

COMMISSIONER
OF
INDIAN
AFFAIRS



VOL. 4

FOREMAN
TRANSCRIPTS

Copies of

MANUSCRIPTS

In the office of the
COMMISSIONER OF INDIAN AFFAIRS
WASHINGTON, D. C.

(CHEROKEE)

Compiled from original records
selected by

GRANT FOREMAN

1930

OKLAHOMA
HISTORICAL SOCIETY

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Department of War,
Sept
29th August, 1817.

Sir,

The additional duties which will be imposed on you by the removal of the Indians to the West of the Mississippi, will make it necessary to appoint an assistant. You are therefore authorized to appoint ^{Saml Houston} Mr Byers, and to give him as a Compensation, in full, for his services, one thousand dollars per annum and four rations per day.

I have the honor to be,

With great respect,

Your obt^d Servant,

Geo: Graham

Col^o

Return J. Meigs,

Agent to the

Cherokee nation --

(OIA: Cherokee. War Dept. Geo. Graham. 9/29, 1817.)

City Washington

9th October 1817

Sir

I arrived here on the 4th Instant in 12 days from Knoxville in good health. On Monday morning I waited on M^r Graham acting Secretary of war & he informed me that the President had appointed M^r Samuel Houston late an Officer in the Army Assistant Agent in the Cherokee Agency - that your recommendation had been received with as much respect as that of any Citizen under similar circumstances: but it has been adopted as a principle of the Departments to give the preference to disbanded Officers; other circumstances being equal. I have written to M^r Houston & two lines blurred and cannot be read your instructions. Notwithstanding the appointment of M^r Houston the Secretary approves of me committing the business to you in my Absence & authorises me to request of you to continue in Charge of the business at the Highwafsee Garrison & that you shall be intitled to the pay & emoluments contemplated as Assistant during the time of such charge. This is done to enable M^r Houston to attend to other Concerns of the Agency also. I have authorized M^r Houston to ^{receive} the public money committed to you; or such parts of it as he & you may deem necessary to effect the various concerns of the Agency untill my return.

On my journey thro' Blountville I made a further modi-

Mr Rockhold
fication of the Boat contract by which he is to furnish
threemore Keel Boats in lieu of 5 or 6. flat Boats to be
lefsened of the number as stipulated at Highwafsee when you
were present. I am sir respectfully

your Ob^t Servant,

Return J Meigs.

Mr W^m Smith.

P.S. You will please to inform Mr McCarty of all these ar-
rangements /indecipherable/ RJM.

(OIA: Cherokee. City of Washington. Col.R.J.Meigs. 10/9,1817.
Letter stained and torn.)

Executive office

25 Nov 1817

Sir

By Lieut Houston afsistant agent for the Cherokee Indians, I have been advised of the following Particulars, and with much pleasure hasten to communicate.

That a party of the Arkansaw & Cherokee Indians who, you have been advised, had for some time past determined to carry war into the Ofsage nation, have effected their purpose with the most Brilliant succefs -- Scalps, Prisoners, horses, & Baggage are the Trophies of their victory, this event cannot fail to produce an encrease of estimation in the mind, of those who hitherto have taken but little interest in the Arkansaw Country. In consequence of this information which was brought, by a Cherokee runner, Cherokees near to us have had several war dances in which there has been the Strongest demonstration of Joy.

Lieut Houston further states that Maj Jolly an Arkansaw emigrant & Former chief of the Cherokee nation, with other indians, has informed him that a Mr Cornelious who pafsed thro the nation in October last, had taken many opportunities of stating to the Cherokees that the commifsioners who held the Treaty in July last acted entirely without ~~the~~ authority from the President of the United States and therefore the treaty would not ratify and further that if they received Rifles the would be old & Good for nothing, State-

ments with many others equally destitute of Foundation are said to have been ~~were~~ propagated by Mr Cornelious prior to his leaving the nation but as the whole of the charges have been made by the Indians consequently no proof can be obtained, I however deemed it my duty to Suggest these things to you, and promise to give you a more detailed and accurate account so soon as I ~~arrive~~ learn the particulars after my arrival in the Cherokee Country

The Afsistant Agent also states that there are sundry widows with Families who exprefs a wish to emigrate to the Arkansaw country, but insist on the Justice of their right to claim some small consideration in lieu of the Rifles given to the Indian men, who have no more right in the Soil say they than the women. I respectfully Submit whether Justice and sound Policy will not dictate the propriety of your ordering that they be furnished a Blanket, with some small presents such as you direct

I feel no hefsitation in giving as my opinion that, a small sum discreetly managed under your instructions would very much Facilitate the removal of many Indians

As the present moment is every way auspicious, to the formation of first imprefsions by which the subject is to receive a proper direction. It would be very desirable that the pleasure of the President (to whom please make this known) as well as your own should be ~~known~~ received as early as practicable.

Your instructions under date 8th inst have been rec^d,
and immediate measures will be taken for their execution -

With the highest and ~~most-respectfull~~ esteem

your ob^dServant

Jos. M^cMinn

Honl Geo Graham

Secretary of War

(OIA: Cherokee. War Dept. McMin File. 1819.)

Department of War,

Novem^r. 29th 1817.

Sir,

I have the honor to acknowledge the receipt of your two letters of the 13th instant. I regret exceedingly that the gentleman whom Col^o. Meigs left in charge of the agency should have abandoned his public duties in pursuit of his private business at a period, when his services were so essentially necessary, and when every exertion of the agent was required, to prepare for and encourage the Indians to remove to the Arkansaw.

The intention expressed by you to go into the Cherokee nation, for the purpose of removing the prejudices which have been excited by designing and interested people, in relation to the treaty, evinces your zeal for the public good, and is highly gratifying to the President. Your presence among them will, no doubt, have a very happy effect; but I hope the necessity of remaining any time with them, will be obviated by the presence of Lieut^t. Houston, who, on the very warm recommendation of Gen^l. Jackson, has been appointed an assistant agent, and whom, I presume, you will have met with, on your arrival at the agency. Mr. Riley, and the rest of the delegation are yet here; they have been informed that the different treaties that have been made by the Cherokees, must be strictly adhered to, and carried into effect, that on other subjects, their com-

plaints will be listened to, and that they will always be treated by the government with kindness and liberality.

I have the honor to be,

With great respect, Sir,

Your mo: Ob^t Servant,

Geo: Graham

P.S. Enclosed is a copy of Mr Meigs' instructions to Lt Houston, the assistant agent.

His Excell^y.

Joseph M^cMinn,

Knoxville,

Tennessee.

(OIA: Cherokee. War Dept. McMinn File. 1819.)

Department of War,

Decem^r. 2^d. 1817.

Sir,

During the absence of M^r. Meigs, you will on all questions in relation to your duties as sub-agent to the Cherokee nation, be governed by the instructions of his excellency Joseph M^cMinn, Governor of the state of Tennessee.

I have the honor to be,

With great respect,

Your Obed^t. Servant.

Geo: Graham

L^t. Sam^l. Houston,

Sub-agent for the

Cherokee nation.

(OIA: Cherokee. War Dept. McMinn File. 1819.)

Cherokee Agency

29 Decr 1817

Sir

in consequence of indisposition I was compelled to request Mr Houston Sub agent to acknowledge the receipt of your Several favors of the 29 November 1st & 2nd inst. And for the very honorable trust conferred, I beg leave to Tender my Sincere acknowledgements, with a promise that nothing within my Power shall be wanting to promote the best interest of my Country.

I arrived at highwofsey Garrison on the 6th inst. on the 8th I was notified that the Indians exprefsed a wish to hold a Talk with me on the 10th at that place a copy of which is herewith enclosed, in which it will be discovered I was fortunate enough to anticipate in some degree the views of the President. After receiving the reply of the indians, I invited them to take a view of the public stores, when Sundry of the Boxes and Tierce's were opened by Mr Houston and my self and the articles Stipulated to be given to the Arkansaw emigrants were for the first time brot in Public view. The very Superior quality of which occasioned universal demonstrations of Satisfaction. I then recommended a meeting at the agency on the 19th and requested those present to give general notice, that Rifles, Blankets, &c would be issued tosuch as would enroll for emigration. And as tho favored

by the Supreme I rec^d, your instructions heretofore referred to on the 16th which were so perfectly adapted to suit the occasion as to dispell every appearance of opposition. Altho two very formidable attempts or rather plans had been laid to defeat the object. The first was that the Cherokee light horse should wrest the property from the emigrants under the pretext of satisfying old debts, so soon as the project was communicated I issued an order forbidding all such attempts, and declaring that I would view such conduct as in open hostility against the U. States, and would treat its perpetrators with such military punishment as the nature of the offence demanded.

Mr Houston carried this order into effect with a promptitude, and firmness, not less characteristic of his integrity than Zeal for his country, by arresting the first offender, who returned the property without a moment's ^{hesitation} ~~hesitation~~. The Course taken on this occasion had the signal effect of dispersing this band of legal Robbers to whom I gave permission to make those old debts out of Such property as the emigrants had at the time they were contracted. In the second place they had determined to deprive me of the U. States interpreter ^{for his friendly disposition} by ~~threatening~~ Not only threatening his removal from office but his life also; to put that ^{Scheme} ~~objection~~ to rest, I stated to the council and all present that if he the interpreter was otherwise

than friendly disposed toward our exchange of Lands, I would view it as one of the best reasons for his removal, and that I would assuredly execute it under your instructions without delay

Such parts of the instructions as I deemed expedient and the Sentiments expressed by the President on the subject of Indian affairs as contained in his message were frequently read and explained, ~~and~~ with the most astonishing good effect. And in conclusion on this topic I have the pleasure to say that the opposition in this quarter has entirely given place to a perfect state of tranquility and general repose

four

Eighty ^{four} Stand of Arms and the requisite supply of Blankets &c have been Issued, the Boats are ready, Provisions furnished and nothing retards the movement of the little fleet, but a desire expressed by some of the emigrant chiefs to accompany General Toulertusky to Knoxville to whom ~~which~~ I have given permission, I have deemed it discreet to withhold their Supplies of Provisions and amunition untill the moment of their departure, the receipt for former will exhibit the precise number of souls that emigrate, of which you shall be advised in due time

A delegation of Six chiefs have been designated with Gen^l Toulortusky their ^{leader} ~~chief~~. I have directed Mr Houston to leave here on the 2nd January next with the delegation for Knoxville, where they will necessarily be detained for

a few days in getting equip^t for the Journey, tho I am determined a moment shall not be lost improperly in sending them on, - I also will be at Knoxville my self, and apprehend the delegation with you will be waiting on ^{Government} expence untill the arrival of the Arkansaw delegation.

My ~~presence~~ ^{attendance} at Knoxville is rendered necessary first as an outfit for the chiefs to procure ~~some~~ funds of which the agency was near destitute on my arrival, and secondly to Arrange my official business after which I if any, ~~and~~ return to this place immediately on the departure of the arkansaw chiefs, whose wants and Love for the Government is ^{made} ^{a part of/letter} liable shall form my next, which I will do myself the Honor to write previous to my leaving Knoxville for the Cherokee agency--

your ob^t Hu^l Sv^t

Jas. M.^cMinn

Honl

Secy of War

(OIA: Cherokee. War Dept. McMinn File. 1819.)

Knoxville 10th January 1818.

Sir,

In my letter of the 29th Ult. I stated my intention of attending at this place with a view to expedite as far as possible the setting out of the Arkansaw delegation to this City. And had the unexpected pleasure of meeting Col. Meigs and the delegation who had been with you, thus far on their way home. The meeting between the two parties was of the most friendly character except as to Riley who appeared rather distant, tho upon the whole I cannot but conceive it as highly ominous of a universal restoration of that peace and harmony which has been absent for some years.

I took occasion to state the course which I had pursued under instruction given by M^r Graham Acting Secretary of War, and that it resulted in dispelling the Jealousies and threats which had been thrown out against the Arkansaw emigrants which must never be revised again, and stated that the Treaty was not ratified, and that so far as I was concerned, I should view every infraction as an act of hostility against the United States whether committed by red or white people. I have recommended to Col. Meigs to take a firm and decided Stand, as on the return of the Chiefs, the oppositionists who have remained at home would expect to regain that strength which they so resentfully lost, and if in that they are disappointed (as I feel

confident they will) there will not remain a single obstacle in the way in effecting the long looked for and much desired object of the Government.

It now becomes my duty to advise you of the course I pursued in relation to relieving their wants and placing them in such situation as to render their journey as comfortable as the inclement Season and other circumstances would admit. And therefore stated to the Chiefs in council at the Agency that the horses, Saddles and cloathing, which they would require, must be paid for out of the Annuity which would become due to the Arkansaw Tribe next summer, that their expences going to, and returning from the City as well as that which would be incured there, would be paid by the United States; to which proposition they unanimously agreed, a copy of which agreement will be forwarded in my next. As I formed this arrangement without any knowledge of what might be the course pursued in similar cases, I will ask the indulgence of entertaining a hope that it will meet the approbation of the President of the United States and your self who alone are competent to say whether the expences charged to the Arkansaw tribe shall be deducted out of their Annuity, or remain charged to the United States as in fact they now exist, which circumstance took its rise from a mutual consultation between Col. Meigs and myself, first on the subject of their naked and destitute condition, a part of whom had been in the Osage War, and after-

wards worn down by traveling, by swimming and floating on rafts through the swamps of the Mississippi which was unusually high for the season, and secondly from a fruitless attempt which I had made prior to the arrival of Col. Meigs to purchase the Cloathing & C upon the credit of the Arkansas Chiefs

This circumstance Col Meigs and myself concluded, that the public interest would be promoted by his drawing on the War department for two thousand dollars, for which draft I obtained the money from the Firm of Campbell and Fryar, who will present the draft /torn paper/ expected to cover nearly the whole expenditure to be charged to their Annuity, and including their expences - To be more correct I will forward accounts and recipts, for the for the expenditures as much in detail as practicable by Lieutenant Houston who is charged with the funds to defray the expences. He will conduct the Delegation to you, and remain at the City until their return, unless otherwise directed by you - Col Meigs and myself united in opinion respecting M^r Houston conducting the Chiefs by whose vigilance and addrefs they will be much profited as some of them are old and infirm and a greater part unacquainted with traveling among the whites

they are naturly Slow in their movements and require to be Stimulated if they perform ot of ordinary industry, conceiving that it may not be wholly uninteresting to give

you a brief outline of the character, and the part those chiefs have taken in profecuting the plan proposed to them by President Jefferson, I will take the liberty, of Stating, first that General Toulintusky is the first Cherokee chief who dared to avow his friendship for an exchange of lands, as proposed to the Cherokees - notwithstanding the dangers and hardship incident to such an enterprise and add to that the threatened vengance of his country men he neverthelefs took with him in the year 1809 about Seventy Warriors and in all about three hundred souls, I have this moment asked him how it happened that he signalized himself so highly on this occation when his views were at opposite points with wishes of his own people. His reply he ^{had} visited Mr Jefferson with Doublehead and others in 1806 where he became fully satisfied with the Justice and Generosity of the Governⁿment of the united States, and determined never to withdraw his hand from his Father the President - that he is now going on to tell him of his resolution and of the progrefs he has made in Settle a country where game abounds, and where corn grow very large, and to give his father assurances that although he is removed very far from him he will not listen to talks, but remain his constant friend, and I hazzard nothing in Saying that he is considered in the light of a King amongst his own people. -

Too chi ler has occupied the second rank in the Cherokee nation for some years, and is the only Surviving chief

of those who made the application to Mr Jefferson for permission to explore the Country West of Mississippi by which happy means the emigrants will possess a country every way adapted to Supply their comforts and their Wants, while the united States will acquire a Country combining the most essential advantages. --

The Glafs has always held a very high and distinguished rank in his nation He has been more celebrated for his upright deportment than he has perhaps for his valor in War, this ~~is~~ however is a traight which we cannot but admire instead of passing a vote of censure. --

Capt Spiers headed a company of natives through the Creek war under General Jackson, where he received a very dangerous wound of which he has nearly recovered, he has lately been chosen one of the Arkansaw chiefs and is a zealous friend to an exchange of lands, and has very much the confidence of his people. --

Capt. M.Lamore also commanded a Company of natives in the creek War, and I am told acquitted himself with great credit, he led a company of Cherokees against the Osage Indians from whence he has just returned - he is an active and influential chief and in point of Zeal for emigrating West of the Mississippi he perhaps Stands at least equal to those whose names preceded his. --

I have the honor to be very respectfully

Your ob^t Serv^t

Hon Sec of War --

Jos McMin

(OIA: Cherokee. War Dept. McMin File. 1819.)

Knoxville

12th April 1818

Sir

Your esteemed favour of the 16th Ultimo reached me on the 10th Inst and also your three several favours of the 19th 26th & 31 January in which I have the pleasure to find your approval of the measures adopted in relation to the removal of the Cherokees the receipt of which would have been acknowledged some time since had I not anticipated the satisfaction of hearing from you though in fact they have very recently come to hand, having been misent to Nashville by the P. Master at Kingston. -- The Arkansaw delegation left here this morning for their respective homes all in good health and highly gratified with the reception and subsequent treatment received from the President and yourself during their stay in the city -- I stated in a talk I held with them previous to their departure that you requested their attendance at the National meeting to which they cheerfully agreed, but stated that they had your approbation to assemble the Indians in the Southwestern parts of the Nation at Wills Town, to which I willingly gave my assent and as a measure of economy stipulated to give them thirty dollars to purchase beef or pork and one bushel of salt as full consideration for the whole expense which will accrue to the United States in consequence of that meeting. -- The meeting will be held on the 6th May at which time if health permit I will attend

and aid the chiefs in explaining the views of the Government and also notify the Indians of the contemplated meeting at the agency agreeably to the plan I had the honor to propose to you. I have fixed on the 20th May for the last mentioned meeting which will afford time for viewing the public stores and for ample discussion of the Treaty and the presidents speech; (which latter meets my cordial approbation-) and enable them in the mean time to return home prior to the first day of June as on that day I presume the commissioners will commence taking the census, when I hope to have their minds prepared to answer affirmatively as to their removal or otherwise take reservations --From the time fixed for meeting you will easily perceive my object is to have their minds stored with fresh information which cannot be eradicated until they seal their election either in favour of emigrating or taking reservations agreeably to treaty. --

I will leave here tomorrow on my way to the Cherokee agency and on the rout I hope to have it in my power to enter into a contract for the delivery of corn to the Arkansaw people; to aid me in which I have detained M^r Houston, and while at the agency I will endeavour to ascertain the fact asked for in relation to Glafs's Island.--

I have the Honor to be with very sincere esteem

your obt^d H^l Serv^t

Hon J C Calhoun

Jos M'Minn

Sec of War

Executive department Tennessee

Knoxville 15 July 1818

Sir

The enclosed abstracts marked A & B will exhibit the Grofs amount of expenses incurred in relation to the Arkansaw delegation from the 15th Dec^r up to the 16 Jan^y inclusive in furnishing horses, saddles, bridles, blankets clothing & tavern expenses with the additional sum of \$650 paid Lieutenant Houston to defray the expenses of said delegation to Washington City including his own - The exhibit marked A contains the total amount chargeable to the Arkansaw annuities, & exhibit marked B contains the sum total chargeable to the United States

I have used all economy, and every personal exertion in obtaining their supplies on the most reasonable terms the place could afford and hope it will meet your approbation I have instructed Lieu^t Houston to report himself & delegation to you on his first arrival in the City and to render an account of all expenses which he may have incurred in conducting the delegation and such sum of money as he may have on hand at his arrival. --- Capt. Thompson, an Arkansaw chief arrived here on the 12th Inst^t in company with Col Brown who I have permitted to be added to the delegation, though not without expressing my great unwillingness to increase the expenditures. The delegation urged as arguments in his favour that he had for more than twenty

years advocated the propriety of the Cherokees removing to the West of the Mississippi; that he was and perhaps is the most perfect interpreter the Nation ever produced and that he possessed a greater portion of their confidence in that respect, than Capt. Rogers their present Interpreter; and finally that he was the relative of Col Brown and had been invited to become a member of the delegation by Toulantusky when on his way from home to this place. All these things therefore considered I could not perceive how he could receive orders to return home (upwards of two hundred miles) without feeling his mind at least depressed if not soured with the Government and its views. - and I pledge my honor this alone determined my mind in favour of his becoming a member of the delegation --

The delegation will present you with a paper which amongst other things will exhibit the manner in which they stand bound for the payment of horses, clothing &c. This resolution has some considerable inducements in obtaining my own consent for writing the instrument referred to: The propositions however contained in it with many more had been urged frequently with a view to obtain my opinion which I always eluded, and referred them to their father the President-- I at length determined on committing some of their requests to paper and in conclusion to present to their view the necessity and propriety of their coming under suitable obligation to the United States, to which

they very willingly consented and each gave me his hand in token of their attachment to the General Government.

