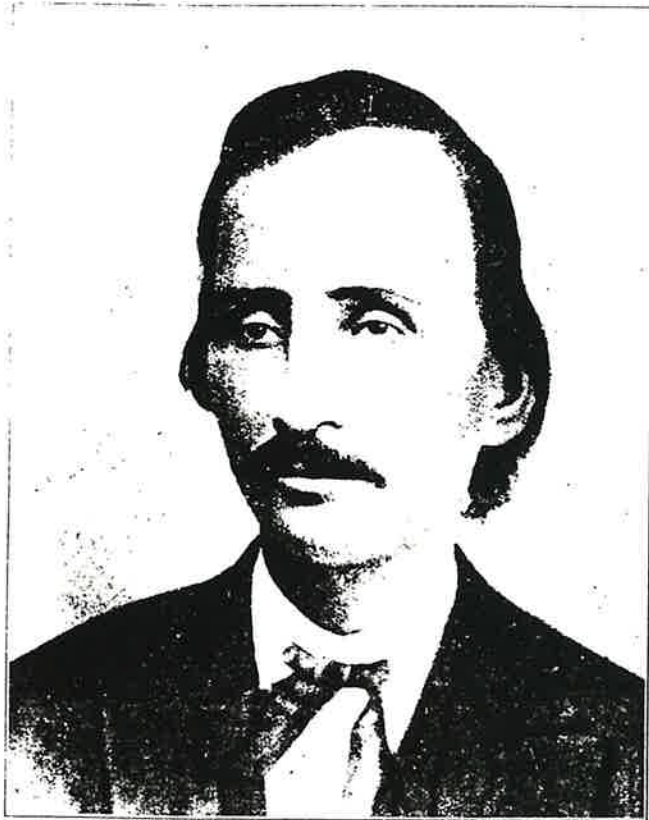


added by Frank Gregory and Howard Strickland
 1961



LEWIS DOWNING
 Chief—November, 1867, to November, 1875.

CHAPTER V

Treaty With The Cherokee, 1835

Dec. 29, 1835. 7 Stat., 478. Proclamation, May 23, 1836. Article of a treaty, concluded at New Echota in the State of Georgia on the 29th day of Dec. 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.

Preamble. Whereas the Cherokees are anxious to make 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 the views, habits and conditions; 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 award of the Senate of the United States themselves 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 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 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 the 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 insecure 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 Gen. 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 whatever 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 and head men and people of the Cherokee nation in general council assembled this 29th day of Dec. 1835.

Cherckees Relinquish to United States all Their Lands East of The Mississippi.

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 spoliations of every kind for and in consideration of the sum of five millions of dollars to be expended, paid and invested in the manner stipu-

lated 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 spoliations 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 spoliations that then an additional sum of three hundred thousand dollars be allowed for the same.

Treaty of May, 1828, and Feb., 1833, Referred to. Art .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 granted 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 beginning 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-five degrees and 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 where the eastern Choctaw boundary strikes said river and running thence with the western line of Arkansas Territory as now defined, to the southwest corner of Missouri; thence along the western Missouri line to the land assigned the Senecas; thence on the south line of the Senecas to Grand river as far as the south line of the Osage reservation, extended if necessary; thence up and between said south Osage line extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded, the United States further guaranty to the Cherokee nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of seven millions of acres, as far west as the sovereignty of the United States and their right of soil extend:

Proviso. Provided however: That if the saline or salt plain on the western prairie shall fall within said limits prescribed for the 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 guaranteed."

Additional Land Conveyed to The Nation, Etc. And whereas it is apprehended by the Cherokees that in the above cession there is not contained 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 (hereby 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 running north along the east line of the Osage lands fifty miles to the northeast corner thereof; and thence east to the west line of the State of Missouri; thence with said line south fifty miles; thence west to the place of beginning; estimated to contain eight hundred thousand acres of land; but it is expressly understood that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands above granted and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

Further Agreement. 1830, ch. 148. Right to Establish Forts, Etc.

Article 3. The United States also agrees 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 of Indians 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 therefore shall be made.

Osage Titles to Reservations to be Extinguished. Article 4. 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 the persons to whom the same belongs 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.

Missionary Reservations to be Paid For. And whereas these 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 by Capt.

Geo. Vashon Cherokee, sub-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 Osages and improving their condition. It is understood that the United States are to pay the amount allowed for the reservations in this article and not the Cherokees.

Land Permanently Ceded to the Nation. 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 citizenship 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.

Peace to be Preserved. Art. 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 internecine 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.

Congress May Allow a Delegate From the Cherokee Nation. Article 7. great progress in civilization and deeming it important that every proper and laudable inducement be offered to their people to improve their condition as well as 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 provisions for the same.

