twenty first Congress, page 108. -- It was approved May 28. 1830.

The first section enacts that the President may cause as much as may appear advisable of any United States territory west of Mississippi, not included in any state or territory, and to which the Indian title has been extinguished, to be divided into districts, and specifically marked, for the reception of such Indians as may choose to remove thither in exchange for their present residence.

The United States to retain the military reservation at Fort Gibson; but should they abandon the post and have no further use for it, it reverts to the Cherokee nation. Art: 3, page 636.

The second section authorizes exchanges of such districts with any Indians within the United States jurisdiction and with whom the United States have treaties, -- for the whole or any part of regions claimed or occupied by the Indians, but owned by the United States, or to which the United States are, to the state wherein it lies, bound to extinguish the Indian claim.

The United States always to have the right to make & establish such post and military roads & forts in any part of the Cherokee country, as they may deem proper for its interest and protection; and to have the free use of sufficient land, timber, fuel & materials of all kinds, for their construction & support; but, if the private rights of individuals are

The third section authorizes the President in making such exchange, solemnly to assure the Indians that the United States forever will secure & guaranty to them & their heirs & successors, the country received by them in return: or, if they prefer, will cause a patent to be made & executed to them for it: but, in any case, the country is to revert to the United States, if the Indians abandon it, or become extinct.

The fourth section promises payment, at a fair valuation, for all Indian improvements adding real value to their land.

The fifth section secures all necessary and proper aid to the Indians in emigrating & newly settling; and in supporting and subsisting them one year after removal.

The sixth section secures the Indians, United States protection at their new residence.

The seventh section continues the same superintendence and care of the President over the Indians in their new country, which was and is authorized in their old; unless where it may conflict with some express treaty stipulation.

The eighth section appropriates five hundred thousand dollars for giving effect to the provisions of this act. --

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are interfered with, just compensation to be made. Art: 3: 12: 636.-

No 18. Concluded (east of Mississippi) 1835, Dec: 29: at New Echota. - Carroll & Schermeshorn, Com- missioners. - Ratified, 1836, May 23. - See Treaty Book, page 633.

Articles 12 & 13, pages 640 & 641 & 642, provide for reserva- tions and pre-emption rights,

as follows: - Cherokee in- dividuals and families averse to a removal west, may become citizens of the states where they reside: - Such as can take care of themselves and property, may receive their due portion of all the personal benefits under this treaty, for their claims, improvements, and per capita, as soon as an appropriation is made for this treaty. - Heads

of Cherokee families desirous of continuing to reside within the states of North Carolina, Tennessee & Alabama, if qualified to be- come useful citizens, shall be entitled, on the Commissioner's certificate, to a pre-emption right to one hundred and sixty acres of land, or one quarter

* This portion of Art: 12. was thus explained by the commissioners who concluded the Treaty, to the Cherokee people in council assembled: "It makes provision for such Cherokees as do not wish to remove west of the Mississippi, & wish to be- come citizens of the States where they live & are qual- ified, in the opinion of the agent, to take care of them- selves; they will have paid to them here all that is due to them for their claims, improve- ments, ferries, per capita allowance, removal, & subsistence; but they must buy their own land, like other citizens, & settle where they please, sub- ject to the laws of the country where they live". (Report of the Secretary of War, page 459.) This explanation given by the commissioners, when inter- preted to the Cherokees, was understood as extending that privilege to all that might desire to remain subject to the laws of the States, except the class denominated ooli kunnna, or non compos mentis, as by the Cherokee usages & customs, all others were regarded as capable of taking care of themselves & property. The ooli kunn- na, or non compos mentis, being incapable of making a choice, & of taking care of themselves & property, were to be removed to the nation west, where means were provided for their support. The commissioners, in reporting the treaty to the Department, stated the variations therein from the original propositions agreed on & submitted to the Cherokee people, which are as follows: 1. An additional sum allowed for applications, to be reported to the Senate of the United States. 2. Pre-emption rights allowed in the States of North Carolina, Tennessee, & Alabama, relinquished by the 14th article of the supplement. By the 3d article of the supplement, compensation is provided to be in lieu thereof. 3d. Makes provision for certain reserves entitled to reservations under the treaties of 1817 & 1819, where they, as far as practicable, had complied with the stipulations therein contained. (Relinquished by the 14th article of the supplement, and compensation pro- vided by the 3d article to be in lieu of titles there- to.) 4th. Annuities on the permanent funds of the nation, to be expended in provisions, &c. for the poorer class of Cherokees. The commissioners conclu- ded the report by saying: "I will only add that in all other articles of the Treaty, no material alterations will be found from the propositions as originally drawn up." [Report of the Secretary of War, page 54.] - If the commissioner says an argument had not intended to include in the 12th article of the Treaty claims for removal & subsistence, which were com- prehended in the 14th article [which see below] of the original propositions, he should have made it known to the Cherokees, and noticed the alteration in the report, as, agreeably to his explanation given thereof to the Cherokee people, those claims were embraced & as no alteration was contained in the report which the commissioner represents as containing all the material alterations, it would seem to be conclu- sive evidence that none was intended, and that the 14th article was understood as comprehending all the personal benefits provided for in the original prop- ositions. - The article No 14 alluded to above & which formed part of the original Treaty propositions drawn up at Wash- ington Mar: 14: 1835 says - "Those individuals & families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi & are desirous to become citizens of the United States where they reside, and such as, in the opinion of the agents are qualified to take care of themselves & their property shall be entitled to receive their proportion of all the personal benefits accruing under this treaty for their claims, improvements, ferries, removal, & subsistence"

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quarter section, at the minimum No 18. Concluded (east of Missis-
congress price; so as to include their present buildings or improvements:
Others desirous of hereafter residing within those states, may within two years locate any lands not already occupied under the pre-

-emption privilege of this treaty: -

- Two or more families living on the same quarter section and desirous of continuing in those states, if qualified like the preceding, shall have a right of pre-emption to such lands as they may select, not already taken by any person entitled under the treaty. — John Ross,

James Starr, George Hicks, John Gunter, Geo: Chambers, John Ridge, Elias Boudinot, George Sanders, John Martin, Wm Rogers, Roman Nose Sitawake & John Timpson, specified as a Cherokee Committee to recommend persons entitled as above to pre-emption rights. - Said Committee, also, to select the missionaries to be removed with the nation. Also to transact all business

-ippi) 1835, Dec: 29: at New Echota. — Carroll & Schermerhorn, Commissioners. — Ratified, 1836, May 23. — See Treaty Book, page 633.

and subsistence. — Note. Upon the mention here made of removal & subsistence & upon its being again alluded to in the Secretary's report, a presumption has been raised that if it had not been meant to continue those clauses, the intention of cancelling them would have been declared. Upon this ground, sustained by their being mentioned in the Secretary's report, a claim has been raised by a large body of North Carolina & other Cherokees, still remaining east, — for removal & subsistence money. But surely it is as natural to suppose that the omission of these clauses in the actual treaty, was an intended abrogation of them; and that their repetition in the Secretary's explanatory letter was through mere oversight, for that report only mentions what was actually done, & has not the force of an engagement; it is simply history, — & like much history written in haste made a mistake. — Why should the Cherokees be paid for removing to another country & for subsistence there till they could get fixed to their mind, if they remain comfortable themselves where they were? The removal & subsistence money was never granted as a source of profit, to speculate upon. Besides, the Act of Congress in 1838 (See Acts & Resolutions of 1838, page 69) which enlarges the appropriation for these objects, expressly adds "No benefit to be given them from such appropriation, unless they complete their emigration within such time as the President deems reasonable; and without coercion". — The Indians still remaining east are therefore surely not entitled to removal & subsistence money, unless they go within such time as may satisfy the President, in which case their claim stands good under the law; — but in no other. —

The argument of the Counsel for the Cherokees east, however, says in substance, (page 27) that there were certain persons who would only consent to a treaty on condition of being allowed what they considered as a full compensation for their sacrifices in submitting to state laws & subjecting themselves to the duties of white men. They considered the removal & subsistence allowance as necessary, to put them on a par with the rest of the nation, because they would have to remove at any rate; & what they saved by having a shorter distance to remove, would be expended in taxes to the newly adopted government, from which their brethren would be exempted; besides being furnished with a home, which the Cherokees remaining east must purchase for themselves.

Here another question arises. Do not many of these Cherokees remaining east, retain their first possessions? — If so, why should they be paid the removal & subsistence allowance. Would not its continuance to them, give them advantages, over those remaining west? And so destroy the equality of rights on which they ground their claim to the allowance for removal & subsistence? —

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Eighteenth Treaty & Sixth of Emigration.

Business for the Cherokees, arising No 18. Concluded (east of Mississippi) in carrying the provisions of this treaty into effect & settling the same with the United States.

1835, Dec: 29: at New Echota. - Carroll & Schermerhorn, Commissioners. - Ratified, 1836, May 23. - See Treaty Book, page 633.

Art 12. page 640. The places of any who decline acting, or who die, to be filled by those of the Committee who remain. Art 12.

page 641. All reserves under former treaties

who have not sold, or conveyed their reservations, and who have, as far as practicable, complied with the terms on which they were granted; - and which reservations have since been sold by the United States; -

See Attorney General's Opinions for opinions on art 12 & 13 - pages 1162 & 1165.

shall, - or their heirs or descendants, - be entitled to the present value of their reservations as unimproved lands. Where not sold, the reservations, on the same condition as the former, to remain with the reserves, their heirs or descendants. - All entitled

to reservations under the Treaty of 1817, and who, as far as

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as practicable, in the opinion of the commissioners, have complied with the conditions of said treaty, shall be confirmed in their reservations and receive a grant therefor: — this, notwithstanding the reservations were, by the Treaty of 1819, included in the unceded lands of the entire nation. — all reserves forced by state laws to abandon their reservations, — or to purchase them from the states, may reclaim in the last case from the United States what they have paid, with interest, — and, in the first case, they may receive the present value of them as unimproved lands: — but, wherever the reserves have sold out and been paid, all claim on the United States ceases. Art: 13: page 641. — No allowance for reservations in Article 13, to be deducted out of the consideration money for Cherokee spoliation & the cession of their lands. These reservations to be paid for independently by the United States, as "only a just fulfillment

No 18. Concluded (east of Mississippi) 1835, Dec: 29: at New Echota. — Carroll & Schermeshorn, Commissioners. — Ratified, 1836, May 23. — See Treaty Book, page 633.

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fulfilment of former treaty stipulations." Art: 13. pages 641 & 642.

No 18. Concluded (east of Mississippi)

1835, Dec: 29: at New Echota. -

Carroll & Schermerhorn, Com-

-missioners. - Ratified, 1836,

May 23. - See Treaty Book,

page 633. -

Supplementary Articles (page 646) declare the President's determination "not to allow any pre-emptions or reservations, his desire being that the whole Cherokee people shall remain together & establish themselves west." - Preamble to Supplementary Article, page 646. - Hence, all pre-emption rights and reservations provided for in article 12 & 13 are declared void. * Supplementary Article

1, page 646. These pre-emption rights & reservations, included, with the expense of removal and payment for spoliation & for all claims of every nature and description against the United States not expressly provided for in the Treaty. -

Supplementary Article 3, page

647.

Any surplus remaining
under

* Instructions upon this head to the Commissioners for the Schermerhorn Treaty, under date of April 2: 1835, state the views of the government in relation to the portion of the tribe expected to remain east. "The great object being 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." 3. "You will take care, therefore, that the rights of individuals are properly guarded, so the amount coming to them for their improvements, expenses of removal & shall be paid to themselves, and not placed at the disposal of any other persons. Those funds which are appropriated to the purposes of the tribe generally, such as annuities, school money &c. will of course be left to the tribe itself."

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under the Supplementary grant No 18. Concluded (east of Mississippi) of six hundred thousand dollars, 1835, Dec: 29: at New Echota. (and, of course, under the same allowance extended by the act of 1838) - after removal and payment of claims, - to be turned over to the education fund. - Supplementary Article 3, page 647. Carroll & Schermerhorn, Commissioners. - Ratified, 1836, May 23. - See Treaty Book, page 633. -

The agency buildings and tract of land laid off & surveyed by Col: Meigs, Indian Agent, and enjoyed & occupied by his successors, shall continue in the occupancy of the United States, or such agent as may be specially engaged in superintending the Cherokee removal. Art: 16. page 643. -

These provisions not intended to interfere with the occupant right of any Cherokees, should their improvement fall within the tract. Supplementary Article 4. page 647.