I am this moment in receipt of your much esteemed favour of the 29th Ult, accompanied with the abstract invoice of goods which had been consigned to Col Meigs -- I will leave this place for the Cherokee Agency on the 18th inst: and will avail myself of your liberal instructions in the best possible manner I can devise to promote the object in view of the result of which I will keep you advised --

I enclose you a schedule or plan which I adopted for making the requested entries of names &C for your inspection. If in your opinion it requires any amendment will thank you to suggest it, to the end that it may be made. --

Very Respectfully

Jos M'Minn

Hon: Sec: of War. --

Department of War

16 March 1818.

Sir,

This day the Arkansaw delegation propose to leave for Washington on their return. I trust that the reception which they have met with will be found calculated to have a most favorable effect on the great object which the Government has in view; that of moving the Cherokee nation to the West of the Mifsissippi, which in its probable effects will lead ultimately to the removal of the Cherokees, Chickesaws, and Choctaws. The delegation has been gratified in all of their wishes. By the Presidents speech a Copy of which will be presented to you by Mr Houston, you will see that he has exprefsed the kindest wishes towards the emigrants, and has determined to extend to them a supply of corn to prevent any distrefs by so many emegrating at once. He leaves the distribution of Rifles to your discretion. He has promised Col. Glafs his Island in the Tennefsee River, which is represented to be very inconsiderable in size, say 18 or 20 Acres. It is the desire of the President that you should obtain such information as may be in your power as to its position, extent and value, and report it to this department.

By the direction of the President very considerable presents were distributed to the delegation. To Toukeelouskey One thousand dollars, and to each of the others

five hundred dollars. This will no doubt have important effects in aiding the operations now going on; In fact I trust that your Excellency will see in all that has been done the zeal with which this department under the direction of the President has entered into the execution of the late treaty which contain stipulations so important to Tennessee and the rest of the Union.

A few days since I received your Excellencys two letters of the 12.th & 13.th of last month; and I am much gratified to see with what spirit the emigration has commenced. The necessity of supplying the emigrants with food you will see by the Presidents speech, has been anticipated. The amount to be supplied and the mode ^{are} left to your judgment as the President feels the greatest confidence in your zeal and discretion. It is possible that the advance in corn or corn meal might in many instances be made a set off against the charge for improvements which are to be ascertained under the treaty; if any arrangements can be made of that kind without giving offence it would be desireable, as it will cause the appropriation to be made by Congress to go much farther. Congress will be asked to appropriate dollars and it is the wish of the President you should have the whole under your discretion, and that you give it such a direction as you may judge most advisable. Your Excellency will as soon as the appropriation is made be notified of the amount and vested with full

powers to make any arrangements that you may judge best to effect the object in view.

The meeting of the Cherokees according to your suggestion is thought to be important, and M^r. Meigs will be instructed to call them together at such time as you may deem best. It is important that the Arkansaw delegation should be present. The addrefs of the President to the delegation of which a number of Copies have been printed will evince to the nation when afsembled the wishes and intention of the President.

The two questions which your Excellency proposes in your letter of the 13th have both been considered and and I entirely concur with you in respect to both.

The Cherokee who may take a reservation, and should afterwards surrender it, will have a Common right with his brethern on the Arkansaw, The reservation of 640 Acres will be in full compensation of all his claims and the United States will not be bound to pay him for the remainder, or permit him to claim it as his right.

The President will nominate to the Senate John Brown, and William Young to take the census of the Cherokees.

M^r. Gillispie will be appointed to appraise the improvements.

I send a copy of the treaty and a copy of a claim of Col- Brown in relation to which you will favor this department with your opinion.

You will continue to draw on this department for such expenditures as your measures may require.

I have the honor to be

Your Excellencys Obed^t

Servant

J. C. Calhoun

Gov. Joseph M^cMinn

Knoxville Tens^{ee}

(OIA: Cherokees. War Dept. McMinn File. 1819.)

Know all men by these presents that I William G Byrd of the County of Cape Geridieu and Mifsouri Territory do authorize constitute and appoint and have authorized, constituted and appointed Gillespie & Houston of the County of Blount and State of Tennefsee to be my true and lawful attorney and in my name to ask demand and receive all monies due to me for one thousand Bushels of corn delivered at the Arkansas Old Post on a contract made with Gov^r Jofeph McMinn and receipted for which receipt will be presented with this power and the S^d Gillespie and Houston are to sign receipts and certificates the same as and to act in every thing appertaining thereto the same as though I was personally present myself Given under my hand and seal this 29th day of July 1818

W^m G., Byrd (Seal)

Mesouri territory)
)
 Cape girerdeau County) personally appeared Before me James Prufsell a Justice of the peace in and for the County aforesaid William G Byrd and acknowledges the above letter of attorney to be his act and Deed given for the exprefs purposes therein mentioned given Under my hand this 29th day of July 1818

James Prufsell J" P

(OIA: Cherokee, Cape Girardeau. Wm.G.Byrd. July 29, 1818.)

Fifth Auditors Office

Sept^r 12th 1818

Return J Meigs Esq^r

Cherokee Agent

Sir

In your estimate of expenses for the Cherokee Agency for the quarter ending on the 1st of July last, you insert the salary of a clerk at the rate of \$500 p^r An; and also 1 $\frac{1}{2}$ months salary to M^r Houston, the sub Agent, at the rate of a thousand dollars p^r an, -- M^r Houston is entitled to a salary at that rate, until the 20th of April, but no longer, the law having fixed it, after that period at \$500 p^r An: -- You will so regulate the salaries in your payments to him.

The charge for a clerk cannot be allowed and you will discontinue the employment of one at the publick charge.

I have the honor to remain

Your Ob.^t Sv.^t

Stephen Pleasanton

(OIA: Cherokee, Washington City. Stephen Pleasanton.
Sept. 12, 1818. Col. R. J. Meigs.)

Whereas, an order has been published by the Agent, of the Cherokee Nation, requesting all white men who reside in the Nation without the consent of the Chiefs of the said Nation, to comply with certain rules, and regulations set forth in said order: Now, be it known by these presents: that General Samuel Houston late of the State of Tennessee, has been residing in the nation for sometime past, and has manifested a disposition to remain with us: In consideration of his former acquaintance with, and services rendered to the Indians, and his present disposition to improve their condition and benefit, their circumstances and our confidence, in his integrity and talents, if he should remain among us: We do as a Committee, appointed by order of the principal Chief John Jolly, Solemnly, firmly, and irrevocably, grant to him forever, all the rights, privileges, and immunities, of a Citizen of the Cherokee Nation, and so as fully empower him with all the rights, and liberties, as tho' he was a native Cherokee, while at the same time the said Houston, will be required to yield obedience to all laws, and regulations, made for the Government, of the native Citizens of the Cherokee Nation--

In witness whereof, we have this day set our hands, this 21st day of October, 1829. --

his
Walterx Webber Prest. Commt:
mark

Dwight 2^d Feb. 1830.

Thos L. McKenney Esq.

Washington City

Sir,

I have resided in the country belonging to the western Cherokee nation for nearly ten years. I am connected with a missionary establishment. My employment & the length of time during which I have resided in the Indian country have afforded me no inconsiderable acquaintance with the condition & prospects of these people. They are as susceptible of improvement as any other people, & need only to be furnished with the means & facilities, & to have the obstacles & hindrances removed to render them civilized, prosperous & happy. Thus they would form a respectable & useful part of the American population.

From my first acquaintance with Indians I have considered their connexion with the white population on their borders, as the circumstance most unfavorable to their improvement. Experience has only confirmed this opinion. The greatest evil arising from this connexion is the facility thus produced for the introduction of intoxicating liquors among the Indians. I have hence felt favorably towards that policy of the government which proposes the removal of the Indians beyond the limits of the States & Territories of the Union. For this reason I rejoiced in the late Compact with the Cherokees, by which they were removed west of the Territory of Arkansas. Nothing since my residence among them, has so much retarded their improvement, & nothing has so frequently led to murder & every

description of crime, as the vending of ardent spirits among them. While they resided in the Territory it was very difficult to prevent white men, who are devoid of principle, from bringing this destructive article into the Indian country & diffusing it extensively. When the Indians should be removed I hoped this evil would in a great measure, if not wholly cease. But, Sir, I have been disappointed. The evil is not diminished in the least. Indeed it is greatly increased. Boats pass into the Indian country & sell this pernicious article in great quantities, & merchants established near the line engage in this contraband traffic to a great extent. Within ten days no less than five adult Indians have died in consequence of the intemperate use of whiskey. Our own little community has been, for the last week constantly disturbed, day & night, by the revels & noise of drunken Indians. One of these drunkards has just fractured a leg. To put a stop to this revelry & noise, I have this day purchased & poured on the ground, all the whiskey they have remaining. The barrel which contained it is now in my possession. On it is still legible the brand of the merchants who sold it to the Indians. They are licensed traders, established near the Cherokee line. They have made an attempt to efface their brand, but it can still be seen. The Indian who purchased it, states openly, as do several others, of whom it was procured. I decline giving the name of the house, as I do not choose to act as an informer in such a case. It would subject me to the enmity of the merchants in question & operate to my prejudice as a missionary. These merchants are not alone in this ruinous traffic. Nearly every one engaged in the Indian trade is guilty. I would not have you regard this communication as

either a direct or indirect censure of the U. S. Agent. I believe him to be sincerely friendly to the Indians, & as assiduous to prevent the sale of spirits & all contraband trade with the Indians as his circumstances will allow & as much so as any other man could be. It appears to me that the evil cannot be wholly suppressed without some modification in the laws regulating intercourse with the Indians. Allow me, Sir, to suggest the expediency of locating at Fort Smith an approved & faithful man with the authority of a Boarding Officer, whose duty it should be to board all boats & other vehicles going into the Indian country & to remove from them every gallon of intoxicating liquors, or else should be authorized to prevent their proceeding into the Indian country. This course would prevent white men from carrying this pernicious article among the Indians. To prevent the Indians from going into the white settlements to furnish themselves with the article I would further suggest the expediency of declaring by law that the testimony of Indians, given under oath, should be valid to convict a white man who should be guilty of vending spirits to an Indian. Unless something equivalent to these suggestions can be done it is vain to hope that the evil will, to any great extent, be prevented.

The man who sells spirits to Indians has reason to expect that every gallon he thus introduces among them, will be the cause of much suffering, cruelty & crime, & most probably of murder itself; & yet there are persons enough on the borders of every Indian country who are not only base enough to sell it among them by barrels, but to resort to every subterfuge, not

excepting the foulest perjury, to evade the laws, that they may make gain of the property, the health, the limbs & even the lives of the poor Indians. The man who will sell spirits to the Indians, would not hesitate to commit murder for the sake of gain, if he thought he might escape detection. Certainly our laws ought to be so framed as effectually to restrain the cupidity of such men. Since I commenced this letter one of the subordinate chiefs of this tribe, & a very valuable man, was most inhumanly murdered by one of his neighbors. He was peaceably employed in his daily labor, when his neighbor, in a fit of intoxication fractured his skull. The whiskey which excited this murder, was brought into the neighborhood by a white citizen of the U. States. By your several visits to the Indian tribes, you have acquired a knowledge of the extensive mischief & ruin produced among our aborigines, by ardent spirits. If there were no remedy for this evil, the wise & good might deplore it in silent inactivity; but there is a remedy. The United States can & they ought promptly to put into requisition the means for the utter abolition of the wicked traffic in whiskey among the Indians. No white man ought to obtain a license to trade with Indians, who is not put upon oath that he will neither sell nor give to an Indian a single glass of spirits; & in addition, a most scrutinizing search ought to be made of his Boat, Waggon, or other vehicle, that there could remain no possibility of his introducing the article among Indians. Every Indian trader & every merchant on their borders ought to know that he is liable to conviction for the breach of this law upon Indian testimony, & when convicted, that he will be punished with the utmost vigor of the law.

If no effectual restraints are to be enforced upon those who are engaged in trade with the Indians of the States & Territories, it will not only lead to the speedy ruin of the Indians who are now here, but it will powerfully operate to prevent the emigration of others to this country. I know not how it is with the Creeks, but the Eastern Cherokees, the Chocktaws & Chickasaws, when they know to what extent this ruinous traffic is carried on here, & that nothing, or next to nothing, is done to restrain it, will feel it, & will justly feel it a strong argument against their emigration to this country. It is a fact Sir, which cannot be disguised that while the Eastern Cherokees have been increasing, these have been decreasing in number. This climate is as salubrious, & this soil is as fertile as that where their brethren reside. There has been no pestilence, no raging epidemic here. The decrease is wholly owing to the free introduction among them of spirituous liquors. Sir, I beg you will reflect deeply on this subject, & use your influence to have something & something effectual done to save the Indians from this ruin, & our own citizens from the guilt of thus destroying them.

I have the honor to be,

Your ob.^t Serv.^t

C. Washburn.

(OIA: 1830. Cherokees West. Rev. Cyrus Washburn. Progress of civilization.)

Wigwam 21st July 1830

Col Arbuckle.

Sir.

I have the honor to inform you of the arrival of my Boat at the Verdigris in the Cherokee Nation on yesterday with an assortment of goods which I will proceed to open and make sales of so soon as convenient.

I have thought it proper to report to you for the reason that I do not wish to be molested by either misapprehension or design. You are the only public officer in this country to whom I will or could report. There is no Agent of the Cherokees in the Nation at this time (Capt. Vashon not having arrived) or I would with great pleasure report to him and if necessary obtain from him a License to trade and as there is no one else authorised to grant a License I now report to you and will await the arrival of Capt Vashon.

My situation is peculiar and for that reason I will take pains to obviate any difficulty arising from a supposed violation of the intercourse laws. I am a Citizen of the Cherokee Nation and as such I do contend that the intercourse laws have no other bearing upon me or my circumstances than they would have upon any native born Cherokee; as I exercise all the rights which any one is enabled to do.

The certificate of my adoption and the evidence of my citizenship I have the honor of enclosing to you. I ordered

to this point for my own use and the convenience of my establishment five barrels of whiskey (four of Monongahela & one of corn) one barrel of Cogniac brandy, one of gin, one of Rum and one of wine intended for stores and for the accommodation of the officers of the Government and such persons as are duly authorized to purchase the same. The whiskey excepting one barrel will be stored with the sutler Genl. Jno. Nicks subject to your orders or the orders of the Government and not to be used or breached without your knowledge and consent - nor shall one drop of whiskey be sold at my establishment to either Soldier or Indian without the orders of the commanding officer or the agents of the respective tribes.

In making this rule I have a threefold motive first I entertain too much respect for the wishes of the Government - second - too much friendship for the Indians and third too much respect for myself to make a traffic of the baneful curse.

Should you require bonds for the performance of the pledges given I am prepared to execute them with security as solvent as any in this country.

So soon as my establishment is opened I will request of you that you will (if you please) direct an officer or officers to examine and see that there is a perfect agreement between my report and the stores on hand. I have not my invoices at hand at the moment but believe my report is

correct. Should it not be so it shall be corrected the moment I can detect any error which it may contain.

I have the honor to be

Your Obed^t Serv^t

Sign^d Saml. Houston

To

Col M. Arbuckle

Comd^g Cant. Gibson

Neosho.

A True copy.

D. S. Miles.

Adjutant

7th Inf.

(OIA: 1830. Cherokees West. Col. M. Arbuckle. Gen. Sam Houston.)

Head Quarters 7th Inf

Cantonment Gibson

23rd July 1830.

To the Honb^l

The Secty. of War.

Sir.

I have the honor herewith to Transmit a Duplicate of a Letter addresed to me by Genl. Sam^l Houston under date of the 21st Inst. also a copy of a Certificate of his adoption in the Cherokee Nation.

Genl. Houston advised me before the arrival of his Goods (at the Creek Agency) that he was a Cherokee citizen, and did not regard himself under any obligations to the Government of the United States, except in that character. I assured the Genl. it was not my opinion that his being adopted a Citizen of the Cherokee Nation absolved him from his allegiance to the United States, and that I would therefore cause his goods to be seized unless he would give me a pledge that he would apply for a License to Trade with the Cherokees, as soon as their Agent should arrive, he has made this pledge, yet it is obvious that he expects his right to Trade (as a Cherokee) will be admitted. Should this principal maintain, I judge that those authorized to grant Licenses to Trade with Indians will thereafter be greatly relieved from that trouble. Yet I am not of the opinion that such change would be well calculated to se-

cure good order, or propriety of conduct by the Traders.

Genl. Houston is very desirous of enjoying the privileges of a Cherokee citizen, and being rather impatient of restraint has on some occasions made remarks with regard to his intentions (in the event of his wishes in this particular not being gratified) which might be regarded exceptionable, these remarks I have considered only as the result of momentary excitement, and would not have referred to them, had the Genl. been free from a News-paper controversy which possibly may bring all he has said or done in this country (to which exception could be taken) before the public.

The Boat which brought up the goods of Genl. Houston arrived here yesterday with the Ardent Spirits to which he refers, this is deposited with Genl. Nicks where it will be kept until the arrival of the Agent for the Cherokees or the pleasure of the Government is known.

In order that no misapprehension, or doubt should exist, with regard to the quantity of spirits a Trader should be permitted to introduce into an Indian Country as private stores, I am of the opinion that it is desirable the Government should declare the greatest quantity a single Trader should be permitted to introduce for private use within a year.

The decision of the War Department, or of the proper Law Officer of the Government is requested, with respect

to the Right of Genl. Houston to absolve himself from his
allegiance to the United States, by becoming a citizen of
the Cherokee Nation.

I have the Honor to be, Sir,

Very respectfully

Your Obed^{nt} Servant.

M. Arbuckle

Coll. 7th Inf^y Commd^g

(OIA: 1830. Cherokees West. Col. M. Arbuckle Gen. Sam Houston.)

Department of War

11th September 1830 -

Sir,

Your letter of the 23^d July, with its enclosures, has been received --

The right contended for by Gen^l Houston, as a Citizen of the Cherokee Nation, to carry on trade with the Indians, without being licensed for that purpose, as required by the Laws of the United States, would, if admitted, tend to overthrow the whole system of Indian trade as established by Congress, under the power conferr'd by the General Government by the Constitution "to regulate trade and Intercourse with the Indian tribes" --

While no objection has been made to the Indians permitting any of our Citizens to reside among them and exercise all the privileges of Indians, it cannot be admitted that they have any right to confer on such citizens any privileges incompatible with the laws of the United States, or which would give them advantages over any Citizen in carrying on trade with the Indians - General Houston will therefore be required to give bond, and obtain, (as other traders have to do,) a license from the Indian Agent, on doing which he will be entitled to all the privileges which the law secures to licensed traders, but not otherwise - The Indian Agent it is presumed is at his post by this time, and will no doubt promptly attend to an application from General Houston for a license --

Indian traders are ~~given~~ not allowed to take spirits into the Indian Country - but as Gen.^l Houston resides in the Cherokee nation he may be permitted, on your being satisfied that the liquors belonging to him are intended for his own private accomodation, and not to be used in the Indian trade, to take them to his own residence - on these conditions only can he be allowed to take liquors into the Cherokee nation --

I am &c &c

P. G. Randolph

Actg. Secretary of War

To. Col^o

M. Arbuckle,

Comm.^g U. S. Troops.