Expenses of Removal to be Paid by United States. Article 8. The United States also agree and stipulate to remove the Cherokees to their new homes and to subsist them one year after their arrival there and that a sufficient number of steamboats and barge-wagons shall

be furnished to remove them comfortably, and so as not to endanger their health, and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government. 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.

Agents to Value Improvements Made by Cherokees. 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 lawful manner or under any existing law of the State where the same may be situated.

The just debts of the Indians shall be paid out of any monies 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 may select and designate shall be removed west of the Mississippi with the Cherokee nation and on the same terms allowed to them.

The President to make investments in productive stock. 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 persons as shall be authorized or appointed by the Cherokee nation to receive the same and their receipt shall be full discharge for the amount paid to them viz: the sum of two hundred thousand dollars in addition to the present annuity of the nation 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 good of their people. The sum of fifty thousand dollars to constitute an orphans' fund the annual income of which shall be expended towards

the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars in addition to the present school fund of the nation shall constitute a permanent school fund, the interest of which shall be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as may be established in the Indian country. And in order to secure as far as possible the true and beneficial application of the orphans' and school fund the council of the Cherokee nation when required by the President of the United States shall make a report of the application of those funds and he shall at all times have the right if the funds have been misapplied to correct any abuse of them and direct the manner of their application for the purposes for which they were intended. The council of the nation may by giving two years' notice of their intention withdraw their funds by and with the consent of the President and Senate of the United States, and invest them in such manner as they may deem most proper for their interest. The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation held by the citizens of the same and also the just claims of citizens of the United States for services rendered to the nation and the sum of sixty thousand dollars is appropriated for this purpose but no claims against individual persons of the nation shall be allowed and paid by the nation. The sum of three hundred thousand dollars is hereby set apart to pay and liquidate the just claims of the Cherokees upon the United States for spoiliations of every kind, that have not been already satisfied under former treaties.

Commutation of school fund. 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 permanent school fund of the nation.

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

Such heads of Cherokee families as are desirous to reside within the States of North Carolina, Tennessee and Alabama subject to the laws of the same; and who are qualified or calculated to become useful citizens shall be entitled, on the certificate of the commissioners to a preemption right to one hundred and sixty acres of land or one quarter section at the minimum Congress price; so as 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 privileges under this treaty and if two or more families live on the same quarter section and they desire to continue their residence in these States and are qualified as above 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 Hicks, John Gunter, George Chambers, John Ridge, Elias Boudinot, George Sanders, John Martin, William Rogers, Roman Nose Situwake and John Timpson shall be a committee on the part of the Cherokees to recommend such persons for the privilege of pre-emption rights as may be deemed entitled to the same under the above articles and to select the missionaries who shall be removed with the nation; and that they be 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 above mentioned should decline acting or be removed by death; the vacancies shall be filled by the committee themselves.

It is also understood and agreed that the sum of one hundred thousand dollars shall be expended by the commissioners in such manner as the committee may deem best 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 as soon after the removal of the nation as possible.

Settlement of claims for former reservations. 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 therefore hereby stipulated and agreed and expressly understood by the parties of this treaty—that all the Cherokees and their heirs and descendants to whom any reservations have been made under any former treaties with the United States, and who have not sold or conveyed the same by deed or otherwise and who in the opinion of the commissioners have complied with the terms on which the reservations were granted as far as practicable in the several cases; and which reservations have since been sold by the United States shall constitute a just claim against the United States and the original reservee or their heirs or descendants shall be entitled to receive the present value thereof from the United States as unimproved lands. And all such reservations as have not been sold by the United States and where 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 or descendants shall be entitled to the same. They are hereby granted and confirmed to them—and also

all persons who were entitled to reservations under the treaty of 1817 and who as far as practicable in the opinion of the commissioners, have complied with the stipulations of said treaty, although by the treaty of 1819 such reservations were included in the unceded lands belonging to the Cherokee nation are hereby confirmed to them and they shall be entitled to receive a grant for the same. And all such reservees as were obliged by the laws of the States in which their reservations were situated, to abandon the same or purchase them from the States shall be deemed to have a just claim against the United States for the amount by them paid to the States with interest thereon for 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 reservees have sold their reservations or any part thereof and conveyed the same by deed or otherwise and have been paid for the same, they their heirs or descendants or their assigns shall not be considered as having any claims upon the United States under the article of the treaty nor be entitled to receive any compensation for the lands thus disposed of. It is expressly understood by the parties of this treaty that the amount to be allowed for reservations under this article shall not be deducted out of the consideration money allowed to the Cherokees for their claims for spoliations and the cession of their lands; but the same is to be paid for independently by the United States as it is only a just fulfillment of former treaty stipulations.

Pensions to certain warriors. Article 14. It is also agreed on the part of the United States that such warriors of the Cherokee nation as were engaged on the side of the United States in the late war with Great Britain and the southern tribes of Indians, and who were wounded in such service shall be entitled to such pensions as shall be allowed them by the Congress of the United States to commence from the period of disability.