The public buildings & improvements at New Echota, for which no grant has been made previous to the passage of the law of Georgia in December, 1835, to regulate

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regulate Indian occupancy, - if ~~the~~ 18. Concluded (east of Mississippi)
not occupied by the Cherokees, shall 1835, Dec: 29: at New Echota--
be reserved to the use of the ~~the~~ Carroll & Sherman, Com-
United States and Cherokees, for - missioners. - Ratified, 1836,
the purpose of settling and clo- May 23. - See Treaty Book,
- sing all business under this page 633.
Treaty between the Cherokees and
commissioners of claims. Art.
16. page 643.

Cherokees to remove west
within two years of the ratifica-
- tion of this treaty - In the mean
time, to be protected by the
United States. - Art: 16: page
642.

All persons dispossessed of
their improvements & houses, & for
which no grant actually issued
prior to the Georgia law of Dec:
1835, shall be again put in
possession and placed in the
same situation & condition, in
reference to the Georgia laws, as
the Indians that have not been
dispossessed. Should this not be
done, and should the people
be left unprotected, the United
States shall pay the consequent
losses

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Losses & damages. Art: 16: page No 18. Concluded (east of
642.

Suitable agents to be appointed
by the United States fairly & justly to
value all Cherokee improvements
adding any value to the lands. Also
Cherokee ferries, according to their
nett income. Also improvements &
ferries whence they have been un-
lawfully ejected, or under existing
state laws where they may be situated.

Art: 9: page 638.

All just debts of the Indians to
be paid out of the monies due to
them for improvements & claims.

Art: 9: page 638.

Cherokees to be furnished, at
the President's discretion, with means
to remove west, - and the balance
of their dues to be paid on their
arrival at the Cherokee agency. -

Art: 9: page 638.

The United States stipulate to
remove the Cherokees west - to sub-
-sist them one year after their ar-
-rival - to furnish a sufficient
number of steamboats & baggage
wagons to remove them comfortably -

to

Mississippi) 1835, Dec: 29:
at New Echota. - Carroll &
Schermershorn, commis-
-ers. - Ratified, 1836, May
23. - See Treaty Book,
page 633.

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to supply a physician & physic to accompany each detachment which the United States remove - Such as the emigrating agent may deem capable, can remove themselves & receive in full for all claims on that account, twenty dollars for each member of their family; and, in lieu of their one year's rations, thirty three dollars, thirty three cents, - if they choose. - Cherokees at present residing out of the nation, who shall remove west in two years, shall be entitled to the same allowance for removal & subsistence. Art: 8: page 638.

In consequence of the unsettled affairs of the people, and the early frosts, the crops are insufficient & great distress probable, - hence the nation cannot advantageously, until after their removal, expend the income of their permanent funds; - therefore the annuities which may accrue under

Art 18. Concluded (east of Mississippi)

1835, Dec: 29: at New Echota. -

Carroll & Schermerhorn, commissioners. - Ratified, 1836, May

23. - See Treaty Book, page 633.

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under this Treaty for two years, ~~Art~~ 18. Concluded (east of Mississippi) the time fixed for removal, to be expended in provisions & clothing for the poorer class of the nation. — 1835, Dec: 29: at New Echota. — Carroll & Schermehorn, Commissioners. — Ratified, 1836, May 23. — See Treaty Book, page 633. — This article not to interfere with that part of the annuities due to the Cherokees west by the treaty of 1819. Art: 18: page 643.

The permanent annuity of \$10,000, to be commuted for the sum of \$214,000, — and invested by the President as a part of the general fund of the nation. — The present school fund, being about \$50,000, — to constitute a part of the permanent school fund of the nation. Art: 11: page 640.

The Treaty Commissioners to expend, under direction of the Committee, one hundred thousand dollars, for the benefit of the poorer Cherokees who shall remove, or have removed, west, and are entitled to the benefits of the treaty, — the same to be delivered at the agency west as soon as possible

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possible, after the nation's ~~No~~ 18. Concluded (east of Miss-
removal. Art: 12. page 641. -sissippi) 1835, Decr 29: at New

The one hundred thousand
dollars appropriated in Article
12, and intended as a sett-off
to their pre-emption rights, to
be transferred from the funds
of the nation and added to
the general national fund of
four hundred thousand dollars,
so as to make it equal to five
hundred thousand. — Supplemen-
-tary Article 4: p: 647.

Echota. — Carroll & Schermer-
-horn, commissioners. — Ratified,
1836, May 23. — See Treaty
Book, page 633.

The United States covenant
that the lands ceded to the Chero-
-kees (in the foregoing article [which
is Article 4]) shall, in no
future time, without their
consent, be included within
the territorial jurisdiction of
any state or territory. Art.
5. page 637.

qu? — a slender — the
frequency is Choleau's reser-
-vation.

Cherokees secured the right
by their national Councils to
make and execute laws within
themselves, not inconsistent
with United States constitution
and acts of Congress regulating
Indian

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United States Treaties with Cherokees.

Eighteenth Treaty & Sixth of Emigration.

Indian trade & intercourse; and No 18. Concluded (east of Mississippi) 1835, Dec: 29: not extending over American citizens or soldiers travelling or residing in the Indian country, by permission, according to the laws & regulations established by the United States. Art: 5: page 637. at New Echota. - Carroll & Schermerhorn, commissioners. - Ratified, 1836, May 23. - See Treaty Book, page 633.

Perpetual peace & friendship to exist between the United States & Cherokees. - United States agree to protect Cherokees from domestic strife & foreign enemies & intestine wars between the several tribes. Art: 6: page 637.

Cherokees to preserve and maintain the peace of the country and not make war against their neighbors. - Protected against interruption and intrusion from United States citizens. - All intruders to be removed by the President's order. Art: 6: page 637. Farmers, mechanics, & teachers, to reside among them according to Treaty stipulations. Art: 6: page 638.

Cherokees

United States Treaties with Cherokees.

Eighteenth Treaty & Sixth of Emigration.

Cherokees entitled to a deb. No 18. Concluded (east of Mississippi) 1835, Dec. 29: at New Echota. - gate in the United States House of Representatives whenever Congress shall make due provision. Art. 7. page 638.

1835, Dec. 29: at New Echota. - Carroll & Schermerhorn, commissioners. - Ratified, 1836, May 23. - See Treaty Book, page 633.

The President to invest in some safe & most productive public stocks of the country, for the benefit of the whole Cherokee nation who have or shall remove west, the following sums, as a permanent fund, for the purposes specified, and to pay over the nett income annually to Cherokees duly authorized to receive them:

viz:

\$200,000 in addition to the present annuities, to constitute a general fund; - the interest to be applied annually by & at the discretion of the Council:

\$50,000 as an orphan's fund; - the interest to be expended towards the support & education of destitute orphan children:

\$150,000

United States Treaties with Cherokees.

Eighteenth Treaty & Sixth of Emigration.

\$150,000, in addition to No 18. Concluded (east of Missis-
 sippi) 1835, Dec: 29: at New
 Echota. - Carroll & Schermer-
 horn, commissioners. - Rati-
 fied 1836, May 23. - See
 Treaty Book, page 633.
 the present school fund, to con-
 -stitute a permanent school fund,
 the interest to be annually applied
 by the council to support common
 schools and a literary institution
 of a higher order. Art: 10: page
639.

Council to report whenever
 required the application of those
 funds to the President, who has
 power to correct abuses. Art:
10: page 639.

Council, by giving two years
 notice, may, by & with the Presi-
 dent & Senate's consent, withdraw
 their funds and invest them as
 they may prefer. Art. 10: page
639.

United States stipulate to pay
 just debts & claims against the
 Cherokee nation, held by United
 States citizens, and appropriate
 for the purpose \$60,000: -but
 no claims against individuals
 of the nation shall be allowed
 and paid by the nation. Art: 11/13.
10: page 639.

See Attorney General's
 Opinions on this article, page

United States Treaties with Cherokees.
Eighteenth Treaty & Sixth of Emigration.

All Cherokees removing since June 1833, and entitled by the terms of their enrollment and removal to the benefits of the final treaty between the United States and Cherokees east, - shall be paid for their improvements, according to their approved value before removal, where fraud cannot be shown in their valuation. Art: 15: page 642.

No 18. Concluded (east of Mississippi) 1835, Dec: 29: at New Echota. - Carroll & Schermerhorn, commissioners. - Ratified, 1836, May 23. - See Treaty Book, page 633.

After all the payments & investments provided for in this treaty, the balance, whatever it may be, to be equally divided between all the Cherokee people east, according to the census then just completed. Art: 15: page 642.

* The census referred to in this article was taken by the authority of the United States & the Cherokee Nation, as the only means of ascertaining those belonging to the tribe, among whom was to be apportioned the money arising from a sale of the common property of the nation. This could not have been ascertained by any fixed limits of soil or jurisdiction of the laws of the nation. A majority of the tribe resided in the State of Georgia, on lands claimed by that State, & granted to her citizens, and such limits would have included a majority of whites not possessing any Cherokee blood, or entitled to any of the common rights of the tribe. As to a political existence, no limits could have been ascertained thereto. Since the year 1830, the tribe could not be said to possess any political association. A majority of the individuals composing it had become subjected to the State authorities, & received their laws from those governments, and could only possess their rights as individuals of the tribe, to be designated by a census. Hence, under the treaty of 1835, no boundary is described in the relinquishment; but it comprehends all their interest in lands held as a common property east of the Mississippi. - Argument of W. H. Thomas.

All claims under the treaty to be examined and adjudicated by General W. Carroll and John F. Schermerhorn, or such commissioners as the President may appoint. Their decision final.

On

United States Treaties with Cherokees.

Eighteenth Treaty & Sixth of Emigration.

On their certificate, claimants No 18. Concluded (east of Mississippi) to be paid. Art: 17: page 643. 1835, Dec: 29: at New Echota.

Note. Carrol & Schermerhorn - Carroll & Schermerhorn, struck out from this article by Senate; and to the President's appointment of commissioners, added, "by and with the advice & consent of the Senate." - Commissioners - Ratified, 1836, May 23. - See Treaty Book, page 633.

All stipulations in former treaties, if not superceded or annulled by this, shall continue in full force. Art: 17: page 643.

United States guarantee payment of all just claims upon Indians, without expence to them, out of the proper funds of the United States - for the settlement of which [claims] a cession or cessions of land has or have been made heretofore by the Indians in Georgia - provided the United States or Georgia has derived benefit from said cession or cessions, without paying the Cherokees. Supplementary Article 20, pages 644 & 645. - This article struck out by the Senate. p. 648.

46
United States Treaties with Cherokees.

Eighteenth Treaty of Sixty of Emigration.

The claims of the Western Cherokees on the United States not to be affected by this Treaty. Supplementary Memorandum.

Note. The foregoing rejected by the Senate.

United States to pay the necessary expenses of negotiating Treaty & Supplement & of such of the delegation as may sign them.

Supplementary Article 5,
page 647.

United States to pension all Cherokee warriors engaged for them and wounded in late war with Great Britain. To commence from period of inability. Amount to be regulated by congress. Art: 14: page 642.

No 18. Concluded (east of Mississippi) 1835, Dec: 29: at New Echota. — Carroll & Schermerhorn, commissioners. — Ratified 1836, May 23. — See Treaty Book, page 633.

Papers accompanying this sent to Comm. Ind. office
August 31. 1835.

J. F. Schurz from letter Aug 7.

Papers enclosed therein no 16.

" 17

" 18

A. W. B.

No 1
Copy to Gov William
Carroll, Cherokee Agency
East, 11th July 1835 D

Correspondence
13-papers.