Cantonment Gibson

(OIA: 1830. Cherokees West. P.G.Randolph to Col. M. Arbuckle)

Cant. Gibson 12th Septbr 1830

Gen^l And. Jackson

President of the U.S.

Sir,

Under the impresion that it is the duty of Ind Agents to apprize you of every procedure which may have a tendency to counteract the views of the Governt. as exhibited by treaties, laws, or regulations on the subject of Ind Aff^s I beg leave to present to your notice the following communication.

I am informed from a source entitled to confidence, that Col: Augs.^t P. Chouteau a trader, & brother to the present Agent for the Osages, has purchased up the Reserves on the Neosho, granted by treaty 2 June 1825, to half breed Osage Children & others, and that two of said reserves containing a valuable Saline, has just been sold by said Chouteau to Gen^l S. Houston & a Mr Drenen a Mercht. of Nashville, who appears to be connected in trade with Gen^l H. in the Cherokee Country & within 3 miles of this post, and I have good reason to believe they have purchased these reserves from Col. Chouteau, with the view & expectation of prevailing on the Governt. to purchase them out, at an exorbitant price, by availing themselves of an undue influence over the Cherokees to induce them to demand of the Governt. the removal of persons unacceptable to them, under the 3 Article of the treaty of 6 May 1828; the ap-

plication would be, I presume, for^{removing} the Osage grantees.

The case of Gen^l S. Houston, which has been reported by Col Arbuckle to the Secret^y of War for his decision, was accompanied by a certificate of the adoption of Gen H. into the nation, with the right to exercise all the privileges of a native, and under which he claims the right to trade without License, deeming the laws, regulating trade & intercourse inapplicable to his case. The 9th Art of treaty of Hopewell & 6th Art of treaty of Holston, gives to Congress the sole & exclusive right of regulating trade carried on by Natives & others, but I have not seen any law restraining the exercise of the right of the Natives or of the adopted Whites among them, to trade in any way - the Whiskey trade carried on by Indians is a growing evil, and greatly to be deplored throughout every Indian Tribe, and therefore deem it my duty, as it appears the existing laws on the subject does not embrace such cases, to solicit your attention thereto, and to suggest the necessity of instructing Agents how they are to consider White persons who are permitted by the Indians to reside amongst them.

Permit me also to suggest what appears to be requisite to effect a speedy & satisfactory adjustment of the conflicting claims of the Cherokees & Creeks to the territory ceded to them by treaty, and to solicit your approbation of the course I am pursuing in furtherance of that object. The

map of this country furnished the War dept. by Col: Arbuckle, being considered too imperfect for the requisite purpose, I have deemed it my duty to request Col Arbuckle to employ without delay the most efficient means in his power to obtain a correct survey of the Canadian & Arkansas from their junction to such point as he may deem necessary to enable the Governt. to make such a partition of the Country, as the just claims of the parties under their respective treaties may require: and with a view to ascertain what partition of the country would be most satisfactory & acceptable to the parties, I have requested the co-operation of Gen^l Campbell, and if accorded will report progrefs to the Dept. so soon as essential facts can be ascertained - and should it be proven as is expected, that the country West of the old territorial line between Arkansas & Canadian, together with that section of country now occupied by the Creeks in the fork of the Verdigris & Arkansas, will be found sufficiently large for the settlement & accommodation of the whole Creek nation, I have no doubt that the country north & west thereof to the Osage line, would be accepted by the Cherokees for the deficit of their seven million acres & perpetual outlet.

By the statement of Gen^l Campbell, since his return to the Creek Agency, it appears to be the intention to cede to the Creeks the whole of the country in the fork of the Canadian & Arkansas, including the land east of the old

territorial line in said fork (which is considered as having been heretofore ceded to the Cherokees) together with the whole of the country in the fork of the Verdigris & Arkansas to the Osage line - Hence it is my duty to apprise you without delay of the probable effect which such partition of the country is likely to produce - about 60 or 70 families of Cherokees have settled on their lands in the fork of Canadian & Arkansas east of the old territorial line, and the nation justly considers that portion of their country more valuable than any other - the uneasiness produced by this rumor has induced many of the most intelligent to request me to inform them if it is possible that such rumor can be true; adding that the Creek treaty did not authorize them to make any selection east of the old territorial line, and therefore it ought not now to be contemplated by the Government. to violate the vested right to that portion of their country which they think must be admitted to be solemnly guaranteed to them by their late treaty; and that no fair construction of the proviso to the ratification could infringe their legal claim to said land. I deemed it my duty to assure them that their rights would not be violated, and that the Government. would certainly fulfill their treaty stipulations in good faith - that I considered their view of the subject perfectly correct, and that I had no doubt the Government. would sustain their claim.

Permit me to say that I think it important to the interest of all parties that every doubt upon the subject

should be promptly removed.

And it is deemed a duty also to apprize you of the state of feeling which this question, and the long continued delay of payment under treaty stipulations has produced among these people - they appear to feel as if they had good reason to believe that the Governt was disposed to pay but a very limitted observance of a faithful compliance with treaty provisions, after effecting the removal of the Indians, and feelingly point to the distrefsed condition of their emigrant families.

I am induced to believe if that portion of their country should be disposed of to others, they will asfert their rights, and maintain pofsefsion to the last - they say their right to it shall never be surrendered.

Please indolge the privilege of exprefsing my solici- tude for the early receipt of such information & instruc- tions together with the requisite means which may be deemed necefsary to enable me to fulfil & accomplish the views of the Governt. relative to the duties of my agency -

I have the honor to be

Your most obt & hum Servt.

Geo: Vashon

Ind Agent C-W-M

PS. I have been under the necefsity of providing an office & quarters for myself ever since the commenc^t of my duties in the Ind dept.

(OIA: 1830. Cherokees West (Agency) Geo. Vashon.)

July 19th 1831 --

From the N.E. corner of the Cherokee lands, proceeded on the Western boundary line, of Mifsouri, North - (Indian lands lying on the West) Marked each fith Mile distinctly - Line throughout marked plainly as usual.

Chains

- 90. To the foot of stony Cliff
- 70. Set Stake for 1. Mile from Cher. Cor.
- 40. Entered rich bottom
- 104. To Stream, East bank. Co. South 10^o W. and S. 1. ch, 25 Links wide
- 16. Following up same to 2^d Mile, in the bed of same
- 63. To foot of Cliff Co. N.
- 17. To Stream, Co. S. 15^o W.
- 50. Entered barren upland.
- 30. To 3^d, Mile in same.
- 158 Entered Prairie
- 2. To 4th Mile
- 122. Entered timber
- 38. Set Stake for 5th Mile, from Red Oak 7 Links Circ.
Marked 5 M, brs. N 85^o W .25 Links
- 110. Stopped -

Friday 22^d, July.

- 15. To Brook Co. S.W.

35. To 6th Mile on barren ridge.
160. To 7th Mile in barrens.
160. To 8th Mile, ravine Co. N.
160. To 9th Mile, S. side of ravine Co. W.
160. To 10th Mile, set stake from which, White Oak 5 Links
Circ. Marked 10 M. Bears W. 1.33 Links
160. To 11th Mile in ravine Co. W.

Saturday 23^d, July.

160. To 12th Mile, in ravine Co, N,W,
42. To brook co. S.W. & S 60° W.
118. To 13th Mile, S. side valley Co, W,
130. Spring in ravine close to W,
30. To 14th Mile
58. Entered bottom Prairie
- 56.30 To Stream 1.20 L.s wide - brs. W, & S, W,
44. To 15th Mile from Cherokee Corner, in Stony hills,
set stake, from which Black Oak 10 Ls. Circ. Marked
15 M. bears N- 33 Links
80. Stopped - encamped on stream noted above -

Monday July 25th

80. To 16th Mile -
160. To 17th Mile.) Poor,, oak, stony land
160. To 18th Mile.)
160. To 19th Mile in same not so stony
- Prairie bears E. 40. chs. co. edge N.W. & S.E.

76. Entered Prairie.
80. Point of timber, few trees.
4. To 20th Mile in prairie set rock from which, Red Oaks. 7 lks. circ. Marked 20. M. bears N. 3^o W. 10.14 lks.
10. Entered timber, Prairie bears N.E.
150. To 21st Mile in valley of Brook co. S.W. Water to S.W. & W.
160. To. 22^d Mile, in thin oak land.

The foregoing from (N^o 1. to No. 3.) are the Field Notes of the survey of the Eastern line of Indian Lands, commencing at the N.E. corner of Cherokee Lands thence North 22 Miles. -

Rice M^cCoy

Surveyors camp

Aug. 1st 1831.

(OIA: Field Surveys. Ancient & Misc., Vol. 4.)

FIELD NOTES

of the Survey --

of so much of the Eastern boundary of Cherokee Lands as lies between the S. W. corner of the State of Mifsouri & N. E. corner of Cherokee Lands.

Mag. Var. 10°. Chain 2 poles

Course North. July 18th 1831.

Commenced at corner of Mifsouri,

- 160 Set Stake from which Red Oak 9 lks, circ. marked
C L I M. bears N. 30° W. 2 ch.
- 109 To Stream 1 ch. wide co. N. W. & W.
- 51 Set stake in highland openings for 2 m. from which
Blk Oak 8. lks circ. marked C. L. 2 M., nears N.
45.° W. 6 ch. 20 links.
- 80 Entered Prairie
- 40 Set Stake
15. Entered timber
- 25 Set Stake for 3 M. from which Blk. Oak 10 lks
circ. marked C L 3 M bears N. 37.° W. 1 ch. 11
links
- 160 Set Stake from which Blk Hickory 7 lks circ.
marked C L 4 M. bears N. 10.° W. 2 ch. 23 lks.
- 95 Entered Prairie.
- 25 - Set Stake.

- 40- Raised mound 4 feet base $3\frac{1}{2}$ high for 5 miles.
- 40- Raised md. for $5\frac{1}{4}$ M.
- 40- Raised md. for $5\frac{1}{2}$ M.
- 40- Raised md. for $5\frac{3}{4}$ M.
- 40- Set Rock for 6 miles
- 40- Set rock for $6\frac{1}{4}$ M.
- 40- Set rock for $6\frac{1}{2}$ M.
- 40- Set rock in ravine co. W. for $6\frac{3}{4}$ M.
- 40- Set rock from which Blk. Oak 6. lks circ, marked
C. L 7. M. bears S. 45° W. 1. ch. 30 lks.
- 31- Entered timber.
- 54- Steep brook co. N. E.
- 75- Set Stake, Witnefs Blk Oak. $9\frac{1}{2}$ lks circ marked
C. L. 8. M. bears N. 10° W. 1. 30 lks
- 91- To Elk River co. W. & N. W. 4 ch. 25. lks wide
- 8 Raised mound 6 feet square at base 5 feet high
in which set mulberry post 4 inches square, marked
on South side "July 20. 1831" which is to be the
permanent N. E corner of Cherokee Lands.

The foregoing N^os 1.2 contain the field Notes of the survey of the Eastern Boundary of Cherokee Lands from Corner of Mifsouri to N. E. Corner of Cherokee land

Surveyors Xamp

R McCoy

Aug. 1st 1831

Afst Surveyor

(OIA: Field Surveys. Ancient & Misc. Vol. 4.)

A Claim presented by Jno: Smith & party against the Cherokee Nation for their services in Afsisting Dutch & party in 1831 to join his Nation - done by order of the Chiefs under a request from the Agent.

To wit.	1	Jno: Smith & horse 95 days @ \$1. pr day	\$95.
	1	Ezekiel Fields " - " - " -	95.
	2	War too ker & Tar yer hah do	190.
	2	Singer & Smith's Boy do	190.
	1	Nelly Smith & horse "	95.
	2	2 Creek Ind: pr Jno. Smith "	190.
	1	H: Tarrapen "	95.
	1	Te kun na te ste ke 36,d	36.
	1	J. Cary & horse 95 "	95.
	2	Te so lee tus ky & Dutch ea 30 d	60.
	1	Oo Wa loo ki "	30.
	2	2 Creeks & Horses ea 8 d -	16.
	1	Ignetius Chisholm do 20 d	20.
	2	M. Smith & C. Holder do 30 "	60.
	1	R. Stinson & horse 8 "	8.
	2	N. & Ogden Chisholm 20 "	40.
	1	Tarrapen (no horse) 30 " 50 ^c	15.
	<u>1</u>	<u>Sker te ser ki do</u> " "	<u>15.</u>
25			\$1345.

(Over)

Amt brot. Over		\$1345.
Levy Spears & G. Jolly - (foot) 30d @ 50.		30.
S. Grape vine	do do	15.
(Horses Borrowed)		
R. Stinson 4 Horses	95 d. 50c	190.
1 & 3 H. Take staskuh & Rod	95 & 30 d	92.50
1 & 3 " Tar ye ski & Stinson	30 "	60.
Oo wa loo ki	30 "	<u>15.</u>
		\$1747.50
Black Coat & J. Holly		
Karnai - Cabbie		
Tsoo lo qua & Geo: Hailey		
each 1 horse	30 d. 50c	90.
Te yun ne ski (foot)	95 d 50c	47.50
Young Bird	do 46 "	<u>23.</u>
		\$1908.
Expencc money advanced by the Nation		<u>119.</u>
		\$2027.

(COPY)

(OIA: Cherokee File D 436-435. Washington. D-436.)

FIELD NOTES of the Survey of the Northern & Western Boundaries of the CHEROKEE Lands.

CHAINS

Mdg. Var. 10° E. Chain 2 poles

COURSE WEST.

Monday Sept. 12. 1831.

Started from the N. E corner of Cherokee Lands, on the line of State of Miss.

- 17- To the North Bank of Elk River co. N. W.
- 9- across same steep bluff.
- 134- In open barren land marked Blk oak C, h. L. 1. M. bears S. 45° W. 17. lks. - circ 6 lks) for 1st. Mile
- 22 In deep ravine
- 138- In open woodland, marked White Oak Ch. L 2 M. bears N.W. 36 lks. (circ 9 lks) for 2 Miles.
- 128 To clear spring branch co. N.
- 2 To steep Bluff.
- 30- Marked White Oak Ch. L. 3 M. S. 55° W. 15 lks - also White oak Ch. L. 3 M. bears N. 75° W. 26 lks.
- 57. Entered Prairie. Encamped

Tuesday Sept. 13.

- 103 Raised $\frac{1}{2}$ Sized Mound in edge of Prairie for $3\frac{1}{2}$ Miles.
- 40 Raised $\frac{1}{2}$ Size Md. for $3\frac{3}{4}$ Mile
- 40 Raised full Size Md. for 4th Mile at head of prairie ravine -
- Raised $3-\frac{1}{2}$ Sized Mds in place

- 160 Raised full Sized Md. for 6 Mile
 - . Raised 3 - $\frac{1}{2}$ Sized Mds in place
 160 Raised full sized Mr. for 7th Mile
 Timber on creek to N. bearing W.
 - . Raised 3 mds in place. Encamped.

Thursday Sept 15.

- 40- Set Rock for $7\frac{3}{4}$ Miles.
 40 Raised full sized Md. for 8th Mile
 40 Set Rock for $8\frac{1}{4}$ Miles
 5.- Entered timber.
 95 Entered Prairie
 5 Marked Blk Oak ch. L. 9 Mile bears S. 45° W. 1 ch
 45 lks (7 lks circ)
 10 Entered Prairie
 - . Raised 3 - $\frac{1}{2}$ sized Mds in place
 150 Raised full size Md for 10th Mile
 40 Raised $\frac{1}{2}$ size Md. for $10\frac{1}{4}$ M.
 30 Entered timber
 10 Excellent Spring
 80 Entered Prairie
 40 Set Rock for 11th Mile
 40 Raised $\frac{1}{2}$ Size Md for $11\frac{1}{4}$ Mile
 45 Entered Neosho Woodland bottom
 69 To E Bank of Neosho River co. S.
 Genl. co. above & below SW. Width ch 16. chs. & 31
 lks.

16.31 lks. Acrofs the same
 39.19 Entered Prairie
 30. Set Rock in ravine co. E. for $12\frac{1}{2}$ Mile
 40 Set Rock for $12\frac{3}{4}$ Mile
 40 Set Rock for 13 Miles
 - . Set 3 Rocks in place
 160 Set Rock for 14th Mile
 - . Set 3 Rocks in place
 160 Raised full Size Md. for. 15 Mile
 40 Raised Md for $15\frac{1}{4}$ Mile
 69 Entered timber
 51 Marked Blk. oak ch. L. 16. M. bears S.W. 39 lks
 for 16. Mile
 35 To bank of Creek co. S.E. 1 ch. wide
 125 Marked Blk. Oak ch. L. 17. M. bears S. 75°
 W. 36 lks for 17. Mile

Encamped -

Tuesday Sept. 20.

153 Entered Prairie
 7 - Marked Blk. Oak ch. L. 18. M. bears S. 45° E.
 7 chs. 13 lks for 18 Mile -
 - . Set 3 Rocks in place
 160 Set Rock for 19 Mile
 40 Set Rock for $19\frac{1}{4}$ Mile
 - . Raised 2 $\frac{1}{2}$ Size Mds. in place
 120 Raised full size Md. for. 20 Mile

- . Raised 3 - $\frac{1}{2}$ size mds in place
- 160 Raised full size Md. for 21. Mile
- . Raised 3 $\frac{1}{2}$ size Mds in place
- 160 Raised full size Md. for 22nd Mile
- . Raised 3 - $\frac{1}{2}$ size Mds in place
- 160 Set Rock for 23. Mile
- . Set 3 rocks in place
- 160 Set rock for 25 Mile
- . Set 3 rocks in place
- 160 Set rock for 26 Mile
- . Set 3 rocks in place
- 160 Set rock for 27 Mile

Thursday Sept 23.

- 40 Set rock for 27 $\frac{1}{4}$
- 20 Entered timber
- 3 To small creek co. 8
- 64 To bank of creek co. S. 3 chs. wide
- 8 Entered Prairie
- 25 Set rock in Prairie bottom for 28 Mile
- . Set 3 rocks in place
- 160 Set rock for 29 Mile
- 40 Set rock for 29 $\frac{1}{4}$ Mile
- 16 To Mifsouri road at which raised Md. 4 feet high in
which planted rock marked C. L. 29.
- 40 To small creek co. S.

- 14 Set rock for $29\frac{3}{4}$ Mile
- 40 Ser rock for 30 Mile
- 40 Set rock for $30\frac{1}{4}$ Mile
- 30 Entered timbered bottom
- 36 To bank of Cabin Creek 6 chs wide. averge Width 3 chs.
- 14 Entered Prairies
- 40 Raised full size Md. for 31. Mile
- . Raised 3 - $\frac{1}{2}$ Size Mds in place
- 160 Raised full size Md. for 32 Mile
- . Raised 3 - $\frac{1}{2}$ size Mds in place
- 160 Raised full size Md for 33. Mile
- . Raised 3 - $\frac{1}{2}$ Size Mds in place
- 160 Raised full size Md. for 34. Mile
- . Raised 3 $\frac{1}{2}$ size Mds in place
- 160 Raised full size Md. for 35 Mile
- 40 Set rock for $35\frac{1}{4}$ Mile
- . Raised 2 $\frac{1}{2}$ size mds in place.
- 160 Raised full size Md. for 36 M.
- . Set 3 rocks in place
- 160 Set rock for 37 Mile
- . Set 3 rocks in place
- 160 Set rock on hill side for 38 Mile
- . Set 3 rocks in place
- 160 Set rock for 39. Mile
- . Set 3 rocks in place
- 160 Established the N.W. corner of the Cherokee Lands,

by erecting a mound $6\frac{1}{2}$ feet base, $5\frac{1}{2}$ high & inserting a post marked on E. side 40 M. South side Ch. L. W. side Crk. Ld., due N. of original ~~line~~ N.W. corner of Arkansas Territory estimated to be 40 miles West of Missouri line.