Funds to be divided among the Indians. 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 spoliations, 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 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 enrollment 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.

Indians to remove in two years. 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 left unprotected, then the United States shall pay the several Cherokees for their 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 previously 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 agents as may be engaged especially superintending the removal of the tribe.

Commissioners to settle claims. Article 17. All the claims arising under or provided for in the several articles of this treaty, shall be examined and adjudicated by such commissioners as shall be appointed by the United States by and with the advice and consent of the Senate of the United States for that purpose and their decision shall be final and on their certificate of the amount due the several claimants they shall be paid by the United States. All stipulations in former treaties which have not been superseded or annulled by this shall continue in full force and virtue.

United States to make advances for provisions, clothing, etc. 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 provisions and clothing for the benefit of the poorer class of the nation; and the United States hereby agree to advance the sum 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.

Treaty Binding When Ratified. 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.

Article 20. [Supplemental article. Stricken out by Senate.]

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,

J. F. Schermerhorn.

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

Signed and sealed in presence of—

Western B. Thomas, secretary; Ben F. Currey, special agent; M. Wolfe Batman, first lieutenant, sixth U. S. Infantry, disbursing agent; John L. Hooper, lieutenant, fourth Infantry; C. M. Hitchcock, M. D., assistant surgeon, U. S. A.; G. W. Currey; Wm. H. Underwood; Cornelius D. Terhune; John W. 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, John Litle, S. Rockwell.

Dec. 31, 1835. 7 Stat., 487. 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 overtures of the Government; and that, 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 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; and having fully understood the provisions of the same they agree to it in behalf of the western Cherokees. But it is expressly understood that nothing in this treaty shall

affect any claim of the western Cherokees on the United States.

In testimony whereof, we have, this 31st day of December, 1835, hereunto set our hands and seals.

James Rogers,
John Smith.

Delegates from the western Cherokees.

Test:

Ben. F. Curry, special agent.
M. W. Batman, first lieutenant, Sixth Infantry.
Jno. L. Hooper, lieutenant, Fourth Infantry.
Elias Boudinot.

Schedule and estimated value of the Osage half-breed reservations within the territory ceded to the Cherokees west of the Mississippi. (referred to in article 5 on the foregoing treaty,) viz:

Augustus Clamont one section	-----	\$6,000
James " " "	-----	1,000
Paul " " "	-----	1,300
Henry " " "	-----	800
Anthony " " "	-----	1,800
Rosalie " " "	-----	1,800
Emilia D., of Mihanga	-----	1,000
Emilia D., of Shemianga	-----	1,300
	-----	\$15,000

I hereby certify that the above schedule is the estimated value of the Osage reservations; as made out and agreed upon with Col. A. P. Choteau who represented himself as the agent or guardian of the above reservees.

J. F. Schermerhorn.

March 14, 1835.

March 1, 1836. 7 Stat. 488. Proclamation, May 23, 1836. Supplementary article to a treaty concluded at New Echota, Georgia, December 29, 1835, between the United States and Cherokee people.

Whereas the undersigned were authorized at the general meeting of the Cherokee people held at New Echota as above stated, to make and assent to such alterations in the preceding treaty as might be thought necessary, and whereas the President of the United States has expressed his determination not to allow any pre-emptions or reservations his desire being that the whole Cherokee people should remove together and establish themselves in the country provided for them west of the Mississippi river.

Preemption rights declared void. Article 1. It is therefore agreed that all the pre-emption rights and reservations provided for in article 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 therefor as might appear to the Senate to be just.

Allowance in lieu of preemptions, etc. 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 now 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 spoliations described in the 1st article of the above-mentioned treaty. This sum if 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.

Provisions for agency reservations not to interfere, etc. 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.

Expense of negotiations to be defrayed by the United States. Article 5. The necessary expenses attaching the negotiations 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.

In testimony whereof, John F. Schermerhorn, commissioner on the part of the United States, and the undersigned delegation have hereunto set their hands and seals, this first day of March, in the year one thousand eight hundred and thirty-six.

J. F. Schermerhorn.

Major Ridge, his x mark; James Foster, his x mark; Tah-ye-ske, his x mark; Long Shell Turtle, his x mark; ohn Fields, his x mark; George Welch, his x mark; Andrew Ross; William Rogers; John Gunter; John A. Bell; Jos. A. Foreman; Robert Sanders; Elias Boudinot; Johnson Rogers; James Starr, his x mark; Stand Watie; John Ridge; James Rogers; John Smith, his x mark, [L. S.]

Witnesses: Elbert Herring, Thos. Glascock, Alexander H. Everett, Jno. Garland, Major, U. S. Army, C. A. Harris, John Robb, Wm. Y. Hansell, Saml. J. Potts, S. Rockwell.