(Copy) No 1

Cherokee Agency, East, July 6th 1835

Sir

On my arrival here to day, I learnt with deep regret, that Co. William H. Fulk of Monroe County Tenn; 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 Tenn, 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~~ ^{the} prison at Athens. ~~These~~ These cases will be fully detailed in the communications forwarded ^{to} you by Major Benjamin S. Curry 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 ~~it is not done~~ ^{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 Cathoun, is both necessary and politic, in order to prevent future outrages, the consequence of which, may be most deplorable to the innocent and inoffending Indians.

With Great Respect,

Your Obedt Serv^t

His Excellency

William Carroll, } signed John F. Schumhorn.

No 2
Copy to James Budge or
Nathan Smith Esq. Register
of the Land Office Athens
Tenn. - Cherokee Agency July 1835

1 Copy 1 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 recognized by the State of Tennessee. — Gov 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 Genl Jackson, in the Treaties with them in, 1817 & 19; 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 McBurny, 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. Schermehorn. Commissioner to treat with the Cherokees.

With Great Respect,

Yr Obedt Servt

James Bridges Esqr

to
Nathaniel Smith Esqr

Register of Land Office
of State of Tennessee
Athens.

Signed J. F. Schermehorn.
Commissioner

* I should also wish to be acquainted furnished with the names of the Individuals who have obtained Reservations, which have been disattended, or have not been perfected and if not too much trouble, a brief statement why they were not granted.

No 3
Copy of N. J. Meigs letter
written, dated at Augusta
Geo. 6 June 1835.

Copy #9 No 3

Augusta, Geo. 6th June, 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 service are necessary.

You will confer a favor by replying to this letter by return of mail stating 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.

In the
Rev J. Schermehorn, Esq,
New Echota

W. M. Mendenhall
(Return John Mendenhall
of Augusta
Geo)

No ^{#4} 4 and No 5
#4 Copy to R. J. Missig dated
Rome Geo. 20 July 1835

^{#5 D}
Copy of Gov. William Carroll's
Letter written from him dated Knoxville
County 14 July 1835

Copy # 12 No 4

Rome, Geo. 20 July 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 Commissioners 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

Yr Obedt Servt,

Signed, J. H. Schermehorn,
Commissioner,

W. M. Mingo Esq
Council at Running Water

Copy 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 twenty ninth inst; on the Evening of which day, I expect to be with you. I have not time to add more.

Your friend,

J. H. Schermehorn

Rev. John B. Schermehorn
Spring Place
Cherokee Nation

No 6

Copy of John Ross letter dated
Cherokee Agency July 9 1835

Copy No. 7

Cherokee Agency.

7th July 1835.

Sir,

I have just received your note containing also a letter from Majr. B. F. Currey Agent, which according to ^{your} request, I have handed to him. In reply, he stated to me, he could not give any other answer, at present, than that delivered to you by Lieut. Bateman. I must however with frankness, and candor, state to you, I do not believe, he will alter the time and place of meeting. I hope however, that this will not prevent you from convening your principal Chiefs Men, at such time, and place, as you may deem best, to give me an opportunity of seeing them for the purpose mentioned in our personal interviews. —

With Great Respect,

Your Obedt Servt

J. F. Schumacher,

Commissioner.

To John Ross
Principal Chief
Of the Cherokee Nation

No 7
Copy of a letter to John Ridge
at the Cherokee Agency
July 1835

CHEROKEE EMIG, 1835

Copy No. 5

Cherokee Agency

July 7th 1835.

Sir,

Should the request contained in the enclosed letter be complied with by Major Curry; I will take pleasure in inviting the attendance of the most influential Chiefs of the Nation; that you may have an opportunity of conversing with them on the subject of your mission.

I am Sir your Obedt. Servant

Rev. A. F. Schumaker,
U. S. Commissioner,
Present,

Signed M. Ross, Principal Chief
of the Cherokee Nation

P.S. Please to hand the letter to Major Curry, which you are at liberty to read — I am on the eve of going home and shall be happy of receiving an answer.

^{No 8}
Copy of a letter to John
Ross dated Cherokee Agency
9 July 1835

8 213

msb Copy (No 8)

Cherokee Agency July 9th 1835.

Sir,

I shall probably start to morrow to visit some of the Missionary Stations, in company with Lieut. Bateman, and shall ~~probably~~ spend next Sabbath, at Brainard, and I shall perhaps proceed from thence to the Council.

I should advise you and your friends to attend this council, and if there is not a general attendance, I assure you I feel disposed to use my influence, with Major Curry and the opposite party, to post-pone it to another time.

I perceived from the instructions from the Indian Department a Majority of those, who attend the Council, will be able to control the disposition of the Annuity.

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

With Great Respect,

Yr Obedt Servt

J. J. Schumaker
Commissioner

Signed,

Mr. John Ross

P. C. C. N.

2
No 9
Copy of Gov. Linnell &
J. H. Schumachers letter
dated at Cherokee Agency
10 July 1835 to John Ross.

600

2
CHEROKEE EMIG. 1835

Copy, M. J.

Cherokee Agency.

July 10th 1835.

Sir,

We the undersigned Commissioners appointed by the President of the United States to treat with the Cherokees East regret to be informed, on our arrival here that the Officers of the Government of the United States, appointed to take the Census of the Cherokee Nation, have been unable to proceed in their duty, in consequence of your interference to prevent it,

The Gentlemen appointed to take the Census state that communications have been sent by you to different parts of the Nation commanding your people not to give up the name and numbers to the persons who may call upon them for that purpose and that, in consequence of it, many of the people utterly refused to give the requisite information.

This we regret the more as we are persuaded the objects of the Government in taking the Census is to enable it to deal in the most fair and just manner with the Cherokee Nation. There has heretofore been complaint to the Government that the Amity of the Nation was not equally divided between the Eastern, and Western Cherokees, and the President with a desire to do justice to all, as we suppose, directed the Census to be taken. Another reason for taking the Census at this time, is that the Commissioners in their instructions are required to obtain the consent of a majority of your Head Men and Warriors to a treaty to make it valid; and for this purpose, it is necessary, to have an accurate Census of the Nation taken now, we hope therefore that instead of opposing the Officers of the Government in this matter, you will render them every facility in your

power to execute this business correctly, & fairly;
by appointing such of your principal men, to
accompany them, as you may think proper. Should
you however take a different course, we cannot
be responsible, for the consequences of resisting
the Constituted Authorities of the Government of
the United States.

With Great Respect,

Yr Obedt Servts

Signed

Wm Carroll

J. F. Schermerhorn

Schermerhorn

To
Mr. John Ross
P. O. Nation

Copy of your letter &
of J. F. Schermerhorn letter
taken at Cherokee Agency
to John Ross to John Ross.

609

Row at Calhoun
Amesbury

No 10
copy of a letter from John
Ross dated Red clay
Ga. July 12 1835

Copy 413

Red Clay, Cherokee Nation

July 12th 1835.

Gentlemen,

Your communication of the 10th inst. is received. I am astonished to hear that you have been informed on your arrival at the Agency, that the Officers of the Gov^t of the U. States, appointed to take the Census of the Cherokee Nation East, have been unable to proceed in their duties in consequence of interference to prevent it. And that the Gentlemen appointed to take the census state, that communication have been sent by me to different parts of the Nation commanding my people not to give up their names and number to the persons who may call on them for that purpose &c". I have never been notified of the intentions of the Government to take the Census of the Cherokee Nation East for any purpose what ever, nor have I been informed of the appointment of Officers to execute that duty, until I received a communication from Col^l Nath^l Smith of McMinn County dated at the "Valley Towns", stating that he had been appointed to take the Census of the Cherokees within the Charter limits of North Carolina, and those residing within the limits of Tennessee east of the road leading from Columbus by McNairs to the Georgia line &c. My reply to Col^l Smith will shew for itself, no int^{er}vention was made by Col^l Smith or any public functionary, that other gentlemen had been or would be appointed to enumerate the Cherokees within the other parts of the Nation.

Being entirely ignorant of the intentions of the Government on this subject - I had no information to give to the Cherokees who called upon me, to know what were the objects of certain gentlemen

who they stated were traveling about and enquiring after their names, and the number of their families; and stated also that those men were accompanied by certain Cherokee Interpreters who had previously been in the service of the enrolling and emigrating Agents. - Then to state to them that I was un-informed myself on the subject; and also what reply I had given to Col. Smith, and that if it was desirable to the President to ascertain the precise population of the Cherokee Nation East, and the authorities of the Nation should be notified of this fact, that faithful and good men on the part of the Nation would be appointed to accompany the Officers of the Govt.

And that due notice would then be circulated for the general information of the people in order that exceptions by any one to the measure may be avoided and the business expedited.

Such is the true state of the facts in relation to this subject. Your own observations on the affairs of men will satisfy you at once that under the existing state of things among the Cherokees that the course pursued on the part of the Govt Agent in this business, was not calculated to ensure a correct enumeration of the Cherokees - It had a stronger tendency to excite their fears and suspicions than to gain their confidence, as to the objects and fairness of the procedure.

I have no authoritative command over the rights and liberties of the Cherokee People and never have presumed to encroach any - but so far as they claim the right of seeking information and advice from me on all important subjects touching their rights and interests.

and which was proper for me to give, it was never withheld from them. So much by way of explanation of what has been communicated to you as a matter of complaint against me in this business.

But being now informed through you that the Census of the Nation has been directed to be taken, and assured that, the, "the Object of the Government in taking the Census is to enable it to deal in the most fair and just manner with the Cherokee Nation,

I take occasion to inform you that suitable persons will be appointed on the part of the Nation to accompany and act in concert with such Gentlemen as may be appointed on the part of the Government to take a fair and correct Census of the Nation — You will therefore please to apprise me of the names of the several gentlemen to whom this duty will be entrusted and the district of country assigned to each of them, to enable us to act understandingly in reference to the number of Officers that will be necessary to be appointed on the part of the Nation, and to assign them their respective districts, also to advise them of the proper officers on the part of the Government, and that the arrangement may be promulgated for the general information of the people, that all further difficulty may be removed and the business expedited. You may rest assured that every facility in my power to have the business executed correctly and fairly will be afforded. As to any complaints having been heretofore made to the Government that the Annuity was not equally divided, between the Eastern and Western Cherokees; I am altogether unaware of that fact; however, be it, as it may, the treaty of 1819 especially settles the question in regard

to the annuity, and points out the mode,
by which it would have been made, in case
that the division had been objected to by those
West. And it is to be hoped that no departu-
re will be made by the Government, from
the stipulations of the treaty engagement
on this subject,

I have the Honor to be
Gentlemen very respectfully

Yr Obed^t Servant
Signed D. Ross.

To His Excellency A^m Carroll
The Rev^d J. H. Schermerhorn
U.S. Commissioners
New at Calhoun
Tennessee

No 10
Copy of a letter from John
Carroll dated & recd 6 Aug
1835

1011
Copy of a letter to John
Hops at Running Water
Council ground 22 July 1835

5

Copy

Running Water, Council,
Ground. July 22^d 1835

Sir,

I have the pleasure to be in receipt of your favor of the 12th inst. and inform you that the following persons have been appointed by the Agent of the Government to take the census of the Cherokee Indians East, James Barnett, for the Counties of, Floyd, Walker, Cass, Paulding & Murray in Georgia -

Cot. Charles H. Nelson, for the Counties of, Cobb, Cherokee, Gilmer, Union, Lumpkin, & Forsyth,

Maj. Nathaniel Smith for North Carolina.

Cot. Daniel Henderson for Tennessee,

and Major Benjamin F. Curry for Alabama. I shall be happy to hear from you before you leave the Council who has been appointed of your people to accompany them, in the discharge of this duty. It is deemed important that this business be executed as speedily as possible.

With Respect &c

Your Obedt. Serv^t

Signed J. F. Schermehorn
Commissioner

To, John Ross Esq. }
P. C. C. Nation. }

No 12
Copy of John Ross letter
at Camp Cherokee creek
22 July 1835

Copy 72

Camp, Cherokee, Creek,
July. 22^d 1835.

Sir,

I have received your letter of this date informing me of the names of the gentlemen appointed on the part of the United States Government to take the Census of the Cherokee Indians East, also the district of country assigned to each of them.