-- Run thence South -

- 40 Raised $\frac{1}{2}$ Size Md. for $\frac{1}{4}$ Mile
- 40 Raised $\frac{1}{2}$ size Md for $\frac{1}{2}$ Mile
- 33 Entered timber.
- 47 Marked Blk oak ch. L. 1. M. in Small creek co. S. to another its co. W. bears N.W. 3 chains.
- 160 Marked Blk Oak ch. L. 2 M. bears N.E. 10 lks.
- 62 Entered Prairie
- Raised 2 - $\frac{1}{2}$ size Mds in place
- 98 Raised full Sized Md & marked small 3 M. for 3rd Mile
- . Set 3 rocks in place
- 160 Set rock for 4 Mile
- . Raised 3 - $\frac{1}{2}$ size mds in place
- 160 Raised full size md for 5 Mile
- . Set 2 rocks in place
- 58 Entered timber.
- 79 To a small creek co. S.W.
- 23 In same marked wh. oak ch. L. 6. M. bears E. 1 ch. for 6 Miles

- 160- Marked Wh. Oak ch. Ld. 7 M. bears N.E. 1 ch. 4 lks,
(15 lks circ) for 7 Mile
- 98 To Small rivulet co. W.
- 62 Marked Wh. Oak Ch. Ld. 8 M. bears N.E. 1 ch. (15
lks circ) for. 8 Mile
- 102 To the old N.W. corner of Ark. Territory
- 58 Marked Wh. Oak Ch. Ld. 9 M. bears S. 5° E. 1 ch. 17.
lks ($5\frac{1}{2}$ lks circ) for 9 Miles - .
- 27 Entered Prairie.
- 52 Raised $\frac{1}{2}$ Size Md for $9\frac{1}{2}$ Mile
- 28 Entered timber
- 43 Marked hickory ch. Ld. 10 M. bears S. 45° E 1 ch,
(6 lks circ) for 10 Mile
- . Set 3 rocks in place.
- 148 Entered timber.
- 12 Marked Blk Oak Ch. Ld. 11. M. bears S.E 2 chs. 18
lks for 11th Mile
- 10 Entered Prairie.
- 30 Set rock for $11\frac{1}{4}$ Mile.
- 24 To a small creek co S. 5° W. crofssed same 3 times.
- 16 Entered Prairie.
- 80 Marked Blk oak ch. Ld. 12 M. bears S. 5° W. 7
chains.
- 38 To small creek 1 ch wide.
- 65 Encamped.. --
-

Monday Oct 3. 1831

- 17 Raised $\frac{1}{2}$ size Md for $12\frac{3}{4}$ Miles
- 40 Raised full Size Md. for 13 Mile
- 24 To the bank of Pryors creek co. S..E 3 chs wide.
- 16 Entered Prairie.
- . Set 2 rocks in place.

Encamped. --

Tuesday Oct. 4.

- 80 Set rock for 14.th Mile
- . Set 2 rocks in place
- 68 To small creek co. E.
- 12 Set rock for $14.\frac{3}{4}$ Miles
- 40 Set rock for 15 Mile
- . Set 3 rocks in place
- 160 Raised full size Md. for 16 M.
- 40 Raised $\frac{1}{2}$ size Md for $16\frac{1}{4}$ Mile
- 51 Renewed old mount
- 29 Raised $\frac{1}{2}$ size Md. for $16\frac{3}{4}$ M.
- 41 Raised full size Md. for 17 M.
- Raised 3 - $\frac{1}{2}$ size Mds
- 160 Raised full Size Md. for 18 M.
- . Raised 3 - $\frac{1}{2}$ Size Mds in place
- 160 Raised full size md. for 19 Mile
- . Raised 3 - $\frac{1}{2}$ Size Mds in place

- 160 Raised full size md. for 20 Mile
 24 To a pond
 16 Through same
 40 Raised $\frac{1}{2}$ size Md. for $20\frac{1}{2}$ Mile
 40 Raised $\frac{1}{2}$ size Md for $20\frac{3}{4}$ Miles
 40 Raised full size Md. for 21 Mile
 32 Entered timber on Pryor's creek
 7 To bank of same co. S. 15° W. 1 ch. wide
 33 Entered Prairie
 48 Raised $\frac{1}{2}$ size Md. for $21\frac{3}{4}$ Mile
 40 Raised full size Md. for 22 Miles
 29 To deep pond 7 chs Wide

Wednesday Oct 5

- . Raised 2 mds in place
 114 Entered timber on Pryors creek
 16 Marked Wh. Oak Ch. Ld. 23 M. bears S.W. 7. lks
 (11 lks circ) for 23 Miles -
 7 To bank of Pryors creek 4- chs. Wide
 15 To same 3 chs Wide
 7 To same 3 chs Wide co. E.
 5 Entered Prairie
 - . Set 2 rocks in place
 120 Set rock for 24th Mile
 27 To small creek N. 45° E
 13 Set rock for $24\frac{1}{4}$ Miles

- . Set 2 rocks in place
 120 Set rock for 25 Miles
 - . Set 3 rocks in place
 160 Set rock for 26 Miles
 - . Raised 3 Mds in place
 160 Set rocks for 28 Mile

Thursday Oct. 6. --

40 Set rock for $28\frac{1}{4}$ Mile
 36 To creek 2 chs wide, scattering timber
 4 Set rock for $28\frac{1}{2}$ Mile
 40 Set rock for $28\frac{3}{4}$ Mile
 40 Set rock for 29. Miles
 - . Set 3 rocks in place

Tuesday Oct 11.

160 Raised full size Md. for 30 M.
 - . Set 3 rocks in place
 160 Set rock for 31 Miles
 - . Raised 3 Mds in place
 160 Set rock for 32 Miles
 23 To creek 2 chs wide co. E. (timbered)
 3 Entered Prairie
 - . Set 3 rocks in place
 134 Set rock for 33 Miles
 - . Set 3 rocks in place

160 Raised full size Md. for 34 M.

Wednesday Oct. 12

- . Raised 2 mds in place

97 To small creek co. N. 15° E

23 Raised $\frac{1}{2}$ size Md. for $34\frac{3}{4}$ M.

40 Raised full size Md. for 35. M

- . Raised 3 Mds in place

160. Set rock for 36 Miles

- . Raised 3 = $\frac{1}{2}$ size Mds in place

160 Set rock for 37 Miles

- . Set 3 rocks in place

160 Set rock for 38 Miles

Set 2 rocks in place

103 Entered timber

45 To bank of Rock Creek co. E $2\frac{1}{2}$ chs Wide

8 Entered Prairie

4 Marked Blk. Oak Ch. L. 39 M. bears N. 15° E 1 ch.

42 lks for 39 M.

40 Set rocks for $39\frac{1}{4}$ Mile

10 To Fort Gibson road. Set rock

30 Set rock for $39\frac{1}{2}$ Mile

40 Set rock for $39\frac{3}{4}$ Mile

40 Set rock & marked Blk oak ch. L 40 M. bears S.E. 1
ch. 46. lks

80 To small creek co. N.E. (Set 3 rocks)

80 Set rock for 41 Miles

- . Set 3 rocks in place
- 160 Set rock for 42 Miles
- 40 Set rock for $42\frac{1}{4}$ Mile

Encamped

Thursday Oct. 14. 1831.

- . Raised 2 Mds in place
- 120 Set rocks for 43 Miles
- . Set 3 rocks in place
- 160 Set rock for 44 Miles
- $31\frac{1}{2}$ To 10 Mile Creek co. N. 45° E. 1 ch. wide -
- $8\frac{1}{2}$ Set rock for $44\frac{1}{4}$ Mile
- . Set 2 rocks in place
- 120 Set rock for 45 Miles
- . Set 3 rocks in place
- 160 Raised full sized Md. for 46 M.
- . Raised 3 = $\frac{1}{2}$ size Mds in place
- 160 Set rock for 47 Miles
- . Set 3 rocks in place
- 160 Set rock for 48 Miles
- . Set 3 rocks in place
- 160 Set rock for 49 Miles
- . Set 3 rocks in place
- 160 Raised full size Md. for 50 M.
- 40 Raised $\frac{1}{2}$ Size Md for $50\frac{1}{4}$ Mile

- . Set 2 rocks in place
- 120 Set rock for 51 Mile
- 40 Set rock for $51\frac{1}{4}$ Mile
- 23 To creek co. E. $\frac{1}{2}$ ch. wide
- . Set 2 rocks in place
- 97 Set rock for 52 Miles
- 47 Entered Verdegris woodland bottom.
- 19 To creek co. E.
- 7 Crofsed Same.
- 7 Crofsed same (Encamped)

Friday Oct 15.

- 66 To bank of Verdigris co E $10\frac{1}{2}$ chs wide
- 17 Marked Oak Ch. L. 53 M. for 53 Miles
- 160 Marked Blk oak Ch. L. 54 M. bears S.W. 1 ch 7
lks for 54 Mile
- 160 Marked Hackberry, ch. L. 55 M.
- 160 Marked Hackberry ch. L. 56. M.
- 90 To the N. bank of Arkansas river co. E. (20 chs
wide) & marked Hackberry on N. bank. ch. L $56\frac{1}{2}$ M.
bears N. 15° W. 1. ch. Steep rocky bluffs on S.
wide
- 20 To the South bank.

56 Miles & 110 chs from the N.W. corner of
Cherokee Lands. --

=====

The foregoing from No. 1. to 14. contain the Field Notes
of the survey of two lines of the Cherokee Lands

Surveyor's Camp

John C. McCoy

Jan. 28th 1832

(OIA: Field Surveys. Ancient & Misc., Vol. 4.)

Washington City Aprile 11th 1832.

To the Hon^l Senators and repprasentatives in
Congrefs from the State of Georgia

Gentlemen

In may Eighteen Hundred & twenty Eight I was appointed by the Hon^l, James Barbour - then Secretary of War under the direction of the president a secret agent for the purpose of exerting my influence with the eastern Cherokees especially my numerous friends & relations among them to induce them to favour the prosed removal of that part^{of} the tribe to the west of the Mifsissippi river I was authorized to asociate with myself an individual by the name of Thomas Maw a chief of that tribe I was furnished with five hundred dollars from the contingent or secret fund as secret service money or rather, to pay the necefsary expences of the mifsion and before I set out from the city of Washington I received verbal instructions from the president and Secretary in which they informed me the removal of the Eastern cherokees to Arkansas was an important object that I had it in my power to do much to further that object, by doing which, I would secure to myself ~~and~~ liberal reward which would place myself and family in easy circumstances for the ballence of my life

I desired that my compensation should^{be} stipulated but was told it must depend upon my efforts & succefs and I was asured by them and by M^r. Cobb then a Senator from Georgia at whose special instance I consented to engage in the hazzardous laborious & perplexing mifsion that my compensation should be liberal, relying upon the promise of the president and Sec-

retary and the asurance of M^r Cobb, I set out from this city on the first of June eighteen Hundred & Twenty eight to the eastern Cherokee country whare I arived on the twentieth of that month, On presenting the subject, Co^l, Hugh Montgomery agent to that tribe he advised me, in the exercise of my discretionary authority to employ Mr. Maw, I done so, and divided with him the money I had received, our efforts soe Several months were apparantly ineffectual, some whare about the first of the succeeding December M^r Maw became impatient, left me and returned home, anxious to effect the object of my Mifsion not only, for the promised reward, but because I ^{was} desirous to benefit my people, I continued in this service untill the last of March eighteen hundred & Twenty nine, after the Two hundred & fifty dollars which I had retained was exhausted, I wrote to the department requesting a remittance of money to bear my personal expenses, disapointed in m^y expectation of a remittance Naked and without a dollar to pay my board, Co^l, Montgomery wrote perhaps more than once to the department stating my condition, and the hardships which I had endured, for that I had been not only the subject of repeated insults but was three times violently attacked by enemies to the proposed emigration in which I sustained much personal and bodily injury, and that although I had not yet succeeded to the extent which was hoped for, no individual could have been more constant in exertions to effect the object of the Mifsion I received no remittance, the Agent however was ordered to pay for my board, in about six months from the commencement of my service the effects of my efforts began to be developed, between five & six hundred en-

rolled themselves and emigrated with me, and a large number followed during the succeeding year under the influence of my efforts, during my absence from home, the Treaty by which the Western Cherokees exchanged their lands and improvements in Arkansas for land still further west, was carried into effect. If I had been at home I could have made an exchange of my improvements in our new country as that has been settled by the Whites and somewhat improved but absent in the service of the Gov^t, I lost the opportunity and on my return home was compelled to move and settle in the wild woods, besides my residence in the territory of Arkansas was on the road by which the Indians travelled west and the whites east in making the exchange which exposed my property especially my stock to their depredations, and out of about one hundred and Twenty head of cattle, on my return home, I found my number reduced to twenty nine head little & big thus reduced in my pecuniary circumstances compelled to make a plantation in the wild woods, and disappointed in my expectations of the promised reward or any part of it I was compelled to purchase provisions for the support of a large family during two years on presenting my claim to the Gov^t, since the commencement of the present administration It was found that the five hundred dollars which had been furnished to me to pay the personal expences of myself & M^r Maw in the event of his being engaged, stood charged to me on the Books of the Indian office, the present administration can know but little about the transaction but by verbal information from others, as the service was a secret one, but the hardships of my case induced the

present Secretary of War, to allow me four hundred dollars in addition to the five hundred charged to me as the promised reward, Gentlemen this service was undertaken and performed at the Special instance of Mr. Cobb, & other members of the deligation from Georgia One great object was to beenefit Georgia, I have correctly detailed to you the result with the disastrous effects of the service upon me, I am now poor, and have a large family dependent upon me for support, I appeal to you and ask, if the five hundred dollars ought to be considered as a part of the promised reward, do you think that the four hundred dollars recently allowed an adequate compensation, Can any one believe that nine hundred dollars If I had received so much to my use and personal benifit, would cancel the obligation the Gov^t is under to me, ought I not have liberal compensation for twelve months arduous service, continual hardships privations and personal risque, Is not something due to me for the lofses which I suffered as a necefsary consequence of my absence from home on this service, some of you ware then members of the deligation in congrefs from Georgia and must have some knowledge of the facts which I have stated to you, therefore I appeal to you with a confident hope that you will interpose your efforts to acquire for me, a just allowance for my services and ~~allowanees~~ lofses.

I am verry Respectfully

Your Obt Servent

James Rogers

Mefrs The Hon. G M. Troup J. Forsythe R H Wild W. Thompson

H. G. Lamar T F Foster D Newman A S Clayton J W Wayne

(OIA: 1832 Cherokees East (Emigration) Hon. George M. Troup. Claim of Jas. Rogers for secret service.)

We Peter A Carnes John W Flowers John Drew & Thomas Murry having examined a letter addrefsed to the delegation in congrefs from Georgia, by Capt,, James Rogers of the Western Cherokees dated the 11th instant, in which he sets forth the fact, that he was employed by the late administration as a secret agent to induce the emigration of the eastern Cherokees, with other facts conected with, and which grew out of said agency, do hereby certify that Capt,, Rogers has, to the best of our recollection and belief correctly set forth in ~~said~~ said letter the length of time he was absent from his home and the results of his efforts as Agent in said secret service and that his long absence from his home in said employment did involve him in great lofs as stated by him to what precise amount is impossible to say

Peter A Carns

John Drew

Tho^s Murray Jr:

J, W, Flower

the said
and ~~the-said~~ We, John. W. Flowers and Thomas Murry do further certify that we ware in the city of Washington with the said Rogers when he received said appointment and that we then had a personal knowledge of that fact and that a liberal reward was promised to him by the late president and the Ho^l Jas. Barbour Secretary of War

Tho^s Murray Jr

J, W, Flower

And I the said Peter A Carnes do further certify that I was in the city of Washington when Capt. Rogers received his

said appointment, and that prior to an offer of said service to the said Rogers, the said Rogers and myself had entered into an agreement by which a commercial copartnership and establishment in the Arkansas, was intended, in which the said Rogers was to have been interested one third, of Twenty five Thousand dollars worth of goods at the New York cost which agreement was set aside by his subsequent acceptance of the appointment before aluded to

Peter A Carns

(OIA: 1832 Cherokees East (Emigration) Hon. George M. Troup. Claim of Jas. Rogers for secret service.)

Executive Department Ga.

Milledgeville Jany. 19th 1833.

My Dear Sir

I have just read with satisfaction, yours of the 9th inst. And before this reaches you, you will have seen my definitive act, in relation to the Missionaries.

The moment things were brought to a proper point, for which I had contended - they were released. I trust the good effects which you have anticipated, may result from this act - especially as regards aiding you in effecting a satisfactory Treaty with the Cherokees.

It appears to me, that now is the auspicious moment, to effect a Treaty with this deluded people. The Cherokee Delegation, headed by Ross are now in your City. The impulse of their Northern friends, produced by their late Conversion to the Emigration plan, may also be used to advantage. But it is useless for me, to add suggestions to you upon this subject.

Suffice it to say, I have entire confidence in your skill, ability & disposition to manage this case to the greatest advantage. And am well aware, that your anxiety is scarcely less than my own, to terminate the local embarrassments of Georgia on this subject - All of which, in all their bearings cannot fail to press themselves on your consideration.

Please to make my respects acceptable to the president - and say to him, if the Executive administration can be sustained by Congress, on the Tariff subject - The South is safe. And receive for yourself the assurance of my friendly regard & high Consideration

Wilson Lumpkin

Hon. Lewis Cass War Dept.

(OIA: 1833 Cherokees East Gov.W.Lumpkin. Release of Missionaries.)

Council Ground, at Red Hill

20th May 1833.

Hon. Secretary of War

Lewis Cass.

Sir,

It will be recollected, that soon after the ratification of the late Creek Treaty one of the undersigned called your attention, ~~which-the-we~~ to the claim which we hold against the Creek Nation for ten thousand dollars, which the Secretary of War, agreed with the Creek Delegation who entered into treaty in the year 1826, should be added to the consideration of land then ceded, for our benefit, in lieu of Reservations, which the said Delegation denied should be granted to the undersigned; with the distinct understanding between the Creek Delegation & ourselves as well as the word of the Secretary, ~~should~~ that the Ten thousand dollars should be paid to us at Washington upon the ratification of the Treaty of 1826, & the appropriation of money by Congress to carry it into effect. In consequence of a provisionary clause in the Bill of appropriation directing all the money to be carried into the - Nation & there paid over in Council, the undersigned have unjustly experienced a disappointment until this period - Application was made thro Col. Johnson M. C. of Kentucky to the War-Department for the money, but we, from thence were referred to the Creek Nation, with the statement of facts signed by Col. McKenney of the Indian Bureau, proving ~~that~~ the claim rested upon that tribe - In 1832, on seeing this statement you recommended, in a letter, to the Creeks as you believed it ought to be paid. At

the Council of the Creeks held to hear the report of their Delegation, this letter of yours was read by Col. Crowell near its adjournment, unaccompanied with any remarks calculated to promote your recommendation - We ~~insisted~~ however insisted however, upon the Council to give us a draft on you to pay us out of the fund set apart by the late Treaty to pay their debts of National character - The Chief Tuskencha in behalf of the Council agreed to the Justice of our claim & promised that we should be paid when the money reached the Nation, and as we were Indians, & friends it was not necessary to give a paper - We called on the Govt agents Genl- Parsons &c upon this subject & requested him to - audit the claim &c - his reply was that as it had been before you, & that you had submitted it ~~it~~ separately to the Creeks he did not consider the claim as coming properly before him - As it was evident that the Chiefs wished to delay payment or avoid it, we did not think it proper to carry it before them againe- For the reason assigned by Genl. Parsons, we could not properly mention the claim before the Commifisioners, we deemed it proper to - report the condition of our claim, & the facts connected therewith, thro' Elisha W. Chester Esq. who visited our Council under your instructions - He has left these papers in the hands of Judge Herring of the Indian Bereau Bureau, to be laid before your consideration with those claims which the Commifisioners will report - The state of the facts as stated, you will perceive will exclude our - claim in that report, & as it now deposited in Judge Herrings office, ^{may may} it be forgotten

& omitted - We therefore trust, that you will allowed~~d~~ this -
 claim to come up before your review with those reported by
 your Commifsioners who have audited & recommended the pay-
 ments of certain claims which they have deemed to be Just,
 as well as the one now which we present for your decision.
 according to its merits. Impressed as we are upon the sacred-
 nefs of the word pledged to us by the - Secretary of War, we
 did not believe any difficulties would be interposed, to pre-
 vent the - payment of this claim - At first when we applied
 to Gov. Barbour, we believed that he would assist us to get pay-
 ment - The result is well known - It is the refrance of an
 appeal made to him, to the Creeks, ^{who are} void of all the finer
 promptings of the heart, which the civilized man can only feel,
 when his contract honorably made is presented before him. Our
 money is long since divided among them, & there are - speculat-
 ing white men always ready among them to interpose obstacles
 to the payment of debts which they apprehend will circulate
 beyond their reach - It has been the policy of the - Genl.
 Government & now a constant practice - to settle ~~for~~ all debts,
 existing between differ - Indian Tribes according to Justice -
 Why ~~is~~ it should be so difficult to extend that rule of action,
 to our case,
 is now properly stated to you - We - trust therefore that your
 deliberate & final decision will accomplish for us the enjoy-
 ment of the benefit so friendly intended, for services rendered
 to them, in their distress, by the Creek Delegation who were
 then acting with full powers in behalf of their nation. If

your decision shall result to the reverse of our expectations,
upon that subject we shall never more open our mouths.