Chief Ross strenuously objected to it. Slowly and tediously the United States labored to its fulfillment. Emigration officers backed by an army which was at first under General John E. Wool and later under General Winfield, two of the most humane officers of the army were dispatched to the Cherokee nation to superintend the imigration.

Chief Ross was informed of the unalterable intention of the government, by the following communication:

“War Department, March 24, 1837.

Gentlemen: Your memorial of the 16th instant, addressed to the President of the United States, has been laid before him; and I now proceed to communicate to you his decision upon the proposition you have submitted.

The treaty concluded at New Echota, on the 29th of December, 1835, has been ratified, according to the forms prescribed by the constitution and it is the duty of the Executive to carry into effect all its stipulations, in a spirit of liberal justice. The considerations to which you have invited the attention of the President were brought to the notice of the Senate, before they advised its confirmation, and of the House of Representatives, before they made appropriations therein provided for. Their final action must be regarded as the judgment of these branches of the Government, upon the degree of weight to which they were entitled. It remains for the Executive to fulfill the treaty, as the supreme law of the land.

Your second and third propositions, therefore, it is considered, cannot be acceded to, as they involve an admission that the treaty of 1835 is an incomplete instrument. To your first proposition I can only answer as the Department has already assured you, that any measure suggested by you will receive a candid examination, if it be not inconsistent with, or in contravention of, the provisions of the existing treaty.

Very respectfully,

Your most obedient servant,

J. R. Poinsett.

Messrs. John Ross, R. Taylor, James Brown, Samuel Hunter, John Benger, George Sanders, John Looney, Aaron Price, William Dutch and Wm. S. Coody, Eastern and Western Cherokees.

Washington.”

Chief Ross exerted his influence among his people against the idea of emigration until July 1838. If a member of the council died, resigned, was

expelled or removed west, his place in the body was filled by appointment by Chief Ross.

“Proposition of Cherokee delegation to General Scott.

Amohe District, Aquohee Camp,

July 23, 1838.

Sir: In respectfully presenting for your consideration the following suggestions in relation to the removal of the Cherokee people to the West, it may be proper very briefly to advert to certain facts which have an important bearing on the subject.

It is known to you, sir, that the undersigned, delegates of the Cherokee nation, submitted to the honorable Secretary of War the project of a treaty, on the basis of a removal of the Cherokee nation from all “the lands now occupied by them eastward of the Mississippi” and on terms the most of which the honorable Secretary expresses himself as “not unwilling to grant.” The present condition of the Cherokee people is such, that all disputes as to the time of emigration are set at rest. Being already severed from their homes and their property—their persons being under the absolute control of the commanding general and being altogether dependent on the benevolence and humanity of that high officer for the suspension of their transportation to the West at a season and under circumstances in which sickness and death were to be apprehended to an alarming extent, all inducements to prolong their stay in this country are taken away; and, however strong their attachment to the homes of their fathers may be, their interest and their wishes now are only to depart as early as may be consistent with their safety, which will appear from the following extract from their proceedings on the subject:

Resolved by the national committee and council and people of the Cherokee Nation, in general council assembled, That it is the decided sense and desire of this general council that the whole business of the emigration of our people shall be undertaken by the nation; and the delegation are hereby advised to negotiate the necessary arrangements with the commanding general for that purpose.

In conformity, therefore, with the wishes of our people, and with the fact that the delegation has been referred by the honorable Secretary of War to conclude the negotiation, in relation to emigration, with the commanding general in the Cherokee country, we beg leave, therefore, very respectfully to propose:

That the Cherokee nation will undertake the whole business of removing their people to the West of the Mississippi;

That the emigration shall commence at the time stipulated in a pledge given to you by our people, as a condition of the suspension of their transportation until the sickly season should pass away, unless prevented by some cause which shall appear reasonable to yourself;

That the per capita expense of removal be based on the calculation of one wagon and team, and six riding, being required for fifteen persons;

That the Cherokees shall have the selection of physicians and other persons as may be required for the safe and comfortable conducting of the sex

eral detachments to the place of destination, their compensation to be paid by the United States.

We have the honor to be your obedient servants,

John Ross,
Elijah Hicks,
Edward Gunter,
Samuel Gunter,
Situwakee,
White Path,
Richard Taylor.