In compliance with your request, and in pursuance of my letter of the 12th inst. to Governor Carroll and yourself, I hereby communicate to you that the following gentlemen have just been appointed on the part of this Nation to wit Collins M^r. Donald to act with James S. Barnett — Moses David, with Col^l: Charles H. Nelson. — John Timson with Maj^r: Nath. Smith. — Jesse Buskey head with Daniel Henderson, and George Lowrey jr with Ben. F. Boney, in the bounds stated by you to be assigned to the several gentlemen appointed by the Government. — Some of the gentlemen, named on the part of this Nation are not here to accept the appointment conferred on them, it is however to be hoped that they will not decline to accept, but should any of them do — others will be appointed, without delay, in their stead — instructions will be given to them to be ready to proceed in the business, whenever called upon by the Census takers on the part of the United States.

I am sir,

Yr Obed^t Serv^t

Rev. J. F. Schumaker.

U States Commissioner

now in the Cherokee Nation

In Trust

of the Cherokee Nation,

No 13
copy of John Ross letter
dated Red Blay July
24 1835.

No 13

Copy

Red Clay, C. N. July 24. 1835.

Rev.^d Jno. F. Schmeckorn
U. S. Commissioner
Sir,

It has become proper that I should address you this letter, in consequence of the verbal suggestion which you made to the Cherokee people on Wednesday last at the close of the election which took place near Ridge's for the disposing of the Annuity due to the Nation by the U. S. Government - that is, as to the expediency of appointing a Committee to meet Gov. Carroll, and yours esp. at the Agency, one week from that time (the 29th of this month) for the purpose of holding a conference on the subject of your mission. The people did not, deem it expedient for them to take any step on the suggestion, because there was a constituted authority duly authorized by the whole Cherokee people to represent their interests, and to attend to the public affairs of the Nation. - And I regret to say that, the shortness of the time you fixed upon, made it impossible for the Chiefs and the representatives of the Cherokee people to meet Governor Carroll, at the time and place you suggested. - The great fatigue which they had undergone in attending the election so remotely from the place of holding the General Council of the Nation and the Agency House and the consequent privation which they experienced from the very unexpected and seemingly unnecessary delay, in bringing the election to a close, by their exposure to rains hunger &c. are circumstances in connection with the fact, that their crops of Corn having not as yet generally laid by - which when duly considered by the Commissioners, I cannot doubt will be properly appreciated. - Permit me to assure you, Sir, that it would have given the Chiefs, and representatives of the Cherokee people pleasure had it been practicable for them to have met, and taken their old,

old friend, and brother soldier, His Ex^{cy} Govern^r Carroll
by the right hand of friendship. but owing to their
peculiar situation, as stated, as well as the time and
place suggested by you, will not allow them to do so,

I regret this more especially, as the very reasonable
request, which I had made through you to Major Cuneo
on the 7th inst, to change the place he had designated
for holding the election, so as to hold it, either at
Red Clay or at the Agency, had not been complied
with because the convenience of the Commissioners
as well as the Chiefs, and people of this Nation would
all have been consulted, and accommodated. I,
beg leave to remark in candor, and frankness, without
intending any disrespect, that, from what passed
between us, at the interview we had at the Agency,
on your first arrival there, and from what has
since taken place, I feel somewhat disappointed,
and have reasons to apprehend, that I have been
deceived, as to the frank, liberal, and impartial
step, which I had been inclined to believe you
would take, in bringing before this Nation the business
entrusted to your Commission by the United States
Government.

On the part of the Chiefs, and Representatives, of
the Nation, in the discharge of their duties, towards
their people, either individually or collectively,
I do assure you with sincerity, that they know no
parties. And for myself, I will again repeat,
that so far as the rights of individuals are con-
cerned, and depends upon my public duty, I
have ever respected, and held them sacred.
Whether they be my private, or political enemy
is a matter of no consideration - it never has
and I trust never shall turn the scales of justice
in my hands against any of my fellow Country-
men. - I will add in conclusion that I

have been requested by the Chiefs, Representatives, and People,
of this Nation, to communicate for the information of
the Commissioners of the United States Government, that
their General Council, will be convened, at Red, Clay,
on the second Monday of October next the 12th day
of that month, and at which council they will be
prepared to hear and act definitively upon such
business as the United States Commissioners may
submit for the consideration of the Nation under
their instructions from the President of the United
States,

I am Sir, very respectfully,
Your Obedient Servant,
Signed *W. P.*

No 14
Copy of a letter to John
Ross dated Cherokee
Agency July 29th 1835

U. S. G. Nation

CHEROKEE EMIG. 1835

Copy.

11
Cherokee Agency July 29th 1835.

Sir,

The Commissioners have received your communication addressed to Mr. Schermehorn and dated Red Clay 24th instant. They are much surprised that you should undertake to insinuate that you ~~should~~ had been deceived by him, after all he has said and done at the Council to heal the divisions and dissensions among your people and to unite them in friendship and harmony so that they might all be brought to act together for the common good of your Nation. They regret that you, and some of the principal Men of your Nation have not seen proper to meet the Commissioners at this place to day; according to the request & public notice given by the Commissioners at the Council of Running Water.

The Commissioners request you to inform them distinctly, whether it is your determination & that of your principal Men, not to meet the Commissioners at their request, at such time and place as they have appointed? And also whether you, and those associated with you, in a communication to the Sec. of War. dated Washington City. February 28th 1835, are determined to forfeit; or abide by your pledge in the following words, viz. "We are prepared as far as we are concerned to abide by the Award of the American Senate upon our propositions, and to recommend the same for the final determination of our people"? If you cannot answer these for the other persons concerned you doubtless can for yourself, and the bearer is directed to wait a reasonable time for your answer. The Commissioners are determined not to deceive you, nor the Cherokees; and if possible not suffer themselves to be deceived. They are not altogether ignorant of the course pursued by you, and some of your principal Men and the advice given by you to them about

meeting the Commissioners here at this time. And we wish to know from you in express terms whether you and your principal men, have refused to meet the Commissioners, and your Cherokee brethren here at this time to endeavor to come to some satisfactory arrangements for a treaty on the basis of the \$5,000,000, awarded by the Senate of the United States, to settle the difficulties between the United States and the Cherokee Indians

With Great Respect,
Your Obedt Servt,
Signed Wm Carroll,
J. J. Schumaker,
Commissioners,

To John Ross Esq
P. O. Nation

No 14
Copy of a letter to John
Ross dated Cherokee
Agency July 29 1835

No 15

Copy of John Ross letter
from Red Bay. C.N. 30 July
1835

(Copy)

Red Clay, C. W. July 30. 1835.

Gentlemen,

Your communication of yesterdays date in reply to my letter of the 24th inst. to Mr. Schermehorn has just been handed me by Mr. Foreman. You request me to inform you by the bearer, whether it is my determination and that of the principal men not to meet the Commissioners at the place, and time, according to their request and appointment? There has been no request or previous notice of any appointment made by the Commissioners for us to meet them at the Agency until the verbal suggestion was made by Mr. Schermehorn as has been stated.

In my letters of the 24th inst. to Gov. Canoll and to Mr. Schermehorn, I have fully stated the causes, which makes it impossible for them to have attended at the Agency on yesterday, and it was with the utmost sincerity that I assured Mr. Schermehorn that it would have given the Chiefs and Representatives of the Cherokee people pleasure had it been practicable for them to have met, and taken their old friend and brother Soldier, His Ex^{ty} Gov. Canoll by the right hand of friendship. And I beg leave now to state distinctly, in reply to your interrogation that, I have not come to the determination not to meet the Commissioners at the Agency - but on the contrary, I am disposed cheerfully to meet them there at any proper time when circumstances will allow, after being ^{duly} notified by them jointly to do so - And I am fully persuaded such also are the feelings of the other principal men on the subject.

As to the enquiry you have thought proper on this occasion, to make of me concerning the letter addressed by the Cherokee delegation

to the Hon. Secy of War on the 28th of Febr'y, 1835. I beg leave to refer you to their entire correspondence with the War and Executive Departments on the subject together with their memorials to Congress. - claiming the right to interpret my understanding of my own proceedings, in connection with the facts attending the same - I shall ever be found ready to act in good faith in relation to them.

I am happy to be informed, that you are determined not to deceive the Cherokee or myself, for I assure you that there is no inclination on my part to deceive you - and I should be extremely gratified were you to be more cautious against believing every evil report you may hear against myself and other public men of the Nation, calculated to prejudice or mislead your minds against our true disposition - the allusion you have made of Speeches which I addressed the people last week on our separation advising them not to meet the Commissioners at this time compels me to express this solicitude - for I do assure you, that I did not so advise them - but on the contrary when I found that the people had considered it to be impossible and inexpedient for them to attend. - I consulted the most prominent men in authority, as to their own attendance; and they all declared it to be impossible for them to do so, and in consequence of which I have been authorized to address you the letter of the 24th inst. In conclusion I beg leave to say, that I trust whenever the United States Commissioners may think proper to bring forward the business entrusted to their charge by the President of the United States, in a formal way before the Cherokee Nation in General Council, for their consideration, and determination.

that all due respect will be shown to the Commissioners in their deliberation and action upon the same — as to any differences of opinion among my Cherokee Brethren, I sincerely desire that they may be harmonised, and I can not but think, that if those entertaining adverse opinions from my own or the great mass of the Nation, were to reciprocate the same feeling with the view of promoting the welfare of the whole nation, that by conferring with each other in a proper manner, at our own mutual convenience that all would soon unite in brotherly friendship and harmony.

I am Gentlemen, very respectfully,
Yr Obedt. Servt.

Signed *John Ross* Principal
Chief of the Cherokee Nation.

To His Excellency
— Wm. Carroll

Rev. J. S. Schombert
U.S. Commissioner
Now at the Cherokee Agency

Unratified
Treaty with
Cherokees

Mar. 14 1835.

Articles of a Treaty agreed upon at the
City of Washington March 14th 1835 between
S. J. Schomerhorn on the part of the United States
and a Delegation of the Cherokee Tribe of Indians
which by the President of the United States is
directed to be submitted to the Cherokee Nation of
Indians for their consideration and approbation

Whereas several persons of the Cherokee
Nation of Indians East of the Mississippi River
have visited the City of Washington as delegates
from that part of their Nation in favour of Amigration
with a hope & desire of making some arrangements which
might be acceptable to the Government of the U. States
and to their Nation generally, and thereby terminating
the difficulties which they have experienced during a
residence within the settled portion of the United States
under the jurisdiction and laws of the State Govern-
ments & with a view to re-uniting their people in one
body and securing to themselves & their descendants a
Country ^{selected by their own choice} sufficient for all their wants and wherein they
can establish and perpetuate such a State of Society
as may be most consonant with their habits & views
and as may tend to their individual comfort and their
advancement in civilization,

And whereas the President of the U.
States animated with a sincere desire to relieve them
from their embarrassments and to provide for them a
permanent ~~establishment~~ and being willing as far

as his Constitutional power extends to use all his efforts to accomplish these objects has yielded to the wishes thus expressed to him in behalf of the Cherokee and has authorized John J. Scher-
-mhorn to meet the said members of the Cherokee Nation and to arrange with them such terms as may be just and proper between the parties.
And whereas the said John J. Scher-
-mhorn and the said Delegation of the Cherokee Nation of Indians have met together and have taken the whole matter into consideration and have agreed upon certain articles, which are to be considered merely as propositions to be made to the Cherokee People in behalf of the U. States and to be utterly in-
-valid until approved by them, it being distinctly con-
-sidered that the said Cherokee people are not in the slightest manner committed by the formation of this Provisional arrangement.