We are Sir, most respectfully your -

friends

John Ridge

David Vann

(OIA: 1833. Cherokees East (Agency) B.F.Currey Comr. Petition
of Ridge & Vann.)

Cherokee Agency May 26 1833

Elbert Herring Esqr.

Com^r In^d Affs

Sir

Enclosed you will find a petition to the Honl Secy of War signed by Jn^o Ridge & David Vann members of the national Committee for the Cherokees

Their zeal of late in trying to bring about a Treaty between their tribe & the Gov^t has induced me at their request to forward this petition through you and request that it shall be considered and decided upon as early as the nature of the case will admit

They inform me the Creeks said they would pay it if the Sec^y of War had required it instead of saying "they" ought to do so"

Very Respectfully

Your Most Obt Servt

Ben F. Currey

(OIA: 1833 Cherokees East (Agency) B.F.Currey Comr.
Petition of Ridge & Vann.)

Arkanses Cherokee Nation

June the 11th 1833Deair Sir

I have been looking for letters from some of my old friends in all most evry Mail Sence I landed heair. but has not hard since we all landed heair Safe but not Sound My self and familey was allmost unanimosley Sick On the River the weather and water was so warm But thanks be to God Sence we all got out we air on the mend and is all able to work at this time We air living about 4 miles from Vineyard - p- office and is trying to make a little corn I have not Explord the country mutch as yet but what I have Seen of the country I am well pleased withit. indeed - I have not Seen so very maney fresh graves as I expected I find good water good land and Some good timber and Exclent Range for Stock I think we have the best upland in this country that ever I Saw My Son William has 3 good Springs close a Round whair he is settled all Excelent water and lasting Springs heair is a plenty of unsettled country for a grait maney of the Cherokees if tha would come on to it and I think it is ^a fair prefable country than whair tha now liv Eaven if tha could live thair in peas - I had an interview with John Jolley the principal Cheaf the other day at his own house and he appeaird to be glad to see me he Sais he Stands Ready with open Hands to Receave all that will come and it is his hole ~~hapt~~ Heairts De Sier that the Cherokees Should all come and be one Nation and one people I find thease people Excedenaley

frendly to me and mine and all united with the Exceptions of
 Some drunken white men I never could Expect aney better na-
 bours than I find Heair both with the Cherokeeas and in the
 white Settlement and a good maney old acquaintances and all
 the - Cherokees and whites of my former acuaintances apeaird to
 be glad to See me and my familey come I wrode 40 Miles the
 other Day to See the Agent of our Nation - Capt Vashon whom
 I was well pleased with I went to See about Drawing our head
 Rights and Rashions and allso what was coming to W^m & G- W-
 Harnage and ~~and~~ Capt Vashon informed us that neither Major
 Curey nor the Secutary of War had given him aney instructions
 to pay it over he Sais he has the money all in hand and is
 anxious to Receive an order to pay the money over he Sais he
 is tiard keeping it I wish you would inform Major Curey that
 we Request him as our best friend to wright Amediatley to the
 Agent as he said he will obey aney order that Major Curey will
 Send. in Regaird of the Matter I wish you to inform the Major
 to Wright Capt Vashon a Mediatley as we actualey Stand in kneed
 of Some money to by Stock Milks Cows and hogs & so^{on} My Expenses
 from our old homes out to My Son W^{ms} was in all \$7-15,,62¹/₂ and
 it has left us without funds to by aney thing - I wish you or
 Major Curey one or both would wright to me a mediatley and in-
 forme Me of all the Matters of importance that is going on in that
 cuntry and how M^{rsers} Joseph &c comes on and what tha have done
 with my black Mair and allso I wish to heair what the head men
 of the Cherok^{ees}, is going to doo if tha will treat or Stay
 whair tha air untill tha air turned out does I am anxious

to heair from you all tell My friend John Miller I am afraid
he has told me lyes he promased me he would Wright to Me but
have not seean aney letters as yet My hearet is Desieres in-
deed to heair from you all and My old fields in Georgia I
would like allso to heair Eaven from My Enimies

Please giv my Respects to All inquiring Friends and
Request Major Curey as a Friend to wright to the Agent and
for yourself you have the best wishes of your

Obdt Friend Ambrose Harnage

Col Hugh Montgomery

(OIA: 1833 Cherokees East (Emigration) Ambrose Harnage to
H. Montgomery. Pleased with western country.)

Washington City - Jany. 9th 1834.

Hon. Lewis Cafs:

Sir,

Mefs^{rs} John Ridge & David Vann, of the Cherokee nation, believe they have a claim upon the U. S. for services rendered, as Special Delegates of the Creek Nation, in the negotiation of a treaty at this place, between that nation & the Government, in the year 1826. I understand you had some, if not the chief agency, in making the Treaty alluded to, on the part of the United States. Will you please to state in reply, whether said Ridge & Vann did act as Special Delegates of the Creek Nation on that occasion? and whether they rendered important aid in bringing the negotiation to a successful termination?

If you know, please state any understanding which may have taken place, as to the mode & measure of their compensation - and any other matter connected with the subject.

I have the honor to be,

very respectfully

your obt. svt.

C. C. Clay

P.S. I would be glad to receive an answer by Saturday next.

C.C.C.

(OIA: 1834. Cherokees Hon. C.C.Clay. Claims of Ridge & Vann under Treaty 1826.)

(COPY)

West. Cherokee Nation

Agent's Office, January 17th 1834.

The Hon: Commifsioners

Gentlemen,

In obedience to your instructions of 26th December, enclosing a Memorial of sundry Cherokee Immigrants, I have the honor to enclose herewith, a copy of my letter to the Chiefs requesting their attention to the subject, and their official reply to the whole subject of complaint; embracing their view of the cause of the existing difficulties, and of the prefsing necefsity that exists for the adoption of the requisite measures to settle the present and prevent future difficulties: together with the President's reply to a communication from the Chief, Major Jolly, and a copy of a communication from the Department in reply to a Delegation from eastern Cherokees, which exhibits all the information upon the subject, in my pofsefsion.

Permit me to exprefs the hope that you will afford the Cherokee Chiefs, & Councilors, the earliest convenient opportunity of meeting you in Council, at Fort Gibson, to negotiate such supplementary treaty stipulations, as may be deemed requisite to remove every embarrafsing difficulty.

The subject is thus presented to your notice, under a strong conviction of its importance and of the benefits to be derived from your early official action upon all points connected with the subject, and is therefore most earnestly recommended to your favorable consideration.

Most respectfully

Hon: Montfort Stokes

Your most obedient servant

Prest Board U. S. Commifsioners

Geo: Vashon, Agent.

Fort Gibson

1834 Cherokee (West) S. C. Stambaugh Sec'y to Comrs.)

Westⁿ Cherokee Nation

Agents Office 28th January 1834

Mefs.^{rs} Jolly, Black Coat & Webber,

Principal Chiefs

Gentlemen,

The answer of the Hon: Commifisioners, to your communication in reply to the complaints exhibited in the Memorial of the Emigrants, is herewith presented for your consideration.

It demonstrates clearly and fully, that under the treaty of 1828, the whole of the Eastern Cherokees acquired an equal right with yourselves, to make this country their permanent home.

The Commifisioners state, that you ought not to apprehend that any injustice is intended or will be done by a reexamination of the distribution of the Annuity, between the Eastern and Western Cherokees: and that you may rest assured that your treaty stipulations will never be violated.

It is very unfortunate that any erroneous opinions should be entertained relative to your treaty stipulations; and the Commifisioners are willing if you wish it, to call a Council for the purpose of concluding an additional article to your late treaty, which would have the good effect of removing these erroneous impressions: and therefore I advise you as a friend to consent to enter into an additional article with the Commifisioners declarative of the right of all the Eastern Cherokees to remove to the Country assigned to you and them by your treaty of 1828.

And when that is done, the Delegation you wish to send, would than have it more fully in their power to promote the harmony which ought to exist between the Eastern and Western Cherokees; and for such purpose, every facility on the part of the Commifsioners is promised, with an afsurance of their friendship and willingnefs to listen attentively to all your suggestions, and also to co operate in any measure to promote the highest welfare and prosperity of the nation, consistently with the rights of others.

Most sincerely

Your friend

Geo: Vashon, Agent

(OIA: 1834 Cherokees (West) S.C.Stambaugh, Sec'y to Comrs.
Copies of Vashons supplemental treaty, etc.)

COPY

No. 1

CORRESPONDENCE

Between the Commifsioners of Indian
Affairs, West,

and Cap^{tn} Vashon, U. S. Agent for

Western Cherokees,

and the Chiefs of that Nation.

Antecedent to the Treaty arrangements

entered into between Cap^{tn} Vashon and

the Cherokee Chiefs,

Feb^y 10th 1834.

Comm.s' office,

Fort Gibson, Feb.y 17, 1834

S. C. Stambaugh,

Sec.ty Comrs.

Commissioners Office

Fort Gibson Dec^r 26th 1833Cap^t George Vashon

Agent of the Cherokees. West.

Sir,

The Enclosed memorial of the Cherokee Emigrants, who have come to this Country since the Treaty of 1828, has been laid before the Commifsioners.

Desirous to give them a respectful answer to their Memorial, we beg leave to refer it to you, and request you to state to us the facts of the case together with all the information you pofsefs or may be able to obtain in relation to the subject, with such remarks on their claims, as You may think proper, and applicable to their situation in the Cherokee Nation West, who made the Treaty of 1828.

We are with respect,

Your obt: Servants.

(Signed)

M. Stokes,

H. L. Ellsworth

To the Hon:

The Commifsioners

Sirs

We the undersigned Citizens of the Cherokee Nation west, and Emigrants from the Nation East of the Mifsifssippi; do for ourselves and in behalf of all the Emigrants now in this Country, humbly show, that there was a Treaty concluded on the 6th May 1828, between this Nation and the Gen^l Government, in which it was stipulated that all those of their bretheren east of the Mifsifssippi^{who} wished to Emigrate, and join their brothers West, should be entitled to Certain benefits therein specified. And from the sense of that Treaty with its preamble, it was not only Expected by the Emigrants, but intended by the Government that they should be received as friends and brothers and be united to them as one people; but Contrary to our warm Expectations and the fair promises of the Government we have been sadly disappointed, for we have not as yet enjoyed those privileges that was anticipated we should previous to our Emigration, for which we feel much agrieved, and would humbly represent the following particulars as our grievances.

1 No participation in the annuities paid this Nation.

2 No privilege of having blacksmiths work done at the place shops created by Stipulation with the Government.

3 Not permitted to send our children to the public^{school} created by the school fund appropriated in the Treaty of 1828, under which we emigrated.

4. . . . No representation in Gen^l Council

5. . . . Not Entitled to hold any post of honor or proffit.

The above named greivances we consider as involving our dearest rights as well as those that may hereafter come and feel much opprifsed by the conduct of our chief's and Councillors.

Your humble partitioners would further represent that this question has been a matter of frequent discussion with our Chief's and Councillors but they have invariably denounced us. Where now must we seek redrefs, but to the faith of that Government which told us, "go to the West if You want to, I will pay Your way, be your protector when you arrive at Your permanent home, and see that You enjoy all the privileges justly due you.

Having faith in the promises of the Government and through your mediation we firmly believe the question may be settled.

Being anxious to have this important question decided, we appeal to Your Hon^l Bodies as the only alternative for redrefs, and pray that Your Hon^l Bodies call the Cheifs on this question and effect a mutual compromise.

And in duty bound Your humble partitioners ever pray.

(Signed) Edwd^d Hicks

Dec^r 20th 1833.

" Andrew M. Vann

" C. Vann

" Jno Jordan

" Jno Sheppard

Cherokee Agents Office

29th December 1833.

To,

Mefs^{rs}. Jolly, Black Coat, & Webber, Principal Chiefs

Gent:

The Hon: Commifsioners have referred to me, the memorial of several Cherokee Emigrants, for themselves and in behalf of all the Emigrants under the Treaty of 6th May 1828, exhibiting the various greivances of which they complain, and soliciting the interposition of the Commifsioners to releive them from the greivances therein complained of.

In referring this memorial to me the Commifsioners express a desire to be put in pofsefsion of such information upon the subject as would enable them more fully to give the memorialists an appropriate reply to each particular greivance therein stated; and have with that view made it my duty to communicate to them all the facts of the case, together with all the information I may be able to obtain in relation to the particular points of Complaint, and applicabl to their present situation. And with a sincere desire to obtain the respectful consideration due to the subject, I herewith present the said memorial to Your official notice, with an Earnest request that You will inform me of the Causes that gave rise to the whole subject of Complaint, the object of adopting the restrictive measures upon the exercise of Equal privileges on the part of Emigrants under the Treaty of 6th May 1828, of the contemplated duration of said restrictive measures as regards the Claims of said Emigrants to an equal partici-

pation in the exercise of all the rights and privileges of Citizens of the Western Cherokee Nation; together with any suggestions that You may think proper to make in Connection with the subject of said Memorial.

Most respectfully & sincerely

Your friend

(Signed) Geo: Vashon

Agent

West Cherokee Nation

Agents Office Jan^y 17. 1834

The Hon: Commifisioners

Gentlemen

In obedience to your instructions of 26th Dec^r Enclosing the Memorial of sundry Cherokee Emigrants, I have the honor to enclose herewith a copy of my letter to the Chiefs, requesting their attention to the subject, and their official reply to the whol subject of complaint, embracing their view of the cause of the existing difficulties and of the prefsing necefsity that exists for the adoption of the requisite measures to settle the present and prevent future difficulties; together with the President's reply to a communication from the Chief (Major Jolly) and a copy of a communication from the Department in reply to Delegation from Eastern Cherokees which exhibits

all the information upon the subject in my possession.

Permit me to express the hope that You will afford the Cherokee Chiefs and Councilors, the earliest convenient opportunity of meeting You in Council, at Fort Gibson to negotiate such supplementary treaty stipulations, as may be deemed requisite to remove every embarrassing difficulty.

The subject is thus presented to Your notice under a strong conviction of its importance, and of the benefits to be derived from Your early official action upon all points connected with the subject, and is therefor most earnestly recommended to Your favourable consideration.

Most Respectfully

Your most Obt. Servant

(Signed) Geo: Vashon

Agent

Hon Montfort Stokes

Presd^t Board of Commisfioners

Fort Gibson

Cherokee Nation

January 17th 1834

Cap^t G. Vashon

U. S. Agent

Sir

We have had under consideration the Memorial presented to the Hon Commisfioners, by Edw^d Hicks, A. M. Vann, C Vann,

John Jordan and Jn^d Sheppard in behalf of all the Emigrants under treaty of 1828, complaining of greivances produced in consequence of a regulation adopted by our National Council in 1832, which excludes them, for a limited time from a seat in our Councils &c We have duly considered the whole subject of complaint embraced by the Memorialists, and we consider it our duty, when thus charged with acting unfriendly towards our Emigrant Bretheren, to exhibit, in explanation of our National acts, and of our views in relation to the matters of complaint in said memorial, the material facts connected with the subject.

When the Memorialists Emigrated they were welcomed as friends and Brothers, and soon after their arrival they were chosen by our people to serve in our National Councils, and they were also placed in the highest stations therein; they have received liberal compensation for all their public services, out of the Annuity due exclusively, by Treaty of 1819 to the Western Cherokees, and they received equally with us, a full share of the present fund allowed by the Government exprefsly to provide the poor with farming utensils, spinning wheels & cotton Cards. - And when they expressed a desire to visit Washington to Effect an arrangement with the Government to promote their exclusive interest, a portion of our Annuity was Cherefully furnished to aid them. These facts if forgotten, cannot be denied; the records of Your Office exhibits abundant testimony in support of the truth of this statement.

The circumstances which afterwards led to the existing change in our political association, and now complained of by the Memorialists, was beyond our controul, and consequently the measure adopted was obviously one of urgent necessity; the Western Cherokees had a large amount of Claims under Treaty of 1828, for Cost and trouble of recovering stray stock, and a larger amount of Claims for depredations committed upon their stock, in which the Emigrants had no interest whatever, and great solicitude was felt for an early settlement of them, and as difficulties of a very unpleasant and embarrassing nature existed at the time, and the course therein pursued by the Memorialists, was disapproved of by the people generally who attended the Council, it was by them deemed expedient, with a view to prevent a farther increase of the then existing difficulties, to exclude them from a seat in Council until time was afforded to adjust our own Separate business without the dictation of those who, by an indiscreet exercise of their influence had produced a state of things which made it indispensably necessary that we should adopt the measure deemed requisite to restore the tranquillity which had been thus interrupted.

In the investigation of the rights of the Emigrants it appeared to us that Justice requires that their portion of Annuity yet payable East, ought to have been made payable West, when they emigrated; and that until their said portion should be paid West, we deemed it both just and Expedient to keep to ourselves the Controul and management of business

exclusively our own, and accordingly adopted the measure complained of by the Memorialists. They state their greivances to be.

1. . . . No participation in the Anntuity paid the Nation

2. . . . No privilege of having Blacksmith work done at the public Shops erected by Stipulation with the Govt

3. . . . Not permitted to send their Children to the public schools erected by the School fund provided in the Treaty of 1828, under which they emigrated.

4. . . . No representation in general Council

5. . . . Not entitled to hold any post of Honor or proffit.

And conclude by appealing to the Hon: Commifsioners for their Official aid to effect a removal of the cause thereof.

In answer to the Memorial we have to exhibit to the notice of the Hon: Commifsioners, the reasons which induced us to beleive that we are not justly chargeable with having violated any rightful Claims of the Memorialists, existing either under Treaty provision or supported by principals of justice. -

To the 1st Complaint of the Memòrialists, we reply that the Emigrants have not any just Claim upon the Annuity payable West p^r Treaty of 1819, which stipulates that thereafter one third of the Cherokee Annuity shall be paid to the Arkansas Cherokees, including as such those then enrolled for emigration under said Treaty

The Treaty of 1828, Contains no provision upon this subject, nor can it be justly inferred from any articles therein, that the stipulation, made with a view to induce others to Emigrate, Contemplated any alteration in the pre-existing stipulated rights of the parties in the division of the Annuity by Treaty of 1819, by which two thirds is made the property of the Eastern and one third thereof of the Western Cherokees; the just Claim of those to whom the Annuity payable West rightfully belongs, would be disregarded, if the Claim of the Memorialists was admitted.