Major General Winfield Scott,

U. S. Army, Commanding, etc."

General Scott acceded to the proposition of the Cherokee delegation on July 25, 1838 with the understanding that the Cherokees take every precaution to get all of the Cherokees except certain ones that had been allowed to stay and become citizens of the States and such of the treaty party as might object to removal under the superintendence of Ross and his associates'. The arrangement was finally concurred in on the 27th of July, ² and General Scott fixed the date for the departure of the first contingent on the first day of September 3. On July 31st the committee submitted an estimate of transportation for each thousand emigrants, distance eight hundred miles at eighty days travel, with twenty persons to the wagon:

Fifty wagons and teams at a daily expense of \$350. including forage	\$28,000.
Returning, seven dollars for each twenty miles -----	14,000
250 extra horses, at 40 cents each per day -----	8,000.
Ferriages, etc. -----	1,000.
80,000 rations at 16 cents each -----	12,800.
Conductor, at five dollars per day -----	400
Assistant conductor at three dollars per day -----	240.
Physician at five dollars per day -----	400.
Returning \$15. for every hundred miles -----	120.
Commissary at \$2.50 per day -----	200.
Assistant commissary at \$2.00 per day -----	160.
Wagon master, at \$2.50 per day -----	200.
Assistant wagon master, at \$2.00 per day -----	160.
Interpreter, at \$2.50 per day -----	200.
Total -----	\$65,880.

"Cherokee Agency, August 1, 1838.

Gentlemen: In your note of yesterday, you estimate that \$65,880. will be the necessary cost of every thousand Cherokees emigrated by land from this to their new country.

As I have already stated to some of you in conversation, I think the estimate an extravagant one.

Take the principal item, or basis of your calculation; one wagon and five saddle horses for every twenty souls.

I have already consented, with a view to lighten the movement by land, that all the sick, the crippled and superannuated of the nation should be left at the depots until the rivers be again navigable for steamboats. All heavy articles of property, not wanted on the road may wait for the same mode of conveyance.

Deducting the persons just mentioned, I am confident that it will be found that among every thousand individuals, taken in families, without selection, there are at least 500 strong men, women, boys and girls not only capable of marching twelve or fifteen miles a day, but to whom the exercise would be beneficial, and another hundred able to go on foot half that distance daily. There would then be left according to your basis, only four hundred and fifty individuals, most of them children, to ride, and children are light. The 250 saddle horses or ponies would accommodate as many riders; leaving but 200 souls to be steadily transported in fifty wagons, or only four to a wagon.

Now, the wagons are large, and each drawn by five or six horses, (as must be presumed from your high estimate of seven dollars for each wagon going and returning) it strikes me that one such team and five horses ought to accommodate, on the route, thirty or thirty-five emigrants including subsistence for a day or two, from depot to depot.

I repeat, that I do not absolutely reject or cut down your estimate (which I think also too high) in putting down the rations at sixteen cents each. The whole expense of the emigration is to be paid out of appropriations already made by Congress, the general surplus of which is to go to the Cherokee nation in various forms; therefore, they have a direct interest in conducting the movement as economically as comfort will permit. Nevertheless, for the reasons stated, I wish the several items of the estimate submitted be reconsidered.

I remain, gentlemen, yours respectfully,

Winfield Scott.

Messrs. J. Ross, E. Hicks, J. Brown and others, agents, etc."



CHARLES THOMPSON
Chief, November, 1875, to November, 1879.

CHAPTER VI

The Emigration From Georgia. Cost Detachment. Resolutions of Protest. Political Differences. Civil War Averted.

Under the provisions of the treaty of 1835 and the congressional acts to carry it into effect the Cherokee Nation was entitled to \$6,537,634. By the treaty \$600,000 were set aside from this amount to defray the expenses of removal. The detachments were placed under the following conductors:

No.	Conductor	Started	Arrived west	Days on road
1.	Hair Conrad	August 28, 1838	January 17, 1838	143
2.	Elijah Hicks	Sept. 1, 1838	January 4, 1839	126
3.	Rev. Jesse Bushyhead	Sept. 3, 1838	February 27, 1839	178
4.	John Bengi	Sept. 28, 1838	January 11, 1839	106
5.	Situwakee	Sept. 7, 1838	February 2, 1839	149
6.	Captain Old Field	Sept. 24, 1838	February 23, 1839	153
7.	Moses Daniel	Sept. 20, 1838	March 2, 1839	161
8.	Choowalooka	Sept. 14, 1838	March 1, 1839	162
9.	James Brown	Sept. 10, 1838	March 5, 1839	177
10.	George Hicks	Sept. 7, 1838	March 14, 1839	189
11.	Richard Taylor	Sept. 20, 1838	March 24, 1839	185
12.	Peter Hildebrand	Oct. 23, 1838	March 25, 1839	154 ¹
13.	John Drew	Dec. 5, 1838	March 18, 1839	104 ¹

The number of emigrants turned over to each conductor was kept by Captain Page of the United States army and Captain Stephenson of the United States army made the official report of those that were mustered out in the west.