Now therefore in consideration of the premises and with a view to the final adjustment of all claims and demands of every kind of the Cherokee East of the Mississippi River upon the United States it is agreed as follows -

Art. 1. This Treaty shall be submitted to the People of the Cherokee Nation for that purpose to be assembled at New Echota after due notice being given of the time of meeting by the Commissioner appointed by the President of the United States whose
duty

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duty it shall be fully to explain all its contents to them and the views of the Government in regard to it for their concurrence and adoption, and if it shall appear after a fair free and full expression of their sentiments that a majority of the people are in favour of the Treaty it shall be considered as approved and con-
-firmed by the Nation; and their whole Country shall be deemed to be ceded and their claim and title to it to cease. But it is always un-
-derstood that the Treaty stipulations in former treaties that have not been annulled or superse-
-ded by this shall continue in full force

Art. 2. The Cherokee Nation of Indians for and in consideration of the additional quantity of land guaranteed Secured to them by the third article of this treaty and of the fulfillment of the covenants and stipulations hereinafter mentioned and also of the sum of four millions five hundred thousand Dollars to be expended, paid, and invested as agreed in the following Articles, do hereby cede, Relinquish & convey to the United States, all their right & title to all the lands owned, claimed, and posses-
-sed by them including the lands reserved by them for a School fund, East of the Missis-
-sippi River

Art. 3. Whereas by the Treaty of May 6th 1828 and the supplementary treaty thereto of Feb. 14. 1833. with the Cherokees West of the Mississippi; the United States guaranteed and secured to be conveyed by patent to the Cherokee Nation of Indians the following tract of Country. "Beginning at a point on the Old Western Territorial line of Arkansas Territory being twenty five miles north from the point where the Territorial line crosses the Arkansas River, thence running from said North point South on the said Territorial line to the place where said Territorial line crosses Verdigris River - thence down said Verdigris River to the Arkansas River - thence down said Arkansas to a point where a stone is placed opposite to the East or lower bank of Grand River at its junction with the Arkansas thence running South forty four degrees west one mile, thence in a straight line to a point four miles North of the mouth of the North Fork of the Canadian - thence along the said four miles line to the Canadian - thence down the Canadian to the Arkansas - thence down the Arkansas to that point on the Arkansas where the Eastern Choctaw boundary strikes said river and running thence with the Western line of Arkansas Territory as now defined to the South West Corner of Missouri, thence along the Western Missouri line to the land assigned to the

the Senecas, thence on the South line of the Senecas to Grand River, thence up said Grand River as far as the South line of the Osage Reservation extended if necessary - thence up and between said South Osage line extended West if necessary, and a line drawn due West from the point of beginning to a certain distance West at which a line running North & South from said Osage line to said due West line will make seven millions of Acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded the United States further guarantee to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the Country lying West of the Western boundary of said seven millions of acres as far West as the Sovereignty of the United States and their right of Soil extend. Provided however that if the saline or salt plain on the Western prairie shall fall within said limits prescribed for said outlet the right is reserved to the U States to permit other tribes of red men to get salt on said plain in common with the Cherokees and letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed."

And whereas it is apprehended by the Cherokees that on the above cession there is not contained a sufficient quantity of land for

for the accommodation of the whole Nation on their removal west of the Mississippi. The United States therefore hereby covenants and agrees to convey to the said Indians and their descendants by patent in fee simple the following additional tract of Country situated between the West line of the State of Missouri and the Osage Reservation beginning at the South East corner of the same land runs North along the East line of the Osage lands fifty miles to the North East corner thereof and thence East to the West line of the State of Missouri; thence with said line South fifty miles, thence West to the place of beginning estimated to contain 800,000 acres of land but it is expressly understood that if any of the lands assigned to the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands above granted

Art 4 The United States also agrees that the lands above ceded by the Treaty of Feb^y 14. 1833 including the outlet and those ceded by this treaty shall all be included in one patent to be executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the Act of May 28. 1830. It is however understood & agreed that the Union Missionary Station shall be held by the American Board for foreign Missions and the Military reservation

reservation at Fort Gibson shall be held by the United States. But should the U. States abandon said Post and have no further use for the same, it shall revert to the Cherokee Nation. The United States shall always have the right to make and establish such Post and Military roads and Forts in any part of the Cherokee Country as they may deem proper for the interest & protection of the same, and the free use of as much land, timber, fuel and materials of all kinds for the construction and support of the same as may be necessary - provided that if the private rights of individuals are interfered with a just compensation therefor shall be made. With regard to the Union Missionary Reservation it is understood that the American Board of Foreign Missions will continue to occupy the same for the benefit of the Cherokee Nation; and if at any time hereafter they shall abandon the same upon payment for their improvements by the U. States it shall revert to the Cherokee Nation

Art 5. The United States also stipulate and agree to extinguish for the benefit of the Cherokees the title to the reservations within their Country made in the Osage treaty of 1825 to certain half breeds and for this purpose they hereby agree to pay to the persons to whom the same belong or have been assigned, or to their agents

to their Agents or Guardians whenever they shall execute after the ratification of this treaty a satisfactory conveyance for the same to the U States the sum of fifteen thousand Dollars according to a schedule accompanying this treaty of the relative value of the several Reservations

Art 6 The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time without their consent be included within the Territorial limits or jurisdiction of any State or Territory but they shall secure to the Cherokee Nation the right by their National Councils to make & carry into effect all such laws as they may deem necessary for the Government and protection of all persons and property ^{within their own Country} belonging to their people or such persons as have been connected themselves with them now provided always that they shall not be consistent with the Constitution of the United States and such acts of Congress as have been or may be passed for the regulation of Indian affairs. and also that they shall not be considered as extending to such citizens & Army of the United States as may travel or reside in the Indian Country according to the laws and regulations established by the Government of the same

Art 7. Perpetual peace and friendship shall exist between the Citizens of the United States

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and ^{the} Cherokee Indians. The United States agree to protect the Cherokee Nation from domestic strife and foreign enemies and against intestine wars ^{the several Tribes} between. They shall endeavour to preserve and maintain the peace of the Country, and not make war upon their neighbours. and should hostilities commence by one or more tribes upon another the Cherokee Council of the Nation when called upon by the Authority of the President of the United States shall aid the United States with as many warriors as may be deemed necessary to protect and restore peace in the Indian Country, and while in Service they shall be entitled to the pay and rations of the Army of the United States. They shall also be protected against all interruption and intrusion from citizens of the U. States who may attempt to settle in the Country without their consent and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics and teachers for the instruction of the Indians according to the treaty stipulations and the regulations of the Government of the U. States

Art. 8. The Cherokee Nation having already made great progress in civilization and deeming it important that every proper and laudable inducement should be ~~held~~ offered to their people to

to improve their condition as well as to guard and secure in the most effectual manner the rights guaranteed to them in this Treaty and with a view to illustrate the liberal and enlarged policy of the Government of the U States towards the Indians in their removal beyond the Territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the U States whenever Congress shall make provision for the same

Art 9. The United States also agrees and stipulates to remove the Cherokees to their new homes and to subsist them one year after their arrival there and that a sufficient number of Steam Boats and baggage wayons shall be furnished to remove them comfortably and so as not to endanger their health and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government. They shall also be furnished with blankets Kettles & rifles as stipulated in the Treaty of 1828. The blankets shall be delivered before their removal and the Kettles and rifles after their removal in the new Country. Such persons and families as in the opinion of the Emigrating Agent are capable of subsisting and removing themselves shall be permitted to do

do so and they shall be allowed in full for all claims for the sum twenty five Dollars for each member of their family slaves excepted for whom (those now owned in the nation) they shall be allowed eighteen Dollars each, and in lieu of their one years rations, they shall be paid the sum of thirty three ³²/₁₀₀ Dollars if they prefer it. And in order to encourage immediate removal and with a view to benefiting the poorer class of their people the U States agree and promise to pay each member of the Cherokee Nation one hundred fifty Dollars on his removal at the Cherokee Agency West provided they enrol & remove within one year from the ratification of this Treaty and one hundred Dollars to each person that removes within two years and after this no per Capita allowance whatever will be made and it is expressly understood that the whole Nation shall remove within two years from the ratification of the Treaty. There shall also be paid to each emigrant since June 1833 one hundred and fifty Dollars according to the assurances given them by the Sec of War that they should be entitled to all the advantages and provisions of the Treaty which should be finally concluded with their Nation. They shall also be paid for the improvements according to their appraised value before they removed where fraud has not already been shown in the valuation. Such Cherokees also as reside at present out of

of the Nation and shall remove with them in two years West of the Mississippi, shall be entitled to per capita allowance, removal & subsistence as above provided.

Art 10. The United States agree to appoint suitable agents who shall make a just and fair valuation of all such improvements now in the possession of the Cherokee as add any value to the lands and also of the ferries owned by them according to their nett income and such improvements and ferries from which they have been dispossessed in a lawful manner or under any existing laws of the State where the same may be situated. The just debts of the Indians shall be paid out of any moneys due them for their improvements and claims and they shall also be furnished at the discretion of the President with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes & the balance of their dues shall be paid them at the Cherokee Agency West of the Mississippi. The Missionary Establishments shall also be valued and appraised in like manner and the amount of them paid over by the U. States to the Treasurers of the respective Missionary Societies by whom they have been established and improved in order to enable them to erect such buildings and make such improvements among the Cherokees West

West of the Mississippi as they may deem necessary for their benefit. Such teachers at present among the Cherokees as their Councils shall select and designate shall be removed West of the Mississippi with the Cherokee Nation & on the same terms allowed them. It is however understood that from the valuation of the Missionary establishment shall be deducted the pro rata amount advanced and expended for the same by the United States

Art 11. The President of the United States shall invest in some safe and most productive public stocks of the Country for the benefit of the whole Cherokee Nation who have removed or shall remove to the lands assigned by this Treaty to the Cherokee Nation West of the Mississippi, the following sums as a permanent fund for purposes hereinafter specified and pay over the nett income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee Nation to receive the same and their receipts shall be a full discharge for the amount paid to them viz. The sum of four hundred thousand Dollars to constitute a general fund, the interest of which shall be applied annually by the Council of the Nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand Dollars to constitute the orphans fund - the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one

one hundred ^{and sixty} thousand Dollars to constitute a permanent School fund, the interest of which shall be applied annually by the Council of the Nation for the support of common schools and such a literary institution of an higher order as may be established in the Indian Country and in order to secure as far as possible the true and beneficial application of the Orphan & School fund the Council of the Cherokee Nation when required by the President of the United States shall make report of the application of those funds and he shall at all times have the right, if the funds have been misapplied to correct any abuses of them and to direct the manner of their application for the purposes for which they were intended. The Council of the Nation may by giving two years notice of their intention withdraw their funds by and with the consent of the President of the U. S. & Senate of the United States and invest them in such a manner as they may deem most proper for their interest. The United States also agree and stipulate to pay to the Cherokee Nation, Council East, sixty thousand Dollars and to expend thirty thousand Dollars in the erection of such mills, Council & School houses in their Country West of the Mississippi as their Council shall designate. The sum of ten thousand Dollars shall be expended for the introduction of improved breeds of the different domestic animals as horses, hogs, cattle & sheep which shall be placed under the direction of the Agent of the Tribe and who by and with the advice of the Council shall distribute them to the best advantage for the general benefit of the whole people. They shall also pay

the Council five thousand Dollars towards procuring materials for a printing press to enable them to print a public newspaper and books in the Cherokee language for gratuitous distribution

Art 12. The sum of two hundred & fifty thousand Dollars are hereby set apart to satisfy and liquidate all claims of every kind and nature whatever of the Cherokees upon the United States and such claims of the citizens of the United States against the Cherokees as come within the provisions of the intercourse act of 1802 and as existed on either of the States of Georgia, Alabama, North Carolina and Tennessee prior to the extension of the laws of either such States over them. All claims of the Indians shall first be examined by the Council of the Nation and then reported to the Commissioner appointed to adjudicate the same and the claims of the Citizens of the United States shall first be examined by the Agent & Council of the Nation & then referred to the Commissioner who shall finally decide upon them and on his certificates of the amount due in favour of the several claimants they shall be paid. If the above claims do not amount to the sum of two hundred and fifty thousand Dollars the amount unexpended shall be added to the orphans & School funds

Art 13 The Cherokee Nation of Indians

Indians believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition hereby agree to commute their permanent annuity of ten thousand Dollars for the sum of two hundred and fourteen thousand Dollars the same to be invested by the President of the United States as a part of the general fund of the Nation and their present school fund amounting to forty eight thousand ~~Dollars~~ two hundred & fifty one Dollars and seventy six cents shall be invested in the same manner as the School fund provided in this treaty and constitute a part of the same and both of them to be subject to the same disposal as the other part of these funds by their National Council.