In reply to the 2^d & 3^d point of Complaint set forth by the Memorialists, we have to state that the stipulation with the Government for the erection of Black Smith Shops has not yet been carried into effect; that only one of the Schools has yet been put in operation out of the fund provided by Treaty of 1828; and that the exclusion of Emigrant Children, was not an entire exclusion, but merely limited, until thirty Indian children could be placed thereat pursuant to the arrangement of the Cherokees, who wished to continue the operation of the School they established in the Country below, before we moved up to our present Country; the measure of Exclusion was adopted solely with a view to guard against the probability of the school being filled up with the children of white Emigrants to the exclusion of the Children of the Cherokees, who wished the School to be Continued upon the Original plan. After securing the admifsion of said children, the Emigrants were receivable at said school to

the extent of the ability to accomidate; every other school in the Nation has always been open to them, and at which they have always had a full share of accomidation. -

And in explanation of the 4th and 5th subjects of complaint we have only to remark, that our Councillors are paid for their services, out of the portion of Annuity secured to the Western Cherokees by Treaty stipulation, that nearly the whole of our public businefs since 1832 related to the adjustment of businefs in which the Memorialists have no interest; and beleiving ourselves competent to the management of our unfinished businefs, we deemed it most experient and safe to keep the Controul of our said seperate interest, until it could be finally settled; and so soon as this object can be accomplished, and the Emigrants portion of Annuity yet payable east, shall be made payable West, the existing objection to their holding seats in our National Council will be entirely removed, and their title to posts of Honor and proffit &c &c &c unimpaired -

Having thus fully and we hope satisfactorily responded to the Complaints of the Memorialists, we would not beg leave to present to notice, and to solicit the attention of the Hon Commifsioners to the views entertained by us of our Stipulated rights generally under the Treaties of 1817, 1819 & 1828.

The seven million acres ceded to us here is considered in lieu of the quantity ceded to the United States, by us in former Treaties; the provision authorizing the emigration from East to West, is considered as providing for a portion only, and not for the whole Nation, those who Emigrate under

said provisions we are bound to admit as permanent settlers, but if new arrangements should be made, without our consent, for the emigration of the whole of the Eastern Cherokees, we think that we should have a right to say that we ought not to be bound by stipulations to which we never assented. -

We have solicited the Government to permit us to be represented in the negociation Contemplated to be had with the Cherokees East, and to which the Hon: Secretary replies there is no objection; but this does not secure to us, the exercise of our just right to representation therein. -

We are apprehensive that if we are not represented in the Contemplated negociation with the Old nation that thereafter difficulties amongst ourselves will arise, without any adequate provision for their final or satisfactory adjustment; and therefor we not solicit the aid of the Hon: Commissioners to procure for us, the means which would enable us to exercise this requisite privilege, or if the Hon: Commissioners can suggest any other mode by which we can ward off the difficulties apprehended, we would promptly embrace it.

We united with our Emigrant Bretheren in an application to the President for their portion of the Annuity payable East, to be made payable west; and from the reply with which we were honored we were led to apprehend that it is Contemplated to make a redivision of the whole Cherokee Annuity upon a new enumeration of the Cherokees East and West; this view does not correspond with our understanding of the Stipulation upon the subject in Treaty of 1819. We think that justice requires that

the Emigrants portion should be deducted according to their number from the part made payable East, and added to the part made by said Treaty payable West, - When ^{the} old settlers emigrated under Treaty of 1817 & 1819 they had secured to them one third of the Cherokee Annuity, and a Country equal in extent, acre for acre, to that ceded by them to the United States.

But now Emigrants come here without land or annuity, and claim under Treaty of 1828 the same rights to land and annuity, as though they had Emigrated under Treaty of 1819. To this we have a right to object, until they are placed here upon an equal footing with ourselves. They were entitled to a portion of land and annuity East, and when they come here, expecting to enjoy all rights and benefits of Country and annuity, their said portion we think ought to be added, to this nation, they should not throw away their rights East, and then claim them west.

When the Old Settlers heard of the Stipulations of the Treaty of 1828 explained, they immediately objected to Emigrants coming here, without land or annuity. -- Our Delegation were not authorized to make such Stipulation, but the Agent (Maj: Duval) assured us that all would be right, that after a while land and Annuity would be provided for Emigrants also; and upon which promise we confidentially relied It may be supposed that the seven millions of acres ceded to us by Treaty of 1828, was a greater quantity than we were entitled to under the provisions of the Treaty of 1817 & 1819, but this is not the fact, the Government land offices were searched

to ascertain the quantity ceded to the United States by said Treaties, and from the best information that could be obtained, the quantity ceded was fairly estimated at seven millions of acres; and for which the Treaty of 1828, provided in accordance with the instructions given to our Delegation, and with their Official Communication to the Department upon this subject.

We were entitled to seven millions acres, and would have got it, without, as well as with the unauthorized provision relative to Emigration -

That Stipulation was introduced without proper authority, and against our Consent, and our Delegation ran the risk of forfeiting their lives for this breach of the faith we had reposed in them. It was obviously introduced to promote the views of the Government; and its effect upon us, unless timely ~~timely~~ prevented by the Government, will inevitably lead to our destruction as a people; and therefor we Embrace this opportunity of expressing a just hope that its protecting care to releive us from Evils that appear to be fast approaching, will not longer be permitted to remain inactive.

It was solely with this view that we sought to secure the rightful Exercises of the privilege of being duly represented in the Contemplated negociation with the Eastern Cherokees. We still are and always have been both willing and desirous to receive our Eastern bretheren, and to become a united people, whenever an arrangement could be effected, that would place us together upon principals of Equity & Justice. If the Government wishes to add the Eastern Cherokees

to this part of the Nation, let them be sent here as we were, with their Annuity and land acre for acre; that would place us all upon an equal footing, or if such quantity of land cannot be fully provided, then in lieu thereof increase the Annuity, or provide an acceptable equivalent, in which we should fairly participate; such an arrangement appears to be indispensably necessary to guard us from the creation of evils, which we apprehend may be brought into existence by negotiation between the Government and the Eastern Cherokees.

The continued opening of Emigration by Government from time to time, without end, does not appear to us to correspond with a just interpretation of the Treaty Stipulation upon this subject; for it is obvious that without the security to be afforded by the Government in a timely adoption of the requisite precautionary measures to preserve our stipulated rights, that the effect would unavoidably become ruinous to us. And without such precautionary security is timely afforded by the Government, we submit for Consideration a picture of the situation in which we may ultimately be placed, after encountering all the hardships, dangers, and difficulties of securing a Country for the final home of the Cherokee people. -

When we emigrated nearly this whole Country was in a state of war, and in meeting its Consequences, we lost a large portion of our people by the sickness that prevailed for many years after our arrival; our people were frequently plundered and some killed by the Osages, on one side, and

on the other repeatedly harrafsed by unruly whites, such was the state of things that we had to bear for nine years.

And after surmounting hardships of every kind, and providing a Country for the home of all the Cherokee people, are we to be overrun and put down in our own country by those who never bore any part in our troubles; we hope not. This^{is} a subject of great interest and deeply connected with the future happiness of all the Cherokee people both East and West. The difficult questions embraced can be properly adjusted only by the adoption of such measures with the Government as will secure ample justice to all. This is all we desire, and so soon as it can be effected, the Emigrants will enjoy all the rights of Citizenship in every respect.

We therefor request your friendly assistance in presenting this deeply interesting subject to the consideration of the Hon Commifisioners, and if an arrangement by Treaty stipulation can be effected to obtain the security against the apprehended evil herein stated, to endeavour to procure a meeting in a Council for that purpose, as soon as their Convenience will admit.

Most respectfully

Your friends.

(Signed) John Jolly	his x	) Principal
	mark)
	his	) Chiefs
Black Coat	x)
	mark	) Western
	his)
Walter Webber	x	) Cherokees
	mark)

Test.

(Signed) W^m Thornton

Sec^t. C. N.

Commissioners Office

Fort Gibson Jan^y 24. 1834

Sir,

The Board have the pleasure to acknowledge the receipt of your favor of the 17th Inst: enclosing the reply of the Cherokee Chiefs to the memorial of the Emigrants referred to You by the Commissioners, also; a copy of communication from the War Dept to Major John Jolly first Chief of the Cherokees West, and a copy of a letter from the same to the Delegation of Eastern Cherokees, together with your letter to the Chiefs.

The Commissioners are happy to perceive so laudable a disposition manifested by the Chiefs, to admit their red Brothers who have emigrated from the East of the Mississippi; to all the political rights &^c privileges enjoyed here; and it is hoped the reasons, which have induced the Arkansas Cherokees, to exclude for a limited time the recent Emigrants from immunities enjoyed in the Nation generally, will soon cease, and that all who reside here, will live in greatest harmony.

In a climate so mild, a Country so fertile, and with a freedom from the restraints imposed by State laws, it is fondly anticipated that the Cherokees may here become reunited and maintain that high rank and influence due to their superior acquirements

While the municipal Concerns of the Nation are confided to their own Councils the Commissioners Cannot omit to no-

tice some points in the communication of the Chiefs, believing that further reflection will convince them of their erroneous opinions, and lead them to adopt such a policy, as to satisfy both the Government and Eastern Cherokees, that no obstacle will be presented against future Emigrants.

The Chiefs have observed that the Delegation who made the Treaty of 1828 had no authority to Consent to certain provisions in the same.

The Commifisioners remark that after so long a time had elapsed since the execution of the Treaty; its approval by the President and Senate, and its publication among the laws of the land, it is to be regretted that an objection of this nature should be started against the fulfilment of the same. It is fully beleived by the Government that the permanent welfare of the Cherokee Nation and especially the Eastern Cherokees has been promoted by the Treaty of 1828, which removes them from perplexity and embarrasment of State laws, and white neighbours.

Nor is it thought expedient to question the purity of the motives of Either party in making a Treaty so evidently beneficial to the white and red man. An examination of the Treaty proves most clearly that the Western Cherokees were desirous to find a permanent home beyond the reach of Territorial laws of Arkansas. It appears from the present letter of the Chiefs that the danger was very great from hostile Indians farther West, and it is very natural that the Cherokees in addition to the ties of Consanguinity strongly

desired the Emigration of their Eastern brothers to strengthen their hands in a more remote location.

Had then the Cherokees West no object in making the Treaty of 1828, but to free themselves from the operation of the laws of White men?

Desiring the removal of Brothers still left behind stipulations were inserted in the Treaty binding the Government in expenditures for Emigration.

Both the Gov^t and Western Cherokees at this time of the treaty were anxious that the whole nation should be accomidated together west of the Mifsifssippi. Can there be a doubt on this subject?; can language more clear and decisive be found than the words of the treaty, viz "It was to secure to the Cherokee Nation of Indians as well those now living within the limits of the Territory of Arkansas as those of their friends and brothers who reside in States east of the Mifsifssippi and who may wish to join their brothers of the west a permanent home." These unequivocal words will not admit us to confine the limitation to a portion only of the Cherokee Nation East.

If any thing more is wanting to show the design and intention of the Delegation who made the Treaty it may be said that the Gov^t was bound to give each head of a family residing in Georgia or either of the States east of the Mifsifssippi at the time of enrollment for Emigration, a rifle, blanket, kettle and five pounds of tobacco - to each member of the family a blanket, besides the expense of removal and supporting them all for twelve months, and making compensation for improvements abandoned, was to be born by Gov^t - Lest this should not be in-

ducement enough, Gov.^t was bound to pay an additional sum of fifty dollars to each head of a family who would bring four more with him provided they came from Georgia. With these high obligations on the Gov.^t can it be doubted that under the Treaty of 1828 those who came from the east side of the Mississippi had just as much right to settle on the seven million acres as those who came from Arkansas.

Although the Chiefs notice several times the injustice of the Eastern Cherokees coming here without bringing their Annuities and land acre for acre, Yet the Commifsioners are pleased to notice the candid admifsion that if the Eastern Cherokees emigrate under the Treaty of 1828 the Nation here is bound to receive them. Under this concession then all ^{now} have a right to come if they wish. There is then a perfect right secured to the Eastern Cherokees by virtue of this Treaty.

The Commifsioners therefore regret to notice objections against the emigration, if the emigrants came under any further encouragements.

It must appear obvious that no new Treaty nor new inducement with the Cherokees east to hasten their removal can affect their right already acquired. If a new treaty with those east, affected in the least the rights of those here, then there might be ground of complaint, but not otherwise. If then the Gov.^t by any fair consideration offered the Cherokees east should procure their removal, this consideration cannot diminish the rights of the Cherokees east under treaty of

1828, any more than an agreement to change the mode of conveyance and bring them in Steam Boats instead of flat Boats - The moment the Eastern Cherokees arrive here, (no matter how they came,) all would become one people protected alike under the Treaty.

Those who first arrived would select places unoccupied, this benefit of selection great indeed the present Cherokees have already enjoyed. The Chiefs remark that they understood the present land secured by treaty was given in exchange acre for acre for that ceded by them east of Mifsissippi. Such is beleived not to be the fact; it has never been supposed by Gov^t that either the land ceded on the east side of the Mifsissippi or that held by the Cherokees in Arkansas, was equal by several millions, ^{to} that secured by present treaty of 1828. By reference to Treaty Book page 466. the quantity of land owned by Cherokees in Arkansas, (being acre for acre for what was ceded east of Mifsissippi) appears to be about 4 000.000 acres. But admitting it to be true that the quantity ceded by the Cherokees to be greater, this does not vary the rights of the parties.

There is probably more land unoccupied within the limit of the 7.000.000 of acres than will be ever needed by all the Cherokee Emigrants, and it is not pretended by the Cherokees here that they can dispose of the surplus. In addition to this the Gov^t gave the Cherokees of Arkansas \$50.000 dollars besides other benefits, and incurred a great responsibility to remove all white settlers from the land now occupied by the Nation. And the Commifsioners further remark that while the Gov^t is anxious to provide for all the wants of the Red men, they are sorry to see objections raised against the quantity

of land, especially when it is so clearly intimated that this difficulty can be obviated by pecuniary considerations. Much has been said here against the right of the Eastern Cherokees to emigrate under the Treaty of 1828. The Commissioners are desirous to correct an impression erroneous as it is injurious, by making a supplementary article declarative of the rights of the Eastern Cherokees to remove to this Country assigned by said treaty. In asking this of the Cherokees west it is to be remembered, that they have intentionally or unguardedly denied the right of their Eastern brothers to settle on the land in Common with themselves. Should the Chiefs be willing to recommend this supplementary article, a Council will be called at an early day.

The Commissioners would not feel justified in calling a Council to propose any article diminishing the full right of the Eastern Cherokees to emigrate under the treaty of 1828.

With respect to the desire manifested by the Cherokees here, to be represented in Council with the Cherokees East - the approbation of the Gov^t as the Chiefs have observed has already been communicated to them. Should however the Cherokees west, contemplate by this representation a denial of the right of the Eastern Cherokees to remove to this country, or object to the same unless upon certain conditions acceptable to those here; such a representation would not meet the approbation of Gov^t as it would add increasing embarrassment to present negotiations. But should the Cherokees here desire to meet the Eastern Cherokees to harmonize the two parties and to encourage the emigration a Delegation might be productive of the most

happy effects, and will meet with every facility on the part of the Commissioners.

It is confidently hoped that there will be no groundless apprehension respecting a deficiency of land for the emigrants who may come, for Gov^t will ever regard the wants of the Red men and provide for them.

The Commissioners assure the Cherokee Chiefs of their friendship and their willingness to listen attentively to all their suggestions and also to cooperate in any measure not inconsistent with the rights of others, to promote the highest welfare and prosperity of the Nation

Per Order of the Board

(Signed) Edward. A. Ellsworth

Sect^y pro: tem:

Capt Vashon

Ag^t for Cherokees West

Department of War

April 12th 1832

My Friends

I have rec^d Your letter of the 4th Ult^o and now proceed to communicate to you the views of the President upon the various subjects, You have submitted for consideration.

And 1st with respect to the extension of the Territory west of the Mississippi, which has been granted to your people.

The Gov.^t is not pofsefsed of fufficient information to enable them to act definitely upon this matter at present,- The topography of that region is imperfectly known, and there is some difficulty in the adjustment of the boundaries between Yourselves and the Creeks. every thing connected with this subject can be better examined and considered there, and with this view the President has submitted to Congrefs the expediency of authorizing the appointment of three Commifioners, who can repair to that Country, and explore it; and who after an examination of its fertility and Extent, and of the numbers and Claims of yourselves, and the Creeks, can report to the Government a plan for your final location, which will be just and satisfactory --

The President has not the flightest wish to restrict you, to narrow limits. The region afigned for the permanent residence of the Indians is abundantly extensive, for all the objects of present and future support, and it is applicable to no other purpose. Of course it will be divided among all equitably, and as soon as the information in the pofsefsion of the Gov. will render it pofible to execute this duty, you may rely upon justice being done to your wants and claims.

2. . . . You ask to be allowed to elect a Delegate to Congrefs, and for a stipulation, that you shall be eventually admitted into the Union.

The President considers these matters without the proper sphere of Indian negotiations and fuch as fould be determined only by Congrefs - The treaty of Hopewell gave you a Deputy to

Congrefs, not a Delegate. The members of that body were then termed Delegates and represented the States in their Sovereign Capacities; the deputy allowed to Your people had no right to a seat in Congrefs, he was merely the agent of the Cherokees, to serve as a medium of communication between your tribe and the United States.

Congrefs then exercised executive as well as the legislative functions, and therefor this Agent was sent to them.

Such Deputy the President is now willing to allow You, if You desire it, who can reside at the Seat of Government, and be paid by the United States, and communicate the claims and wishes of Your people.

The President is willing to make the same provision upon this subject as was made in the Choctaw Treaty; that is, to recommend the matter by a stipulation to the consideration of Congrefs; and this is as far as he is prepared to go.

Your eventual political condition is an object of great concern to the American people, we offer you, West of the Mississippi, all the rights of self-government, with the exception of such general supervisory authority as is essential to Your protection and to the preservation of the new relations, which are to spring up between You and us. What we are further to do, must depend upon your increase in numbers, and upon Your advancement in improvement and intelligence. Great solicitude is every where felt for your permanent establishment, and before long, all the questions, connected with it will no doubt be taken up and determined. This can better be done after You have reached the Country assigned You, and when

Your numbers, situation, and location, and all the Circumstances of your Condition can be ascertained and considered. Till then You may safely leave it, in the assurance that the difficulties, which have heretofore existed in Your intercourse with us being removed, all the arrangements for the future will be made in a spirit of friendship and liberality.

3. . . . You enquire whether the Government will treat separately with the bands of Your people, occupying different districts.

To this I answer, that we should prefer making an arrangement with all Your people on the east side of the Mississippi for their removal to the West. An arrangement could be much more satisfactorily made in this, than in the former mode, acting together, You would, by mutual explanations, come to a general understanding, and procure such stipulations, as would be satisfactory to Your people. But treating separately, there will be discordant views and interests, and the less chance of that amicable feeling among yourselves, which we are so desirous of inculcating.