No.	Page's	Stephenson's	Ross'	Births	Deaths	Desertions	Accessions
1	710	654	729	9	54	24	14
2	859	744	858	5	34		
3	846	898	950	6	38	148	171
4	1079	1132	1200	3	33		
5	1205	1033	1250	5	71		
6	841	921	983	19	57	10	6
7	1031	924	1035	6	48		
8	1120	970	1150				
9	745	717	850	3	34		
10	1031	1039	1118				
11	897	942	1029	15	55		
12	1449	1311	1766				
13		219	231				
Totals	10813	11494	13149	71	424	182	191

The original contract for removal was at the rate of \$65.88 per capita, to which was added by agreement, a proportion of three pounds of soap to every hundred rations, at fifteen cents per pound, making the cost of the

removal of each individual \$66.24¹. On this basis, Captain Page, as designated "Superintending Agent of the Cherokee Nation for Cherokee Removal"² as nursing agent of the government paid on November 13, 1838 to John Ross \$776,393.98³.

General Scott agreed to the proposal of Chief Ross that if the estimated eighty days were found in any instance a longer period than was necessary for emigration of any detachment that the difference should be refunded by Chief Ross to General Scott and if a longer time should be required by any of the detachments that Chief Ross should be paid proportionately for the contract of August 1, 1838 was merely an estimate subject to the later agreement and accordingly filed a claim for an additional \$486,939.50⁴. This claim was refused by Secretary of War, Poinsett and President Van Buren, but was allowed and paid by John Bell, Secretary of War under John Tyler on September 6, 1841⁵, just one week before he relinquished the office. This second award brought the amount that Chief Ross received for the removal to \$1,263,338.38 or at the rate of \$103.25 per head¹. This amount was deducted from the sum that the Cherokees received for their land east of the Mississippi River under the provisions of the treaty of 1835².

The number of wagons and teams with each of the detachments, were:

No.	Wagons and teams	Riding horses	Collected for return of wagons and teams
1.	36	288	\$10080.
2.	43	344	12040.
3.	48	334	13440.
5.	62	436	17360.
4.	60	480	16800.
6.	49	392	13720.
7.	52	415	14560.
8.	58	462	16240.
9.	42	338	11760.
10.	56	448	15680.
11.	51	358	14280.
12.	88	705	24640. ³

Before leaving the Eastern Cherokee Nation, the following resolution was passed by their council. In the light of later happenings, this act is of prime importance, as it shows the spirit of the emigrants.

"Whereas, the title of the Cherokee people to their lands is the most ancient, pure, and absolute, known to man; its date is beyond the reach of human record; its validity confirmed and illustrated by possession and enjoyment, antecedent to all pretense of claim by any other portion of the human race:

And whereas, the free consent of the Cherokee people is indispensable to a valid transfer of the Cherokee title; and whereas, the said Cherokee people have, neither by themselves nor their representatives, given such consent; It follows, that the original title and ownership of said lands still rest

in the Cherokee Nation, unimpaired and absolute:

Resolved, therefore, by the Committee and Council and People of the Cherokee Nation in General Council assembled, that the whole Cherokee territory, as described in the first article of the treaty of 1819 between the United States and the Cherokee Nation, and, also, in the constitution of the Cherokee Nation, still remains the rightful and undoubted property of the said Cherokee Nation; and that all damages and losses, direct or indirect, resulting from the enforcement of the alleged stipulations of the pretended treaty of New Echota, are in justice and equity, chargeable to the account of the United States.

And whereas, the Cherokee people have existed as a distinct national community, in the possession and exercise of the appropriate and essential attributes of sovereignty, for a period extending into antiquity beyond the dates and records and memory of man:

And whereas, these attributes, with the rights and franchises which they involve, have never been relinquished by the Cherokee people; but are now in full force and virtue:

And whereas, the natural, political, and moral relations subsisting among the citizens of the Cherokee Nation, toward each other and towards the body politic, cannot, in reason and justice, be dissolved by the expulsion of the nation from its own territory by the power of the United States Government:

Resolved, therefore, by the National Committee and Council and People of the Cherokee Nation in General Council assembled, that the inherent sovereignty of the Cherokee Nation, together with the constitution, laws, and usages, of the same, are, and, by the authority aforesaid, are hereby declared to be, in full force and virtue, and shall continue so to be in perpetuity, subject to such modifications as the general welfare may render expedient.

Resolved, further, That the Cherokee people, in consenting to an investigation of their individual claims, and receiving payment upon them, and for their improvements, do not intend that it shall be so construed as yielding or giving their sanction or approval to the pretended treaty of 1835; nor as compromising, in any manner, their just claim against the United States hereafter, for a full and satisfactory indemnification for their country and for all individual losses and injuries.

Be it further resolved, That the principal chief be, and he is hereby, authorized to select and appoint such persons as he may deem necessary and suitable, for the purpose of collecting and registering all individual claims against the United States, with the proofs, and report to him their proceedings as they progress.

RICHARD TAYLOR,
President of the National Committee.
GOING SNAKE,
Speaker of the Council.