Art 14 Those individuals and families of the Cherokee Nation that are averse to a removal from the Cherokee Country West of the Mississippi, and are desirous to become citizens of the States where they reside and such as in the opinion of the Agent are qualified to take care themselves & their property shall be entitled to receive their due portion of all the personal benefits accruing under this Treaty for their claims, improvements, ferries, removal and subsistence, but they shall not be entitled to any share or portion of the funds vested or to be expended for the

common

common benefit of the Nation.

Art 15 It is also agreed on the part of the U. 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.

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

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

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

Note "and fourteen" underlined

Schedule

For Removal	\$ 255,000
" Subsistence	1400,000
" Improvements & Ferries	1,000,000
" Claims & Exactions	250,000
" Domestic Animals	10,000
" National Debts	60,000
" Public Buildings	30,000
" Printing &c	5,000
" Blankets	36,000
" Rifles	37,000
" Kettles	7,000
" Per Capita allowance	1,800,000
" General fund	400,000
" School fund	160,000
" Orphans fund	50,000
" Additional Territory	500,000
	<hr/>
	\$5,010,000.00
" School fund already invested	48,251.76
" Commutation of perpetual annuity	214,000.00
	<hr/>
	\$5,262,251.76

Art 19. This treaty when it shall have been approved & signed by a majority of the Chiefs, Headmen & Warriors of the Cherokee Nation of Indians and ratified by the President, by and with the advice & consent of the Senate of the United States

Shall be binding on the contracting parties
 In testimony whereof the said John
 F. Schermmerhorn authorized as aforesaid and the said
 Cherokee Delegation have set their hands & seals the
 day & year above written.

Signed and sealed John F. Schermmerhorn
 in the presence of
 Alex^r M^r Thawomb Major
 Comm^r of the Army of the U.S.
 410 Gibson Lane - Gen^l - Archibald Smith
 William Allen

Hudson M^r Guland
 Sherman Page
 Major U.S.A.
 Gen^l James Supt Cherokee Removal
 Acting Supt Agent
 A. P. Busen U.S.A. John West
 Dyer (Custer)
 S. W. Bell
 Wm^r A. Lewis

Schedule

Schedule and Estimated value of the Orange-hill breed
 Reservations within the Territory ceded to the Cherokees
 West of the Mississippi (referred to in Art. 5 in the
 foregoing Treaty) - By Augustus

Augustus Clanton one Section	\$6000
James	1000
Paul	1300
Henry	800
Anthony	1800
Rosalie	1800
Emilia - Do ^r Mchanya	1000
Emilia D. of Mchanya	1300

\$15000

I hereby certify that the above
 schedule is the estimated value
 of the Orange Reservations, as made
 out & agreed upon with Col. A. P. Johnston
 who represented himself as the agent
 or guardian of the above Reservations.

March 14th 1835 J. F. Schermmerhorn

**TO THE CHEROKEE TRIBE OF INDIANS EAST OF
THE MISSISSIPPI RIVER.**

MY FRIENDS:

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

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

Of all this I warned your people, when I met them in council eighteen years ago. I then advised them to sell out their possessions east of the Mississippi and to remove to the country west of that river. This advice I have continued to give you at various times from that period down to the present day, and can you now look back and doubt the wisdom of this counsel? Had you then removed, you would have gone with all the means necessary to establish yourselves in a fertile country, sufficiently extensive for your subsistence, and beyond the reach of the moral evils

which are hastening your destruction. Instead of being a divided people as you now are, arrayed into parties bitterly opposed to each other, you would have been a prosperous and a united community. Your farms would have been opened and cultivated, comfortable houses would have been erected, the means of subsistence abundant, and you would have been governed by your own customs and laws and removed from the effects of a white population. Where you now are, you are encompassed by evils, moral and physical, and these are fearfully increasing.

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

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

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

The whole subject has been taken into consideration, and an arrangement has been made, which ought to be, and I trust will be, entirely satisfactory to you. The Senate of the United States have given their opinion of the value of your

possessions. And this value is insured to you in the arrangement which has been prepared. Mr. John Ross, and the party who were with him, expressed their determination to accept, so far as they were concerned, such a sum as the Senate might consider just, and promised to recommend and support the same in your general council. The stipulations contained in this instrument are designed to afford due protection to private rights, to make adequate provision for the poorer class of your people, to provide for the removal of all, and to lay the foundation of such social and political establishments in your new country as will render you a happy and prosperous people. Why, then, should any honest man among you object to removal? The United States have assigned to you a fertile and extensive country, with a very fine climate adapted to your habits, and with all the other natural advantages which you ought to desire or expect.

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

These stipulations provide:

- 1st. For an addition to the country already assigned to you west of the Mississippi, and for the conveyance of the whole of it, by patent, in fee simple. And also for the security of the necessary political rights, and for preventing white persons from trespassing upon you.
- 2d. For the payment of the full value to each individual, of his possession in Georgia, Alabama, North Carolina and Tennessee.
- 3d. For the removal, at the expense of the United States, of your whole people; for their subsistence for a year after their arrival in their new country, and for a gratuity of one hundred and fifty dollars to each person.
- 4th. For the usual supply of rifles, blankets, and kettles.
- 5th. For the investment of the sum of four hundred thousand dollars, in order to secure a permanent annuity.
- 6th. For adequate provision for schools, agricultural instruments, domestic animals, missionary establishments, the support of orphans, &c.
- 7th. For the payment of claims.
- 8th. For granting pensions to such of your people as have been disabled in the service of the United States.

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

The choice now is before you. May the Great Spirit teach you how to choose. The fate of your women and children, the fate of your people, to the remotest generation, depend upon the issue. Deceive yourselves no longer. Do not cherish the belief that you can ever resume your former political situation, while you continue in your present residence. As certain as the sun shines to guide you in your path, so certain is it that you cannot drive back the laws of Georgia from among you. Every year will increase your difficulties. Look at the condition of the Creeks. See the collisions which are taking place with them. See how their young men are committing depredations upon the property of our citizens, and are shedding their blood. This cannot and will not be allowed. Punishment will follow, and all who are engaged in these offences must suffer. Your young men will commit the same acts, and the same consequences must ensue.

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

Your friend,

Signed, ANDREW JACKSON.
Washington, March 16th, 1835.

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Cherokee Treaty
1835

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ANDREW JACKSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,
To all and singular to whom these presents shall come
Greeting:

WHEREAS a Treaty was concluded at New Echota, in the State of Georgia, on the twenty-ninth day of December eighteen hundred and thirty-five, by General William Carroll and John F. Schermerhorn, commissioners on the part of the United States; and the chiefs, head men, and people, of the Cherokee tribe of Indians. AND WHEREAS certain articles supplementary to the said Treaty were agreed upon between John F. Schermerhorn, commissioner on the part of the United States, and a delegation of the Cherokee people, on the first day of March, one thousand eight hundred and thirty-six. Which treaty and supplementary articles are in the words following, to wit:

Articles of a treaty concluded at New Echota in the State of Georgia on the 29th day of Decr. 1835 by General William Carroll and John F. Schermerhorn commissioners on the part of the United States and the Chiefs Head Men and People of the Cherokee tribe of Indians.

Whereas the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled parts of the United States under the jurisdiction and laws of the State Governments may be terminated and adjusted; and with a view to reuniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers without the territorial limits of the State sovereignties; and where they can establish and enjoy a Government of their choice and perpetuate such a state of society as may be most consonant with their views habits and condition; and as may tend to their individual comfort and their advancement in civilization.

And whereas a delegation of the Cherokee nation composed of Messrs. John Ross Richard Taylor Danl McCoy Samuel Gunter and William Rogers with full power and authority to conclude a treaty with the United States did on the 28th day of February 1835 stipulate and agree with the Government of the United States to submit to the Senate to fix the amount which should be allowed the Cherokees for their claims and for a cession of their lands east of the Mississippi river and did agree to abide by the decision of the Senate of the

States themselves and to recommend the same to their people for their final determination
And whereas on such submission the Senate advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river"
And whereas this delegation after said

and in consequence of the legislation of the States; and seeing no effectual way of relief, but in accepting the liberal overtures of the United States
And whereas Genl William Carroll and John F. Schermerhorn were appointed commissioners on the part of the United States, with full power and authority to conclude a treaty with the Cherokees east and were directed by the President to convene the people of the nation in general council at New Echota and to submit said propositions to them with power and authority to vary the same so as to meet the views of the Cherokees in reference to its details
And whereas the said commissioners did appoint and notify a general council of the nation to convene at New Echota on the 21st day of December 1835; and informed them that the commissioners would be prepared to make a treaty with the Cherokee people who should assemble there and those who did not come they should conclude gave their assent and sanction to what ever should be transacted at this council and the people having met in council according to said notice

Therefore the following articles of a treaty are agreed upon and concluded between William Carroll and John F. Schermerhorn commissioners on the part of the United States and the chiefs head men and people of the Cherokee nation in general council assembled this 29th day of Decr 1835.

ARTICLE 1. The Cherokee nation hereby cede relinquish and convey to the United States all the lands owned claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoiliations of every kind for and in consideration of the sum of five millions of dollars to be expended paid and invested in the manner stipulated and agreed upon in the following articles. But as a question has arisen between the commissioners and the Cherokees whether the Senate in their resolution by which they advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river" have included and made any allowance or consideration for claims for spoiliations it is therefore agreed on the part of the United States that this question shall be again submitted to the Senate for their consideration and decision and if no allowance was made for spoiliations that then an additional sum of three hundred thousand dollars be allowed for the same.

ARTICLE 2. Whereas by the treaty of May 6th 1828 and the supplementary treaty thereto of Feb. 14th 1833 with the Cherokees west of the Mississippi the United States guaranteed and secured to be conveyed by patent to the Cherokee nation of Indians the following tract of country "Beginning at a point on the old western territorial line of Arkansas Territory being twenty five miles north from the point where the territorial line crosses Arkansas river, thence running from said north point south on the said territorial line where the said territorial line crosses Verdigris river; thence down said Verdigris river to the Arkansas river; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand river at its junction with the Arkansas; thence running south forty

line of the State of Missouri; thence west to the place of beginning; estimated to contain eight hundred thousand acres of land; but it is expressly understood that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands above granted and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

ARTICLE 3. The United States also agree that the lands above ceded by the treaty of Feb. 14 1833, including the outlet, and those ceded by this treaty shall all be included in one patent executed to the Cherokee nation by the President of the United States according to the provisions of the act of May 28 1830. It is however agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post and have no further use for the same it shall revert to the Cherokee nation. The United States shall always have the right to make and establish such post and military roads and forts in any part of the Cherokee country, as they may deem proper for the interest and protection of the same and the free use of as much land, timber, fuel and materials of all kinds for the construction and support of the same as may be necessary; provided that if the private rights of individuals are interfered with, a just compensation therefor shall be made.

ARTICLE 4. The United States also stipulate and agree to extinguish for the benefit of the Cherokees the titles to the reservations within their country made in the Osage treaty of 1825 to certain half-breeds and for this purpose they hereby agree to pay to the persons to whom the same belong or have been assigned or to their agents or guardians whenever they shall execute after the ratification of this treaty a satisfactory conveyance for the same, to the United States, the sum of fifteen thousand dollars according to a schedule accompanying this treaty of the relative value of the several reservations.

And whereas by the several treaties between the United States and the Osage Indians the Union and Harmony Missionary reservations which were established for their benefit are now situated within the country ceded by them to the United States; the former being situated in the Cherokee country and the latter in the State of Missouri. It is therefore agreed that the United States shall pay the American Board of Commissioners for Foreign Missions for the improvements on the same what they shall be appraised at by Capt. Geo. Yashon Cherokee agent Abraham Redfield and A. P. Mouton or such persons as the President of the United States shall appoint and the money allowed for the same shall be expended in schools among the Cherokees and improving their condition.