Still however as the President believes that removal is essential to your prosperity, if not to your existence, he is unwilling, that one portion of your people should suffer by the unfortunate course of another. If therefore, all the Cherokees, east of the Mississippi, are not prepared to enter into an arrangement upon this subject, the President is willing to treat separately with the bands living within the States of Georgia, Alabama, Tennessee, and North Carolina, considering it but equitable that the disposition of the pop-

sofsory right of the Indians to these lands, should be made by those, who are in actual occupation of such lands -

It has been the practice of the Government, in other instances, to recognize this right, as existing in those, who occupy different districts, and to consider them as seperate bands for this purpose. There can be no injustice in the procedure for it ensures to all the protection of their property, and that they will not be deprived of it, without their own Consent, or the Consent of those, who have a right to represent them But this arrangement can only be made with the approbation of a majority of these divisions. If on your return, there should be no prospect of a general contract with your tribe, and if a majority of the people in either of the districts I have mentioned should incline to treat seperately, the Government will, on being satisfied of this fact, appoint persons to meet You in Council, to conclude an arrangement, or will receive and treat with Your Agents at this place.

In this arrangement You ask that provision for the following objects may be made.

1. . . . Payment for Stock.
2. . . . Payment for Your improvements, one half before emigration, and one half after You have reached Your new country.
3. . . . Transportation
4. . . . Subsistence for a year
5. . . . An Annuity
6. . . . A pattent for the lands west of the Mifsissippi

All these provisions being such in their general outline as have heretofore been made, will be admitted under such limitations, and with such modifications as Circumstances may require.

4. You request that the Annuity heretofore paid to your people should be hereafter equitably divided among those who may remain and those who may remove.

To this the President sees no just objection agreeably to the present mode of distribution, all Indian Annuities are to be divided among the individuals of the tribe, each is considered to have an interest in this fund, which ought to be seperately paid to him.

This mode of payment has already prevailed among the Northwestern Tribes; and liable as the indians are to be imposed upon, it is obviously more just, than to leave the distribution to those who have an interest in abusing the trust. By the treaties of 1817 & 1819 the principle of distribution in proportion to numbers, between the eastern and western Cherokees was adopted, and by the latter, this proportion was fixed at one third for the western and two thirds for the Eastern Cherokees. Since this the proportion of numbers, has varied, and promises yet more rapidly to vary; and justice requires, that the annuity should vary with it.

The President will therefor cause this subject again to be examined, and will adopt as a principle, that this annuity shall be paid, east and west, in proportion to numbers.

We have already done this with respect to the Shawnees, and a just regard, on the part of Your people, to the rights

of the whole, should prevent any objections to an arrangement, which will merely operate to preserve to Your own bretheren their fair proportion of a fund, acquired by all, and destined for the use of all; on removing from one division of your tribe to another.

5. . . . You ask also, that the same advantages, which may be eventually secured to one portion of Your people, shall be secured to others, who may emigrate prior to any final arrangement of the whole matter.

To this the President sees no good objection, and he is willing to say to You, that such advantages as may be ultimately given to any part of Your people, shall be also extended to those, who may emigrate after this period, and before the final arrangement is made. But in doing this, a just regard will be had to whatever may have been previously done for such Emigrating party, and the advantages secured to them, will be taken into full consideration. It will therefor be a participation in political privileges, to which they will be entitled; and an equitable participation in the difference between the other interests secured by these parties. And these interests must be of a general nature, and will not embrace particular reservations, which may be made.

6. . . . You request that a Deputation of the Western Cherokees, be permitted to attend your Councils. To this the President can see no objection, and I am directed to signify his assent to the proposition.

I trust the forgoing answer will be satisfactory to

Yourselves, and Your people, and I hope they will lead to the desired result.

Your friend

(Signed) Lewis Gads -

To,

Mess^{rs} Walker & Starr
of the Eastern Cherokees

Department of War

April 11th 1832.

My Friend.

The President has received Your letter to him of Dec^r 1st 1831. and he has referred to this Department the subjects embraced in it. I have communicated freely with your Deputation, and the result I am now to state to you

1. 2. In answer to these enquiries, which relate to the future payment of annuities and to an extension to all your people of any privileges hereafter to be secured to any part of them, I enclose a copy of a letter I have this day written to two of your bretheren from Tennessee, now here, by which you will not only learn the wishes and views of the Government in relation to all the Cherokees West of the Mississippi, but You will also find, Your requests, above referred to, have been granted.

3^d. You ask also the payment of the improvements you abandoned in Arkansas under the Treaty of 1828. and also the erection of the Saw, and Grist mill, and the application of

the school fund promised by that Treaty and that for the purchase of a printing press.

The Government is now paying for your improvements as fast as the Drafts, and certificates of the Agent come in, and this will be continued, till the whole is Completed.

Instructions have been given for the resale of the Agency reservation, and for the applications agreeably to the Treaty, of the proceeds to the erection of a Saw and Grist mill. The late Agent neglected his duty upon this subject. The Department will endeavour to prevent such neglect hereafter.

The school fund is ready, and shall be applied agreeably to your wishes. The amount required for the printing press is also ready, and shall be expended upon that object.

4. You ask for the payment of losses You have sustained from our Citizens.

The Agent will be instructed to point out to you the mode in which the evidence to support such claims must be taken, and the process to be adopted. He will also be directed to aid you in the matter and to explain to You those cases, for which the existing laws provide relief. In other cases demanding equitable remuneration, you must resort like our citizens generally, to Congress, and the Agent will always prepare Your papers for you, and transmit them.

5. I do not see that we can do any thing for you respecting the Osage reservations. The Government cannot divest these grantees of their rights, You hold your lands, subject to these prior claims.

The quantity is of very little consequence, and as you seem to fear that these reservations will fall into the hands

of White men, who by residing upon them will injure Your people, I will inform You, that no White man has a right to live upon them. The grantees cannot sell nor place White men upon them. And the Agent will be directed to remove all such persons from the reservations, if there are any upon them.

I have thus, by the direction of the President answered your enquiries and hope satisfactorily.

Wishing You and Your people prosperity

I am Your friend

(Signed) Lewis Cafa

To

M^r John Jolly

Principal Chief of the

Western Cherokees.

Commissioner's Office,

Fort Gibson, February 17, 1834.

The above & foregoing correspondence is a correct transcript from the original, on file in this office.

S. C. Stambaugh

Secretary Comrs.

(OIA: 1834. Cherokees (West) S.C.Stambaugh, Sec'y to Comrs.
Copies of various supplemental treaty, etc.)

COPY

No. 2.

C O R R E S P O N D E N C E

Between the Commifisioners of Indian Affairs and Cap.^{tn} George Vashon, U. S. Agent for Cherokees West; arising out of and connected with certain Treaty arrangements entered into between the said Agent and the Chiefs of the Western Cherokees, on the 10th of Feb.^y 1834, and submitted to the Commifisioners for their approval: Also, enclosing a copy of the said Treaty:

Commifisioners' Office,

Fort Gibson, Feb.y 17, 1834

S. C. Stambaugh,

Sec.ty Comrs.

Copy - No. 1.

Letter. Geo. Vashon, U. S. Ag^t for Cherokees to Commifisioners
of Indian Affairs, West:

"Cherokee Agent's Office,

February 10th 1834.

The Hon. Commifisioners,

Gentlemen, I have the honor to report to you the proceedings had upon your communication of 22 Ult. and to transmit a copy of my letter to the Chiefs accompanying it, together with their answer upon the subject. By which it will be perceived, there was no hope left of my getting them to meet you in Council to stipulate for the admifision of the Whole of the Eastern Cherokees, without an afsurance that provision would at same time be made to relieve them from the injurious operation of such stipulation.

And therefore I deemed it my duty, under existing circumstances, to relieve the government from an embarrafsment contemplated by an appeal, which is now arrested and silenced by the enclosed arrangement.

The 1st Art. provides that the Emigrants' portion of annuity shall be paid West.

2nd That the Westⁿ Cherokee country shall be enlarged so as to make it equal in quantity to that ceded by Treaties of 1817 & '19, together with amt. of Emg^rs share of Country East. This your contemplated arrangement with the Osages will enable you to provide with perfect convenience.

The 3^d Accomplished a great object in view - and the 4th demonstrates the benevolence of our views and intentions.

The arrangement has been drafted with a view to remove every cause of difficulty here amongst themselves; and to counteract all the existing designs both east & west, to retard emigration: and I confidently believe that it would produce so inviting an influence as to make the Proposals already offered, perfectly acceptable. Its ratification by the government would ensure, without the aid of further negotiation, the emigration of the Cherokees, in spite of opposition.

Permit me to solicit, for my humble effort to promote the happiness of the Cherokees and the interest of the service, your official approbation.

Most respectfully submitted:

Your obedient servant,

(Signed) Geo. Vashon, Agt.

Hon. Montfort Stokes,

Prest. Board U. S. Commrs.

Fort Gibson

Copy - No. 2.

Cap^{tn} Vashon's letter to Cherokee Chiefs, enclosing Comm^rs
reply, on the subject Complaints made by Emigrants:

"Westⁿ Cherokee nation,

Agent's Office, 28th Jany 1834.

Mefsr.s Jolly, Black Coat & Webber,

Principal Chiefs

Gentlemen,

The answer of the Hon. Commis^sioners, to your
Communication, in reply to the Complaints exhibited in the
memorial of the Emigrants, is herewith presented for your
consideration. It demonstrates clearly & fully, that under
the Treaty of 1828, the whole of the Eastern Cherokees ac-
quired an equal right with yourselves, to make this Country
their permant home.

The Commis^sioners state that you ought not to appre-
hend that any injustice is intended or will be done by a
re-examination of the distribution of the annuity, between
the Eastern & Western Cherokees; & that you may rest afsured
that your Treaty stipulations will never be violated.

It is very unfortunate that any erroneous opinions
should be entertained relative to your Treaty stipulations:
and the Commis^sioners are willing if you wish it, to call a
Council for the purpose of concluding an additional article
to your late Treaty, which would have the good effect of
removing those erroneous impref^sions: and therefore I ad-

wise you as a friend, to consent to enter into an additional article, with the Commifisioners, declarative of the right of all the Eastern Cherokees to remove to this Country assigned to you and them by your Treaty of 1828. And when this is done, the Delegation you wish to send, would then have it more fully in their power to promote the harmony which ought to exist between the Eastern and Western Cherokees; and for such purpose, every facility on the part of the Commifisioners is promised, with an afsurance of their friendship and willingness to listen attentively to all your suggestions, and also to co-operate in any measures to promote the highest welfare, and prosperity of the nation, consistently with the rights of others.

Most sincerely,

Your friend,

(Signed) Geo. Vashon, Ag^t

Reply of Cherokee Chiefs to the above letter of their Ag^t:
in which the ask for Supplementary Articles of a Treaty.

Cherokee Nation,

February 8th 1834

Cap^{tn} Geo: Vashon,

U. S. Agent,

Sir,

We acknowledge the receipt of your letter of Jan^{ry} 28th
enclosing the letter of the Ho. Commifisioners, exprefive of

their opinion upon some of the embarrassing questions which are presented to their consideration by the memorial of the emigrants, and by our Communication in answer to it.

We regret to see that their letter does not afford us the opportunity which we solicited of them, to affect an arrangement that would place the Emigrants amongst us upon principles of equity and justice; if this can be effected, all cause of complaint would be entirely removed.

At our last meeting in your office, we explained to you the justice of our views; and the arrangement that was necessary to settle all existing difficulties; but the letter of the Hon. Commissioners affords us no hope that they will make an arrangement with us that would settle all difficulties on both sides.

We think that when an arrangement is made to settle difficulties on one side, that the difficulties already existing on the other side, and daily increasing, ought also to be settled at the same time; and we still hope that the Hon. Commissioners will not object to the cause which we now propose for a speedy adjustment of all difficulties.

We therefore request you as the Agent of the government to afford us your co-operation, by entering into articles of agreement with us, embracing as we have heretofore explained, the provisions which would finally settle all difficulties on both sides, and ensure the harmony which ought to exist between us and all our Emigrant brethren.

We also request you to send the said Treaty arrangement to the Hon. Commissioners, and to solicit their approval

of it: and to send a copy of it, also, to our Great Father the President, who told us when he made the Treaty of 1817 with us, at the Cherokee Agency, in the old nation, that, after we moved to our new Country, West of the Mifsissippi, if any great troubles ever befel us, which we could not get clear of, to make it known to the government, and the President would always have justice done.

Under this afsurance we emigrated, and we still rely upon it. And unlefs the Treaty arrangement, which we now propose, is ratified by the government, we do not see how it is pofsi- ble for us to get clear of the troubles which are coming upon us.

We return our sincere thanks to the Commifsioners for the facilities they promise to afford us, in sending a Dele- gation to Washington; and if the Treaty arrangements we now propose should be ratified, to visit the old nation also, for the purpose of improving our friendly relations with our Eastern brethren, that we may all become a united people in the West.

Most sincerely, sir,

Your friends,

	his)
(Signed) John	x Jolly)
	mark	)Principal
	his)
Black	x Coat	)Chiefs,
	mark)
	his	)Cherokees,
Walter	x Webber)
	mark	)West,

Test.

W.^m Thornton

Sec.ty N. C.

Copy - No.

Supplementary Treaty,

(Negociated in pursuance of the above letter of the Chiefs:)

Articles of agreement and Convention made and concluded in the Agent's office, near the mouth of Illinois, on the Arkansas river, in the Western Cherokee Nation, on the 10th day of February, in the year of our Lord one thousand eight hundred thirty four, by and between George Vashon, U. S. Agent, on the part of the United States, and the undersigned, principal chiefs Committee and Council of the Western Cherokee Nation in general Council afsembled, on the part of said Western Cherokee ^{Nation} they being duly authorised and empowered by their said nation.

WHEREAS, Supplementary Articles of Agreement & Convention were entered into between the United States and the Western Cherokees, at Fort Gibson, on the 14th February 1833, by which all questions of boundary between said Cherokees and the Creek Nation, under the provisions of the Cherokee Treaty with the U.S. of the 6th May 1828, were amicably adjusted and finally settled to the entire satisfaction of both parties. And whereas it is now discovered that other difficult questions of increasing magnitude exist between the said Western Cherokees, and the Cherokee Emigrants, under the provisions of said Treaty of 6th May 1828, requiring the friendly interposition of the government of the United States. And whereas it is the desire of the said government of the United

States, to adjust in a satisfactory manner, and to remove, as far as practicable the existence of such difficulties as have a tendency to interrupt the harmony which should exist between the Western Cherokees and their emigrant brethren: therefore, to ensure their future tranquility, and to place the rights of the Emigrant and Western Cherokees upon an equality, the following supplementary articles of agreement and Convention are hereby stipulated, viz:

Article 1.st The portion of the whole Cherokee annuity made payable to the Western Cherokees, by Treaty of the 27th Feb^y 1819, shall be hereafter increased by the addition of the proportionate eastern part made payable by said Treaty of 1819, to the Cherokees who have emigrated under the Treaty of the 6th May 1828, according to their number: and in like manner, also, increased for all or any number, of the eastern Cherokees who may hereafter emigrate to the Cherokee Country West of the Mifsissippi.

Art. 2nd The Country now ceded to the Cherokees, by the Supplementary Treaty of the 14th February 1833, in fulfillment of the 2nd Article of the Treaty of the 6th May 1828, shall be hereafter enlarged so as to make the Cherokee Country West, equal in quantity, acre for acre, to the quantity of land ceded by the Cherokee nation to the United States, per Treaties of 1817 and 1819, together with the proportionate quantity of the Cherokee Country East, to which the whole number of emigrant Cherokees may be entitled, including those who have already emigrated under the Treaty of 6th May 1828;

and also all of the Cherokees who may hereafter emigrate from the Cherokee Country East of the Mifsifsippi, to the Cherokee Country West of said river.

Art. 3^d The Cherokees who have emigrated under the Treaty of 6th May 1828, and also all the Cherokees who may hereafter emigrate from the Cherokee Country east to the Cherokee Country West, shall be entitled to and admitted to posses, enjoy and exercise equal rights and privileges with the western Cherokees, in every respect, and be united with them accordingly.

Art. 4th In consideration of the earnest desire of the Western Cherokees to receive their Eastern brethren, upon terms of the most cordial friendship, and to admit them with the full exercise of equal rights and privileges: and in evidence of the kind feelings entertained for the promotion of the future welfare of the Cherokees, the United States hereby stipulates to establish in the Cherokee Country West of the Mifsifsippi an Orphan Afsylum for the paternal care and instruction of the hapless portion of the Children of deceased Cherokees; upon such plan as may, in the opinion of the President of the United States, afford the benevolent aid contemplated by the establishment of such an institution under his direction.

Art. 5th Nothing in these Articles of agreement shall be construed to affect any former stipulations of any existing Treaty, except so far as they may inconsistent with the provisions of the foregoing Articles.

COPY

LETTER - Commissioners' reply to Geo. Vashon's Report of certain supplementary articles of a Treaty negotiated with the Cherokees.

"Commissioners' Office,
Fort Gibson, Feby 13, 1834.

Sir,

The Board acknowledges the receipt of your letter of the 10th instant, together with your letter to the Cherokee Chiefs dated Jany 28, 1834, and their reply to the same - Also a Treaty entered into between yourself and the Cherokees West, which doings are submitted for the approbation of the Commissioners.

The Board have to regret the embarrassing situation, which these communications place the negotiations of the government, as conducted by the Commissioners, with the Cherokees West, especially if nothing further remains but the ratification or rejection by the President & Senate of the Treaty already concluded.

If, however, the Treaty is submitted to the Board as a proposition for their consideration & advice, they would remark that it cannot be presumed that the government will ratify articles of agreement, presenting insuperable difficulties in the fulfillment of the same on the part of the United States.

It will be recollected that the Chiefs have admitted that so much land as this Treaty requires, is not necessary by suggesting an increase of annuity or other pecuniary consideration

as a substitute in part for the additional soil. The Commissioners would also ask, in what relation will this Treaty place the government, so desirous to avoid difficulties with the Cherokees, and yet so anxious to fulfill her Treaty Stipulations?

The Treaty submitted requires of the government, what the Cherokees perfectly know it cannot perform. The government has no land unassigned adjoining the Cherokees, but the outlet, containing by estimation about six millions of acres. Had the addition of this Country, (bettered as it may be by the extension of frontier posts, recommended by the Commissioners) been only given by Treaty, the difficulty would have been lessened, as the uncertainty respecting the Orphan Asylum, would be removed by a specific limitation.

In the letter of the Commissioners to the Chiefs, through your agency, they fully expressed the opinion of government, that the Emigrants from the East side of the Mississippi had equal right with the emigrants from Arkansas to locate here. And as the Cherokees West had either intentionally or unguardedly denied this right, a request was made by the Commissioners for an additional article to correct an impression erroneous as it was injurious. The Commissioners also informed the Chiefs that if they should be willing to recommend a supplementary article to this effect, a Council would be called at an early day; expressing to the Chiefs their willingness to listen at all times to their suggestions.

The Commissioners, therefore, cannot withhold their surprise & regret at this unexpected termination of their negotiations with the Western Cherokees; especially as the

result of your private exertions (undoubtedly well designed) cannot receive the approbation of the Board. It is believed that the Treaty before the Board, instead of settling difficulties will open a wide door for future litigation, and in the end compel the U.S. to compromise the matter, by a full consideration for the deficiency of land.

The Commifsioners had hoped that there was a mode of obtaining the supplementary article more satisfactory to the government & the Cherokee Nation.

If the negociations are ended, it only remains for the government to transmit the progrefs on their part to the government, together with the papers now submitted, to show the manner of its termination.

While the Board feel constrained to withhold their approbation of the Treaty made in your official capacity, we beg to afsure you of their highest personal respect & kind feeling.

By the Commifsioners,

(Signed) S. C. Stambaugh,

Sec.ty

Cap.^{tn} Geo. Vashon,

U.S.Agent for Cher. West.