Captain Broom,
Toonowee,

Katelah,
Richard Foreman

Samuel Foreman,
Howester,
Samuel Christy,

William,
Beaver Carrier,
Kotauasker.

Signed by a committee in behalf of the whole people.

Aquohee Camp, August 1, 1838.

Upon arriving in the western Cherokee Nation Chief John Ross settled at Park Hill. Many of the emigrants camped in the vicinity of his residence, the earliest written communication from this camp which was known as "Camp Illinois," was dated April 23, 1839. The emigrants camped at this place in large numbers through the spring and summer of that year.

The following letter was written by Chief Ross to the western Cherokees. "Friends: Through the mysterious dispensations of Providence, we have been permitted to meet in general council on the border of the great plains of the West. Although many of us have, for a series of years past, been separated, yet we have not and cannot lose sight of the fact, that we are all of the household of the Cherokee family, and of one blood. We have already met, shook hands, and conversed together. In recognizing and embracing each other as countrymen, friends and relations, let us kindle our social fire, and take measures for cementing our reunion as a nation, by establishing the basis for a government suited to the condition and wants of the whole people, whereby wholesome laws may be enacted and administered for the security and protection of property, life, and other sacred rights, of the community. Our meeting, on this occasion, is full of interest, and is of peculiar importance to the welfare of our people. I trust, therefore, that harmony and good understanding will continue to prevail, and that the questions which may come up for consideration will be maturely weighed previous to a final decision.

The following letter was sent to the Chiefs of the Western Cherokees.

Friends: On the 8th of December, 1836, I had the satisfaction, with other delegates who were associated with me, of meeting our Western brethren in council, held at Tolunteesky, and submitting before them the proceedings of the Cherokee Nation, east, in general council held at Red Clay on the 28th September, 1836, and of receiving the unanimous approval of the council of the western Cherokee to the same; and also being associated with a delegation appointed by them for the purpose of co-operating and uniting with us in a joint effort to negotiate a treaty with the United States, for the best interests of the whole Cherokee people. The joint proceedings of these delegations, and the result of the mission, have been fully made known to you. Since that period, the eastern Cherokees have done no act to compromise or detract from any of the sentiments expressed in relation to those matters. But after the seizure and captivity of the whole Cherokee people east, by the military power of the United States Government, a set of resolutions was adopted in general council expressive of their sentiments, and reaffirming all their previous acts in relation to the rights and interests of the nation. From these facts, it will be clearly seen that the great body of the people who have recently been removed into this

country, emigrated in their national character, with all the attributes, from time immemorial, which belonged to them as a distinct community, and which they have never surrendered; and, although being compelled by the strong arm of power to come here, yet, in doing so, they have not trespassed or infringed upon any of the rights and privileges of the people are equal. Notwithstanding the late emigrants received in their national capacity, and constitute a large majority, yet there is no intention nor desire on the part of their representatives to propose or require any thing but what may be strictly equitable and just, and satisfactory to the people. Being persuaded that these feelings will be fully reciprocated, I trust the subject matter of this council will be referred to the respective representatives of the eastern and western people; and that, in their joint deliberations, we may speedily come to some satisfactory conclusion for the permanent reunion and welfare of our nation. Without referring in detail to our acknowledged treaties, and other documentary facts to show, I will conclude by remarking that there are great interests of a public and private character yet to be adjusted with the Government of the United States, and which can only be secured by a just and amicable course on the part of our nation. The injuries and losses sustained by the nation from the whites, in violation of treaty stipulations, holds a strong claim on the justice of the people and Government of the United States, which it is to be hoped will, in the end, be remunerated. The tenure of the soil on which we now stand, and the relations which shall hereafter exist between our nation and the United States, are questions of the first magnitude, and necessary to be understood and clearly defined by a general compact, for the security and protection of the permanent welfare and happiness of our nation. Let us never forget this self-evident truth; that a house divided against itself, cannot stand; or, united we stand, divided we fall.

JOHN ROSS.

June 10, 1839."}

It will be noticed that Chief Ross did not address this letter to any one, and in that manner evaded a written recognition of the western Cherokee officers and that he did not append to his signature the customary "Principal Chief" and thereby palliated differences.

By stating "a set of resolutions was adopted in general council expressive of their sentiments, and reaffirming all their previous acts in relation to the rights and interests of the nation. From these facts, it will be clearly seen that the great body of the people who have recently been removed into this country, emigrated in their national character, with all the attributes, from time immemorial, which belonged to them as a distinct community, and which they have never surrendered." Reference was made to the act in the old nation, at Aquohee on August 1, 1838. This act was unknown to the western Cherokees, but was published at Washington in H. R. Doc. No. 129 subsequent to March 12, 1840 after which time it became, for the first time, accessible to the western Cherokees. The purport of the preceding article obscured by "they have not trespassed or infringed upon any of the rights

and privileges of those who were here previous to themselves," caused the following correspondence to be issued by President Vann of the National Council (Western).