ARTICLE 5. The United States hereby covenant and agree that the lands ceded to the Cherokee nation in the foregoing article shall, in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee nation the right by their

fund the interest of which shall be applied annually by the council of the nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars to constitute an orphan's fund the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars in

to remove them comfortably, and so as not to endanger their health, and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government. Such persons and families as, in the opinion of the emigrating agent are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed in full for all claims for the same twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of thirty-three dollars and thirty-three cents if they prefer it.

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

ARTICLE 9. The United States agree to appoint suitable agents who shall make a just and fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; and also of the ferries owned by them, according to their net income; and such improvements and ferries from which they have been dispossessed in a lawless manner or under any existing laws of the State where the same may be situated.

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

ARTICLE 10. The President of the United States shall invest in some safe and most productive public stocks of the country for the benefit of the whole Cherokee nation who have removed or shall remove to the lands assigned by this treaty to the Cherokee nation west of the Mississippi the following sums as a permanent fund for the purposes hereinafter specified and pay over the net income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee nation to receive the same and their receipt shall be a full discharge for the amount paid to them; viz: the sum of two hundred thousand dollars in addition to the present amount of the same to constitute a

former treaties with the United States, and who have not sold or conveyed the same by deed or otherwise who in the opinion of the commissioners have complied with the terms on which the reservations were granted as practicable in the several cases; which reservations have since been by the United States shall constitute a just claim against the United States.

care of themselves and their property shall be entitled to receive their due portion of all the personal benefits accruing under this treaty for their claims, improvements and per capita; as soon as an appropriation is made for this treaty.

Such heads of Cherokee families as desirous to reside within the States North Carolina Tennessee and Alabama subject to the laws of the same; who are qualified or calculated to become useful citizens shall be entitled, the certificate of the commissioners a pre-emption right to one hundred sixty acres of land or one quarter acre at the minimum Congress price; to include the present buildings or improvements of those who now reside there and such as do not live there at present shall be permitted to locate within two years any lands not already occupied by persons entitled to pre-emption privilege under this treaty and if one or more families live on the same after section and they desire to continue their residence in these States and are qualified as above specified they shall, on receiving their pre-emption certificate be entitled to the right of pre-emption to such lands as they may select not already taken by any person entitled to them under this treaty.

It is stipulated and agreed between the United States and the Cherokee people that John Ross James Starr George W. Gunter George Chambers in Ridge Elias Bondiott George Rogers John Martin William Rogers man Nose Situwake and John Timpshall be a committee on the part of the Cherokees to recommend such persons for the privilege of pre-emption as may be deemed entitled to the same under the above articles and to select the missionaries who shall be removed to the nation; and that they hereby 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 and settling the same with the United States. If any of the persons mentioned should decline acting as a committee they shall be removed by death; the vacancies will be filled by the committee themselves. It is also understood and agreed that the sum of one hundred thousand dollars will be expended by the commissioners such manner as the committee deem to be for the benefit of the poorer class of Cherokees as shall remove west or have removed west and are entitled to the benefits of this treaty. The same to be delivered at the Cherokee agency west soon after the removal of the nation as possible.

ARTICLE 13. In order to make a final settlement of all the claims of the Cherokees for reservations granted under former treaties to any individuals belonging to the nation by the United States it is hereby stipulated and agreed that the following shall be the terms of the settlement—that all the Cherokees and their heirs and descendants to whom reservations have been made under

ARTICLE 17. All the claims arising under or provided for in the several articles of this treaty, shall be examined and adjudicated by Gen Wm Carroll and John F. Schermerhorn or by such commissioners as shall be appointed by the President 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. All claims

ARTICLE 15. 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 for improvements, ferries, claims, for spoiliations, removal subsistence and debts and claims upon the Cherokee nation and for the additional quantity of lands and goods for the poorer class of Cherokees and the several sums to be invested for the general national funds; provided for in the several articles of this treaty the balance whatever the same may be shall be equally divided between all the people belonging to the Cherokee nation east according to the census just completed; and such Cherokees as have removed west since June 1833 who are entitled by the terms of their 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 according to their approved value before their removal where fraud has not already been shown in their valuation.

ARTICLE 16. It is hereby stipulated and agreed by the Cherokees that they shall remove to their new homes within two years from the ratification of this treaty and that during such time the United States shall protect and defend them in their possessions and property and free use and occupation of the same and such persons as have been dispossessed of their improvements and houses; and for which no grant has actually issued previously to the enactment of the law of the State of Georgia, of December 1835 to regulate Indian occupancy shall be again put in possession and placed in the same situation and condition; in reference to the laws of the State of Georgia as the Indians that have not been dispossessed; and if this is not done; and the people are left unprotected; then the United States shall pay the several Cherokees for the losses and damages sustained by them in consequence thereof. And it is also stipulated and agreed that the public buildings and improvements on which they are situated at New Echota for which no grant has been actually made previous to the passage of the above recited act; if not occupied by the Cherokee people shall be reserved for the public and free use of the United States and the Cherokee Indians for the purpose of settling and closing all the Indian business arising under this treaty between the commissioners of claims and the Indians.

The United States, and the several States interested in the Cherokee lands; shall immediately proceed to survey the lands ceded by this treaty; but it is expressly agreed and understood between the parties that the agency buildings and that tract of land surveyed and laid off for the use of Colonel R. J. Meigs Indian agent or heretofore enjoyed and occupied by his successors in office shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe.

ARTICLE 17. All the claims arising under or provided for in the several articles of this treaty, shall be examined and adjudicated by Gen Wm Carroll and John F. Schermerhorn or by such commissioners as shall be appointed by the President 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. All claims

ARTICLE 17. All the claims arising under or provided for in the several articles of this treaty, shall be examined and adjudicated by Gen Wm Carroll and John F. Schermerhorn or by such commissioners as shall be appointed by the President 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. All claims

Signed and sealed in presence of
WESTERN B. THOMAS, Secy.
BEN. F. CURREY, Special Agent.
M. WOLF BATEMAN, 1st Lt. 6th U. S. A. inf., Disbg. Agent.
JNO. L. HOOPER, Lt. 4th inf.
C. M. HITCHCOCK, M. D. Assist. Surg. U. S. A.
G. W. CURREY.
WM. H. UNDERWOOD.
CORNELIUS D. TERHUNE.
JOHN W. H. UNDERWOOD.

In compliance with instructions of the council at New Echota we sign this treaty.
STAND WATIE,
JOHN RIDGE.

March 1, 1836.
Witnesses:
ELBERT HERRING.
ALEXANDER H. EVERETT.
JOHN ROBB.
D. KURTZ.
WM. Y. HANSELL.
SAMUEL J. POTTS.
JNO. LITTLE.
S. ROCKWELL.

The following article was adopted as a supplemental article to the treaty by a unanimous vote of the committee and ordered to be attached to and considered as part of this treaty.

ARTICLE 20. The United States do also hereby guaranty the payment of all unpaid just claims upon the Indians, without expense to them, out of the proper funds of the United States, for the settlement of which a cession or cessions of land has or have been heretofore made by the Indians, in Georgia. Provided the United States or the State of Georgia has derived benefit from the said cession or cessions of land without having made payment to the Indians therefor. It is hereby however further agreed and understood that if the Senate of the United States disapprove of this article it may be rejected without impairing any other provision of this treaty, or affecting the Indians in any manner whatever.

A. MCCOY, Clerk Committee.
W. B. THOMAS, Secy.

In compliance with the unanimous request of the Committee of the Cherokee nation in general council assembled, it is consented and agreed by the commissioner on the part of the United States that the foregoing shall be added as a supplemental article to the treaty under the express condition and stipulation that if the President or Senate of the United States disapprove of this article it may be rejected without impairing any other provision of this treaty, or affecting the Indians in any manner whatever.

J. F. SCHERMERHORN.
Whereas the western Cherokees have appointed a delegation to visit the eastern Cherokees to assure them of the friendly disposition of their people and their desire that the nation should again be united as one people and to urge upon them the expediency of accepting the

on their removal they may be assured of a hearty welcome and an equal participation with them in all the benefits and privileges of the Cherokee country west and the undersigned two of said delegation being the only delegates in the eastern nation from the west at the signing and sealing of the treaty lately concluded at New Echota between their eastern brethren and the United States;

all the pre-emption rights and reservations provided for in articles 12 and 13 shall be and are hereby relinquished and declared void.

ARTICLE 2. Whereas the Cherokee people have supposed that the sum of five millions of dollars fixed by the Senate in their resolution of — day of March, 1835, as the value of the Cherokee lands and possessions east of the Mississippi river was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators who voted upon the question and whereas the President is willing that this subject should be referred to the Senate for their consideration and if it was not intended by the Senate that the above-mentioned sum of five millions of dollars should include the objects herein specified that in that case such further provision should be made therefore, as might appear to the Senate to be just.

ARTICLE 3. It is therefore agreed that the sum of six hundred thousand dollars shall be and the same is hereby allowed to the Cherokee people 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, and to be in lieu of the said reservations and pre-emptions and of the sum of three hundred thousand dollars for spoiliations described in the 1st article of the above-mentioned treaty. This sum of six hundred thousand dollars shall be applied and distributed agreeably to the provisions of the said treaty, and any surplus which may remain after removal and payment of the claims so ascertained shall be turned over and belong to the education fund.

But it is expressly understood that the subject of this article is merely referred hereby to the consideration of the Senate and if they shall approve the same then this supplement shall remain part of the treaty.

ARTICLE 4. It is also understood that the provisions in article 16, for the agency reservation is not intended to interfere with the occupant right of any Cherokees should their improvement fall within the same.

It is also understood and agreed, that the one hundred thousand dollars appropriated in article 12 for the poorer class of Cherokees and intended as a set-off to the pre-emption rights shall now be transferred from the funds of the nation and added to the general national fund of four hundred thousand dollars so as to make said fund equal to five hundred thousand dollars.

ARTICLE 5. The necessary expenses attending the negotiation of the aforesaid treaty and supplement and also of such persons of the delegation as may sign the same shall be defrayed by the United States.

Witness my hand and seal at New Echota this 1st day of March, in the year one thousand eight hundred and thirty-six.
J. F. Schermerhorn, [L. S.]
Major Ridge, his x mark, [L. S.]
James Foster, his x mark, [L. S.]
Tah-ye-shi, his x mark, [L. S.]

did on the 28th day of February 1835 stipulate and agree with the Government of the United States to submit to the Senate to fix the amount which should be allowed the Cherokee for their claims and for a cession of their lands east of the Mississippi river and did agree to abide by the decision of the Senate of the United States themselves and to recognize the same to their people for their final determination

And whereas on such submission the Senate advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river"

And whereas this delegation after said award of the Senate had been made, were called upon to submit propositions as to its disposition to be arranged in a treaty which they refused to do, but insisted that the same should be referred to their nation and there in general council to deliberate and determine on the subject in order to ensure harmony and good feeling among themselves"

And whereas a certain other delegation composed of John Ridge Elias Boudinot Archilla Smith S. W. Bell John West Wm. A. Davis and Ezekiel West, who represented that portion of the nation in favor of emigration to the Cherokee country west of the Mississippi entered into propositions for a treaty with John F. Schermerhorn commissioner on the part of the United States which were to be submitted to their nation for their final action and determination:

And whereas the Cherokee people, at their last October council at Red Clay, fully authorized and empowered a delegation or committee of twenty persons of their nation to enter into and conclude a treaty with the United States commissioner then present, at that place or elsewhere and as the people had good reason to believe that a treaty would then and there be made or at a subsequent council at New Echota which the commissioners it was well known and understood, were authorized and instructed to convene for said purpose; and since the said delegation have gone on to Washington city, with a view to close negotiations there, as stated by them notwithstanding they were officially informed by the United States commissioner that they would not be received by the President of the United States; and that the Government would transact no business of this nature with them, and that if a treaty was made it must be done here in the nation, where the delegation at Washington last winter urged that it should be done for the purpose of promoting peace and harmony among the people; and since these facts have also been corroborated to us by a communication recently received by the commissioner from the Government of the United States and read and explained to the people in open council and therefore believing said delegation can effect nothing and since our difficulties are daily increasing and our situation is rendered more and more precarious uncertain and inse-

of May 6th 1828 and the supplementary treaty thereto of Feb. 14th 1833 with the Cherokee west of the Mississippi the United States guaranteed and secured to be conveyed by patent to the Cherokee nation of Indians the following tract of country: "Beginning at a point on the old western territorial line of Arkansas Territory being twenty five

miles north from the point where the territorial line crosses Arkansas river, thence running from said north point south on the said territorial line where the said territorial line crosses Verdigris river; thence down said Verdigris river to the Arkansas river; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand river at its junction with the Arkansas; thence running south forty four degrees west one mile; thence in a straight line to a point four miles northerly, from the mouth of the north fork of the Canadian; thence along the said four mile line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river and running thence with the western line of Arkansas Territory as now defined, to the southwest corner of Missouri; thence along the western Missouri line to the land assigned to the Senecas; thence on the south line of the Senecas to Grand river; thence up said Grand river as far as the south line of the Osage reservation, extended if necessary; thence up and between said south Osage line extended west if necessary and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee nation a perpetual outlet west, and a free and unobstructed use of all the country west of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extend:

Provided however That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet, the right is, reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees; And letters patent shall be issued by the United States as soon as practicable for the land hereby guarantied"

And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi the United States in consideration of the sum of five hundred thousand dollars therefore hereby covenant and agree to convey to the said Indians, and their descendants by patent, in fee simple the following additional tract of land situated between the west line of the State of Missouri and the Osage reservation beginning at the southeast corner of the same and runs north along the east line of the Osage lands fifty miles to the northeast corner thereof; and thence east to the west

improvements on the same what they shall be appraised by Capt. Geo. Vashon Cherokee Agent Abraham Redfield and A. P. Chouteau or such persons as the President of the United States shall appoint and the money allowed for the same shall be expended in schools among the Cherokees and improving their condition

And the United States to pay the amount allowed for the reservations in this article and not the Cherokees.

ARTICLE 5. The United States hereby covenant and agree that the lands ceded to the Cherokee nation in the foregoing article shall, in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them; provided always that they shall not be inconsistent with the constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the Government of the same.

ARTICLE 6. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee nation from domestic strife and foreign enemies and against intestine wars between the several tribes. The Cherokees shall endeavor to preserve and maintain the peace of the country and not make war upon their neighbors they shall also be protected against interruption and intrusion from citizens of the United States, who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers mechanics and teachers for the instruction of Indians according to treaty stipulations.

ARTICLE 7. The Cherokee nation having already made great progress in civilization and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition as well as to guard and secure in the most effectual manner the rights guaranteed to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States whenever Congress shall make provision for the same.

ARTICLE 8. The United States also agree and stipulate to remove the Cherokees to their new homes and to subsidize them one year after their arrival there and that a sufficient number of steamboats and baggage-wagons shall be furnished

to the parties that the agency buildings and that tract of land surveyed and laid off for the use of Colonel R. J. Meigs Indian agent or heretofore enjoyed and occupied by his successors in office shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe.

ARTICLE 13. In order to make a final settlement of all the claims of the Cherokees for reservations granted under former treaties to any individuals belonging to the nation by the United States it is before hereby stipulated and agreed expressly understood by the parties to this treaty—that all the Cherokees and their heirs and descendants to whom reservations have been made under

former treaties with the United States, and who have not sold or conveyed the same by deed or otherwise who in the opinion of the commissioners have complied with the terms on which the reservations were granted as practicable in the several cases; and which reservations have since been by the United States shall constitute a just claim against the United States and the original reservee or their heirs and descendants shall be entitled to receive the present value thereof from the United States as unimproved lands. All such reservations as have not been sold by the United States and are the terms on which the reservations were made in the opinion of the commissioners have been complied with as far as practicable, they or their heirs and descendants shall be entitled to receive the same—and also all persons who are entitled to reservations under the treaty of 1817 and who as far as practicable in the opinion of the commissioners, are complied with the stipulations of a treaty; although by the treaty of 1819 reservations were included in the ceded lands belonging to the Cherokee nation are hereby confirmed to them they shall be entitled to receive a patent for the same. And all such reservations as were obliged by the laws of the United States to be abandoned or purchased, to abandon the same or purchase them from the States shall be held to have a just claim against the United States for the amount by them paid to the States with interest thereon such reservations and if obliged to abandon the same, to the present value of such reservations as unimproved lands but in all cases where the reservee has sold their reservations or any part thereof and conveyed the same by deed or otherwise and have been paid therefor or their assigns shall not be considered as having any claims upon the United States under this article of the treaty nor be entitled to receive any compensation for the lands thus disposed of.

ARTICLE 11. The Cherokee nation of Indians believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition hereby agree to commute their permanent annuity of ten thousand dollars for the sum of two hundred and fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the nation; and their present school fund amounting to about fifty thousand dollars shall constitute a part of the permanent school fund of the nation.

ARTICLE 12. Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi and are desirous to become citizens of the States where they reside and such as are qualified to

the parties that the agency buildings and that tract of land surveyed and laid off for the use of Colonel R. J. Meigs Indian agent or heretofore enjoyed and occupied by his successors in office shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe.

ARTICLE 17. All the claims arising under or provided for in the several articles of this treaty, shall be examined and adjudicated by Gen Wm Carroll and John F. Schermerhorn or by such commissioners as shall be appointed by the President 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. All stipulations in former treaties which have not been superseded or annulled by this shall continue in full force and virtue.

ARTICLE 18. Whereas in consequence of the unsettled affairs of the Cherokee people and the early frosts, their crops are insufficient to support their families and great distress is likely to ensue and whereas the nation will not, until after their removal be able advantageously to expend the income of the permanent funds of the nation it is therefore agreed that the annuities of the nation which may accrue under this treaty for two years, the time fixed for their removal shall be expended in provision and clothing for the benefit of the poorer class of the nation; and the United States hereby agree to advance the same for that purpose as soon after the ratification of this treaty as an appropriation for the same shall be made. It is however not intended in this article to interfere with that part of the annuities due the Cherokees west by the treaty of 1819.

ARTICLE 19. This treaty after the same shall be ratified by the President and Senate of the United States shall be obligatory on the contracting parties. In testimony whereof the commissioners and the chiefs head men and people whose names are hereunto annexed being duly authorized by the people in general council assembled have affixed their hands and seals for themselves and in behalf of the Cherokee nation.

I have examined the foregoing treaty and although not present when it was made, I approve its provisions generally, and therefore sign it

ARTICLE 15. In order to make a final settlement of all the claims of the Cherokees for reservations granted under former treaties to any individuals belonging to the nation by the United States it is before hereby stipulated and agreed expressly understood by the parties to this treaty—that all the Cherokees and their heirs and descendants to whom reservations have been made under

former treaties with the United States, and who have not sold or conveyed the same by deed or otherwise who in the opinion of the commissioners have complied with the terms on which the reservations were granted as practicable in the several cases; and which reservations have since been by the United States shall constitute a just claim against the United States and the original reservee or their heirs and descendants shall be entitled to receive the present value thereof from the United States as unimproved lands. All such reservations as have not been sold by the United States and are the terms on which the reservations were made in the opinion of the commissioners have been complied with as far as practicable, they or their heirs and descendants shall be entitled to receive the same—and also all persons who are entitled to reservations under the treaty of 1817 and who as far as practicable in the opinion of the commissioners, are complied with the stipulations of a treaty; although by the treaty of 1819 reservations were included in the ceded lands belonging to the Cherokee nation are hereby confirmed to them they shall be entitled to receive a patent for the same. And all such reservations as were obliged by the laws of the United States to be abandoned or purchased, to abandon the same or purchase them from the States shall be held to have a just claim against the United States for the amount by them paid to the States with interest thereon such reservations and if obliged to abandon the same, to the present value of such reservations as unimproved lands but in all cases where the reservee has sold their reservations or any part thereof and conveyed the same by deed or otherwise and have been paid therefor or their assigns shall not be considered as having any claims upon the United States under this article of the treaty nor be entitled to receive any compensation for the lands thus disposed of.

ARTICLE 11. The Cherokee nation of Indians believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition hereby agree to commute their permanent annuity of ten thousand dollars for the sum of two hundred and fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the nation; and their present school fund amounting to about fifty thousand dollars shall constitute a part of the permanent school fund of the nation.

ARTICLE 12. Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi and are desirous to become citizens of the States where they reside and such as are qualified to

the parties that the agency buildings and that tract of land surveyed and laid off for the use of Colonel R. J. Meigs Indian agent or heretofore enjoyed and occupied by his successors in office shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe.

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and added to the general national fund of four hundred thousand dollars so that make said fund equal to five hundred thousand dollars.

ARTICLE 5. The necessary expenses attending the negotiation of the aforesaid treaty and supplement and also of such persons of the delegation as may sign the same shall be defrayed by the United States.

ARTICLE 17. All the claims arising under or provided for in the several articles of this treaty, shall be examined and adjudicated by Gen Wm Carroll and John F. Schermerhorn or by such commissioners as shall be appointed by the President 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. All stipulations in former treaties which have not been superseded or annulled by this shall continue in full force and virtue.

ARTICLE 18. Whereas in consequence of the unsettled affairs of the Cherokee people and the early frosts, their crops are insufficient to support their families and great distress is likely to ensue and whereas the nation will not, until after their removal be able advantageously to expend the income of the permanent funds of the nation it is therefore agreed that the annuities of the nation which may accrue under this treaty for two years, the time fixed for their removal shall be expended in provision and clothing for the benefit of the poorer class of the nation; and the United States hereby agree to advance the same for that purpose as soon after the ratification of this treaty as an appropriation for the same shall be made. It is however not intended in this article to interfere with that part of the annuities due the Cherokees west by the treaty of 1819.

ARTICLE 19. This treaty after the same shall be ratified by the President and Senate of the United States shall be obligatory on the contracting parties. In testimony whereof the commissioners and the chiefs head men and people whose names are hereunto annexed being duly authorized by the people in general council assembled have affixed their hands and seals for themselves and in behalf of the Cherokee nation.

I have examined the foregoing treaty and although not present when it was made, I approve its provisions generally, and therefore sign it

Wm Carroll, [L. S.]
J. F. Schermerhorn, [L. S.]
Major Ridge, his x mark, [L. S.]
James Foster, his x mark, [L. S.]
Tesa-ta-esky, his x mark, [L. S.]
Charles Moore, his x mark, [L. S.]
George Chambers, his x mark, [L. S.]
Tah-yeske, his x mark, [L. S.]
Archilla Smith, his x mark, [L. S.]
Andrew Ross, [L. S.]
William Lassley, [L. S.]
Cae-te-hee, his x mark, [L. S.]
Te-gah-e-ske, his x mark, [L. S.]
Robert Rogers, [L. S.]
John Gunter, [L. S.]
John A. Bell, [L. S.]
Charles F. Foreman, [L. S.]
William Rogers, [L. S.]
George W. Adair, [L. S.]
Elias Boudinot, [L. S.]
James Starr, his x mark, [L. S.]
Jesse Half-breed, his x mark, [L. S.]

Done at the city of Washington, this twenty-third day of May, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixtieth.
ANDREW JACKSON.
By the President: JOHN FORSYTH,
Secretary of State.

Witnesses:
ALBERT HERRING,
CHOS. GLASCOCK,
ALEXANDER H. EVERETT,
J. NO. GARLAND, Major U. S. A.
C. A. HARRIS,
JOHN ROBB,
W. M. Y. HANSELL,
SAM. J. POTTS,
J. NO. LITTLE,
S. ROCKWELL.
Now therefore be it known, that I, ANDREW JACKSON, President of the United States of America, having seen and considered the said Treaty, and also the Supplementary Article thereto annexed, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth day of May, one thousand eight hundred and thirty-six, accept, ratify, and confirm the same, with the following amendments thereto, as expressed in the aforesaid resolution of the Senate: "Article 17, lines 2 and 3, strike out the words 'by General William Carroll and John F. Schermerhorn, or.'" "In the 4th line of the same article, after the word 'States,' insert 'by and with the advice and consent of the Senate of the United States.'" "Strike out the 20th article which appears as a supplemental article." In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-third day of May, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixtieth.
ANDREW JACKSON.
By the President: JOHN FORSYTH,
Secretary of State.