"Takattokah, June 11, 1839.

The national council is unable to act understandingly upon the propositions of our brother emigrants from the eastern Cherokee Nation. The subject seems to have been too ambiguously presented by them to be understood what their views and real wishes are. The national council respectfully request that the chiefs would ask Messrs Ross and Lowry to state, in writing, what they really wish and desire, and to give them in as plain and simple manner as possible, in order that no misconstruction can be had upon the subject. After which, the council will act upon it according to your request, and, if possible, to the satisfaction of our brothers.

A. M. VANN, President National Council.

WM. THORNTON, Clerk.

Messrs. John Brown, John Looney and John Rogers,
Chiefs Cherokee Nation.

We hand this to Messrs. Ross and Lowry, and hope the request of the council will be complied with as soon as convenient.

John Brown,
John Looney,
John Rogers.

"Council Ground, June 13, 1839.

Gentlemen: From the note which you sent us, it appears that you have been requested to ask us, to state in writing what we really wish and desire.

We take pleasure to state distinctly, that we desire to see the eastern and western Cherokees become united, and again live as one people, and our sincere wish is, that this desirable and important object may be harmoniously accomplished, to the satisfaction and permanent welfare of the whole Cherokee people.

The representatives of the eastern Cherokees have this day had this important subject under consideration, and have adopted a set of resolutions in reference to it, based upon the strict rules of equity and justice, which we take pleasure in laying before you, with the hope that it may also be adopted by the representatives of the western Cherokees.

We are, gentlemen, your obedient servants,

George Lowry, John Ross,

Chiefs of the Eastern Cherokees.

Messrs. John Brown, John Looney and John Rogers,

Chiefs of the Western Cherokees."

"Takattokah, June 13, 1839.

Whereas, the people of the Cherokee Nation east, having been captured and ejected from the land of their fathers by the strong arm of the military power of the United States Government, and forced to remove west of the river Mississippi:

And, whereas, previous to the commencement of the emigration, measures were adopted in general council of the whole nation on the 31st of July and August 1st, 1838, wherein the sentiments, rights, and interests of the Cherokee people were fully expressed and asserted; and, whereas, under these proceedings the removal took place, and the late emigrants arrived in this country and settled among those of their brethren (who had previously emigrated) on lands which had been exchanged for, with the United States, by the Cherokee Nation, for lands east of the river Mississippi; and, whereas, the reunion of the people, and the adoption of a code of laws for their future government are essential to the peace and welfare of the whole Nation; and, it being agreed upon, that the eastern and western Cherokees henceforward be united as a body politic, and shall establish a government west of the river Mississippi, to be designated the Cherokee Nation; therefore,

Be it resolved, by the Committee and Council of the eastern and western Cherokees, in General Council assembled, that the three chiefs of the eastern and western Cherokees each, to-wit: John Ross, George Lowry and Edward Gunter, on the part of the Eastern Cherokees and John Brown, John Looney and John Rogers, on the part of the Western Cherokees, are hereby authorized and required to associate with themselves three other persons, to be selected by them from their respective council or committee, and who shall form a select joint committee, for the purpose of revising and drafting a code of laws for the government of the Cherokee Nation, and they be and are hereby required to lay the same before the general council of the nation to be held at Takattokah on the — day of —, 1839; and which, when approved, shall be immediately submitted to the people for their acceptance.

Be it further resolved, that the respective laws and authorities of the Eastern and Western Cherokees shall continue to be exercised and enforced among themselves until repealed, and the new government which may be adopted, shall be organized and take effect, and that in all matters touching the public interest of the nation with the Government of the United States and the Indian nations, the chiefs and representatives of the nation shall act understandingly and jointly in reference to the same, as well also, in the passage of any new laws which may be adopted in council after this date affecting the rights, interests, and welfare of the people.

Members of the Committee:

Richard Taylor, President Nat. Com.; Daniel McCoy; Hair Conrad; Thomas Foreman; George Still; Richard Fields; G. W. Gunter; James Hawkins; Old Field; Chu-noo-las-kee; William Proctor; George Hicks; Nah-hoo-lah; J. D. Wofford.

Members of Council:

Going Snake, Speaker; Situwakee; Soft Shell Turtle; Bean Stick; Tah-quoh; John Watts; James Spears; Money Crier; Charles; John Keyes; John Otterlifter; Small Back; Bark; Young Squirrel; Hunter Langley; Walter Downing; Walking Stick; Te-nah-lay-we-stah; Peter.

Takattokah, June 14, 1839.

Gentlemen: The National Council has taken up your proposition of June 13, 1839, and given them due consideration. You state that your wish-