Copy - No

Fort Gibson, February 14th 1834

The Hon. Commifsioners,

Gentlemen,

I have the honor to acknowledge the receipt of your Communication of yesterday's date exprefsing your disapprobation of my doings, as exhibited by communication of 10th inst. It is to me a matter of great regret, that my official proceedings therein are placed by your official decision under implications that would render them unworthy of consideration; and the severe censure which the tenor of your decision conveys, induces me to request permifsion to place on the Records of your official proceedings, upon this particular subject, the evidence afforded by the confidential, verbal & written communications with which I had been favored, at different period, by two of the Hon. Members of the Board, previous to the arrival of the other, with a view to demonstrate that my official action thereupon accorded with the views then contemplated by the Board of Commifsioners. In my first interview with Mr. Ellsworth, after his return to this post, he informed me of the steps to be taken by the Commifsioners to effect the measures deemed requisite by the government, to ensure a speedy adjustment, of the contemplated negociations with the Osages, with a view to make ample accommodation for the Eastern Cherokees; and the plan he exhibited appeared to provide the means of relieving the government from existing embarrass-

ment. He subsequently wrote me, confidentially, lest the information had been previously omitted, that the Department required an additional Treaty stipulation with the Westⁿ Cherokees, declarative of the right of the Eastⁿ Cherokees to remove to, and settle upon the Country assigned for their future location; expressing therein his entire confidence of my zealous & faithful cooperation to effect the desired object. A few days previous to the receipt of this letter, I was informed by a Communication from Gov^r. Stokes, that the purchase of Osage Reservations by Gen^l. Houston from Col^l. Chouteau, was the only difficulty in the way of a successful termination of the pending negociation with the Osages.

This statement is respectfully submitted for the consideration of the Commissioners; and the members thereof, therein referred to, are respectfully requested to express their opinion as to its correctness.

While the interest of the service is confided to the supervision of the Hon. Gentlemen composing the Board, and when a humble Subordinate has exerted his best efforts to afford an efficient cooperation in securing an important object, it is deeply regretted, that the Hon^l. Board appears to have deemed it expedient to form their opinion of the merits of my official action in this particular case, upon unkind surmise, exhibited by declarations of my having broken off the negotiations between them and the Western Cherokees. And here I must ask permission to assure the Hon. Commissioners, that the facts in the case, were it practic-

able to present them on paper, fully, would not admit of any unkind suspicion. - The various papers, submitted through my Agency, for consideration, exhibit a constant effort on my part to procure a meeting of the Cherokees in Council with the Commissioners: and when that was found impracticable, and a determination formed to send a Delegation to Washington, to appeal to the President against the Commissioner's construction of their Treaty Stipulations, I deemed it my duty to endeavor to effect an arrangement that would arrest so mischievous a purpose, and if they persisted in sending a Delegation, to make its proceedings harmless. With this view, and to relieve the emigration from embarrassment, which entirely settles the Cherokee question as it is termed, I believe it a paramount duty to assume whatever amount of responsibility might be involved, to negotiate the "Supplementary Treaty" now under your consideration. And if the Hon. Board of Commissioners can allow their humble subordinate the privilege of expressing the opinion entertained relative to the decision which the interest of the service, in this case requires of them, I would earnestly recommend to their consideration the expediency of adhering to their original purpose in obtaining the Osage land for the original object.

Permit me to add that I was not apprised, until one of the gentlemen of the Board declared so yesterday, that the Osage lands were wanted for other Indians, and therefore that the stipulations of the late arrangement could not be

approved. It is my humble view, greatly to be regretted, that the Hon. Board would permit any other assignment of the Osage land than that originally contemplated; as it is indispensably necessary to the final settlement of the Cherokee question, East. The interest of the service places this object in advance of others; and the insuperable difficulties you speak of may be entirely removed, by adding the Osage land, when acquired, to the Cherokee Country. The ratification of the articles under consideration, can be postponed till after the successful termination of your negotiation with the Osages.

Most respectfully submitted,

Your most obedient Servant,

(Signed) Geo. Vashon, Ag^t.

Hon. Montford Stokes,

President Board U. S. Comm^{rs}

Commissioners' office,

Fort Gibson, Feb^y 17, 1834.

The above & foregoing correspondence & Treaty, are correct transcripts from the original papers, on file in this office.

S. C. Stambaugh,

Sec'y Comrs.

(OIA: 1834. Cherokees (West) S.C.Stambaugh, Sec'y to Comrs. Copies of Vashons supplemental treaty, etc.)

Commissioners' Office,

Fort Gibson, Feb. 17^y, 1834.

Sir,

It is doubtless already known to you that Cap^t Vashon, U. S. Agent for the Cherokee Nation, West, negotiated a Treaty with the Chiefs of that Nation, on the 10th instant supplementary to the Treaty of February 14th 1833, and intended to provide for the removal of all the Cherokees, East, to this Country. This arrangement, entered into without the knowledge or authority of the Commissioners, was brought before the Board for their examination & approval, by Cap^{tn} Vashon's letter of the 10th ins^t in which he enclosed all the proceedings and correspondence, preparatory to its conclusion.

The Commissioners, after a full examination of the stipulations of this arrangement - the principles it involves, and its probable effects upon future negotiation with these people, "agreed that the interests of the government will not authorize a recommendation of its ratification by the President & Senate;" and they expressed their disapprobation to Cap^{tn} Vashon, in a letter, dated February 13th (instant.) To this communication Cap^{tn} Vashon responded on the 14th and the Commissioners, upon a re-consideration of the subject, decided that they would adhere to their first opinion disapprobatory of the Treaty arrangements.

In order, therefore, to bring the whole matter fully before you, I have the honor to enclose the whole Correspondence, upon which the late arrangement is predicated, and the proceedings had upon it by the Commissioners. It commences

with the Commifisioners' letter to the Cherokee Agent, dated December 26th 1833, in which they directed his attention to the complaints of the late Cherokee Emigrants against the first settlers, and concludes with Cap^{tn} Vashon's reply to the Board of the 14th instant.

There does ^{not} appear on file this office, any instructions from the Department on this subject, except the letter of the Commifisioner of Indian Affairs, at Washington, dated April 4th 1833, acknowledging the receipt of the Cherokee & Creek Treaties, in which the omifision of a clause in the Cherokee Treaty, providing a country for the "whole nation," is adverted to; and the remedy recommended by the concluding paragraph of the letter - to which I would very respectfully call your attention, when the enclosed papers come before you for examination.

I have the honor to be,

with much regard,

Your obt. S^t

S. C. Stambaugh

Sec.ty Comrs. Iⁿ Affrs.

Hon. Lewis Cals,

Secretary of War,

Washington.

(OIA: 1834 . Cherokees (West) S.C.Stambaugh, Sec'y to Comrs. Copies of Vashon's supplemental Treaty, etc.)

Vineyard Washington County Arkansas

26th Feby. 1834.

Dear Sir,

I emigrated from the Cherokee Nation East. to this Country. during last Year under the provisions of the Government for the removal of the Cherokees East of Mifsissippi to this Nation - my wife is ~~one~~ 1/8 Cherokee I am white - I want to return to Georgia and become a citizen of the State - and live under & be subject to its Laws - The object of this note is to ascertain whether I would be permitted to return to Georgia and become a citizen of that state - or not. I dont want to violate the Laws of the United States - nor ~~te~~ in any way to prevent the views of the Government being carried into effect I own Land in the State of Georgia and want to go back and live on it - in asmuch as I cant have my health in this Country - I had made the necefsary arrangements to move back - & rec^d a letter from Benjⁿ F. Currie - advising that if I went Back I would be liable to a suit for the recovery of the Valuation of my improvement the head rights & the value of 12 months Supplies for my family - I have concluded to defer starting back until I hear from you - in answer to this note

I had entertained the opinion that any free man would be permitted to purchase Land in any State or Territory within the United States & become a Citizen under its Laws - You^l Confer a particular favour by advising me on this subject - addrefs to this office

I am dear Sir

Your Obt Servt

John Langley

(OIA: 1834 Cherokees West John Langley Asks permission to return East.)

Nantley N C March 1st 1834

Lieut Harris

Sir

Owing to the great quantity of rain which fell shortly after we left the agency the roads have until within the last few days been impassable

There are many Cherokees in the Mountains anxious to go on with us. In order to give them an opportunity to do so; it might be well to prolong the departure of the fleet until the 10th or 12th inst

I will be with you now as soon as possible

Very respectfully

Your Mo Obt Sert

(Signed) Ben^J F Currey

I certify that the above is a true Copy of the Original now in my possession

Joseph W Harris

Lieut. Disb^g Agent -

Cherokee Re^{ml}

Cherokee Agency East

26th July 1834

(OIA: 1834 Cherokees East (Emigration) B.F.Currey Supt.
Lt.W.Harris Disbursing Officer. Correspondence.)

On Board Flat Boats near Gunters Landing
Tennefsee R. 17th March 1834

To

Benjⁿ F Currey Esqr

Supt. Cherokee Removal

Sir

I have the honour to enclose to you with this my draft on 'Union Bank of Tennefsee' for Five Thousand Dollars. Upon presenting this to the Cashier of the Bank I desire that you will apprize him I have already drawn to the Amt. of deposits to my credit of the 25th Jan^y and the 6th ultimo. Should he then inform you that no further remittances have been rec^d from the treasury on my account: request him to make a minute to that effect on the back of the draft which draft immediately endorse "On Commifsary Gen^l of Subsistence - Emmigration of Indians - War Dept: payable to the Union Bank or Order" - which I presume will be cashed by said bank without hesitation. Should there be any objection however to this mode of procedure, please draw upon the depart. in your own name officially as Supt. of the Rem^l & Actg Disbg Agent - promptly advising Genl. Gibson of the same with the causes which led to it. - As you are to return from Nashville to Calhoun by stage it will be adviseable - inasmuch as it will considerably facilitate your disbursements - to carry thither from 5 to \$600 in specie. You will require also about \$2500 in U S Br Bank Notes for the payment of commutation to emigrants. - David L Knox, & Clift & M^cRee have orders on you: the former for \$1086 $\frac{56}{100}$ and the latter for \$736 $\frac{85}{100}$ - which please honour at sight.

Should you upon your return to the Agency be satisfied of the expediency of affording government transportation to other Emigrants before my return; and should your prospects be sufficiently promising to authorize the employment of a Steamboat by giving to L P Cheatham or his Agent at Nashville the stipulated notice of "Fifteen days", together with the number for which transportation is required: he will have such in waiting below the Shoals at the time appointed. - It will also be necessary to advise Messrs Clift & McRee of Hamilton Co of the number of Flat Boats required. Should your advices to them come too late to render your requisition obligatory under their Contract - which expires I think on the 15th proximo. - please make a contract with some responsible person to transport your company to Florence or Waterloo (should its strength justify the employment of a Steamboat) if not, to the Mouth of White R; where the Conductor of the party may contract with one of the Steam boats navigating the Arkansas R for a deck passage for his Charge to the Western Agency. - You may possibly however find it more advantageous to the Economy of Service, in case a small party is to be transported, to contract with a person in whom you can repose confidence, for the entire transportation & Subsistence of such party from the Eastern Agency to the mouth of Illinois R Ark. Territory: - and I would upon reflection recommend this course. -- David L Knox however will furnish the necessary Rations to Emigrants whilst assembling, & if required to do so in season a sufficient number to Subsist them to the Western Nation: this under his Contract 4th Jan^y ult^{mo}. - I wish that payment for services may be as far as practicable postponed until my return. Wagoners have in my

opinion recently rec^d a more liberal compensation than the
 benefits rendered by them would seem to justify. I would
 recommend that those hauling in Emigrants from the Mountains
 should be engaged at the rate of \$3 for each twelve miles trav-
 elled by them with, and the same for each Seventeen miles with-
out a load: each load to consist of the effects &c of at least
 20 persons - a less number to be paid for proportionately. Over
 less difficult roads I think they should receive the same hire
 for ever fifteen miles with & for every twenty without a load.
 I would wish these terms to be distinctly understood by every
 wagoner engaged & that he is likewise to wait for payment until
 my return - say 'til June: Satisfying them for the present with
 duplicate Certificates setting forth the services which they
 have rendered - how many persons they have hauled in - what
 distance, & from what neighbourhood. If however at any time
 you should find immediate payment necessary; take receipts on regular
 Bills - leaving the acc.t above the receipt to be filled up by my-
 self & certifying upon the back of each the number of persons
 hauled, the distance travelled &c as above. - All payments for
 rations consumed by Emigrants from their homes to the place of
 assemblage should be made on regular rolls - commencing the ra-
 tions at the Contract price - having a general receipt written
 over each roll showing that "the undersigned have rec^d of me
 the sums set opposite their respective names below & on the
 several dates prefixed to each signature, in full of rations
 furnished by themselves to themselves & families at the rate
 of Eight Cents pr Ration." The Heads of Columns of these

Rolls should be "Date of rect." - "Roll of Heads of Families"
 ("Time on the Road") "Strength of Families" - "N^o of Rations" -
 ()
 (From _ To _ N^o of Days)

"Contract price pr Ration" - "Amount" - "Signatures of Hds of Families" - "Witnefses" - "Remarks" -- For other information on the Subject of disbursements I have the honour to refer you to "Regulations for the Removal of the Indians." --

I have thus called your attention particularly to some of the minutiae of the duties of the disbursing Agent, & generally through the Regulations to the whole in consequence of your allusion a few days since to the "pofsibility of your furnishing government transportation to a small party of Cherokees in the course of the ensuing month." I think however upon further reflection upon the difficulties & objections of carrying such design into execution, you will not hesitate to abandon it. - There is as much trouble, and a greater proportional expense, in collecting, subsisting & transporting a small Company of emigrants as a larger one, and in the execution of these duties you will mifs my services considerably.

The injustice that would be done these people should they reach the Western Nation too late in the season to make a crop, is too important a consideration to escape your observation. --

At any rate I conceive it my duty to remind you in writing of what I verbally remarked to you when for the first time you introduced to me the subject of a further removal this season: "that I should have made very different arrangements

for the conduct of the present Company, had I been apprized,
or had even rec^d a hint of such ^a probability before."

The exprefs understanding when I consented to take upon myself the Conducting of this party to the West, was that the "disbursing duties of the removal would either close with its departure; or if any remained unaccomplished they would be such as could easily be discharged by others without prejudice to Service." I do not conceive that they can if the removal of a Company is attempted in my absence. Neither do I know how I can well now abandon the present Expedition.

I have the honour to remain Sir

Your Mo Obt Sert

Joseph W. Harris

Lieut. Disbg Agent

Conductor of Cherokees

I certify that the above is a true Copy of a letter addressed by me to the Supt of the Cherokee Removal & delivered to him on the Tennessee R on or about the above date

Cherokee Agency East

Joseph W. Harris

27th July 1834

Lieut. Disbg Agent

Cherokee Rem^l

(OIA: 1834 Cherokees East (Emigration) B.F. Curry Supt. Lt. W. Harris Disbursing Officer. Correspondence.)

Steamboat Thos. Yeatman

Arkansas R 60 miles from the Mouth

1st April - 1834

Sir

I have the honour to acknowledge yours of the 18th February: rec^d. by me the day before I left the Eastern Agency. - I regret that I could not have had more definite intelligence on the subject of funds before my departure. My ignorance of the provision that is to be made for me in this respect places me in a somewhat awkward Situation. The remittances which have heretofore been made to my credit, are - as you will perceive by the enclosed statement - already exhausted, whilst cash disbursements continue to be daily required of my department. -- The accts. which I have left behind me unsettled are chiefly confined to compensation for services of government agents, & to the payment of the Commutation allowance to some few families who are yet to subsist and transport themselves. -- To meet these demands I have left in the hands of Hugh Montgomery, Esqr. 'Nine Hundred and Five Dollars' and have also drawn upon the 'Union Bank of Tennessee' for 'Five Thousand Dollars' in favour of Benjⁿ. F Currey Supt. of the Removal; who upon his return to the Agency will relieve Col Montgomery in the duties of disbursement. As there will be an immediate call upon the Superintendent for a considerable amt. of this draft - to delay the payment of which, would I conceive be prejudicial to the interests of Service - I have authorized that officer should he not find a remittance in deposit to my credit at Nashville to convert

the draft into a Bill upon the Secretary of War, payable through you, upon demand; requesting him in such emergency to give to you immediate advice of the same. -- There will be funds sufficient to cover the expenditures of the removal during my absence: unless the Superintendent should undertake to remove another company of Emigrants before my return - which a few days since he suggested to me for the first time that he had an idea of doing - but which I unhesitatingly remonstrated against & discouraged; and which I hope he will not think of carrying into Execution. --

I embarked the Emigrants on board the fleet of flatboats, and left the Agency on the 14th ultimo. We had a prosperous voyage of nine days to Waterloo Ala. - Where after a good deal of unnecessary delay occasioned by a want of preparation on the part of your Contractor Mr. Cheatham; we took such Steam transportation as was furnished, and on the evening of the third day after our arrival continued our journey. -- And now permit me - for I do not know that I can introduce this subject at a more fitting time - seriously & respectfully to remonstrate against the negotiation of contracts by government agents so indefinite in their Stipulations as to present forever in execution a bone of Contention and a vexatious trouble to those who are acting under them. The terms "good and Sufficient Steam transportation" are broad in themselves, & would seem to secure to us all that we could desire. Yet upon practical analysis so vague & general do we find them, that we will never be able to obtain through any virtue of theirs the measure of "goodness & sufficiency" which the necessities of Service call for.

- On the contrary until contracting parties distinctly specify in detail their mutual obligations, and define in words, incapable of misconstruction, the precise nature, amount and quality of such - the Service will continue open to a thousand impositions - Those for whose immediate benefit contracts ^{are made,} will be cheated out of the comforts intended for them - and the public purse, and what is more to be lamented, the public name, will be most unfairly dealt with. - In thus objecting to a practice but too common; I exonerate myself from the unworthy design of casting a censure upon any individual agent of government whatsoever: much less so upon your excellent representative in Mr Cheatham's contract. Experience of the circumstances under which I now write would have elicited from his candour the same objections to this instrument. Neither do I wish to conceal my own deficiencies on the very points which I am reprehending by arrogating to myself the merits of a censor. It is simply my desire to do my duty; and that my Experience may not be altogether valueless to a Service whose interests I have at heart; and that he who comes after me may not have to plod over the same rough path which I have travelled in. - In taking leave of this subject allow me to impress upon the department the importance of fulfilling our promises of "Comfortably providing for & removing" these people "from the homes which they are leaving to the homes that are offered to them." If Mr. C's present contract can be annulled; I would earnestly recommend that it should be done. If it is allowed that "he has a claim to the transportation of the Cherokees" - it should only be acknowledged under new, & more specific agreements. - At a

more leisure period I will draw up such as I think the Service requires, and forward them for your consideration. -

I would also respectfully suggest the expediency of abandoning the 'Commutation system'. It has during the present season been a serious cause of exciting jealousies & discontent amongst the enrolled; and will ever be a means of confusing the arrangements of your Agents for the removal of such as are 'deemed incapable of removing themselves.' I am likewise satisfied from personal observation that it is ever prejudicial to the individual interests of those who avail themselves of it. Of upwards of 400 Emigrants who left the Agency upon Commutation terms, most of them three weeks before the departure of the Company I am conducting we have already overtaken all but about Seventy. They have suffered heavily from sickness & trouble - death too has shown itself among them; and they bitterly regretted to me that they had ever undertaken to remove themselves - confessed their inability to do so - and begged that they might be rec^d. under my protection. As many of them as I could make suitable arrangements for I have brought along with me. But about 200 of them I was obliged to leave at the mouth of White R. with the consolation however of a near prospect of their speedy transportation up the River upon terms reasonable & satisfactory to themselves. --

The party which I am now conducting - exclusive of those who have been taken in on the way, & who defray their own Expenses amounts to 'Four hundred and sixty two' only. There has been a good deal of sickness amongst us; chiefly from the Measles - which has run pretty well through the Company - from

relapses in consequence of Exposure to the weather, from severe coughs, dysenteries &c. We have had however but two cases of death:- One from a relapse of the Measles, & one from accidental drowning. The health of my charge is daily improving, & the people generally are in pretty good spirits - occasionally damped however by the low stage of water; which obliges the boat to lay by at night - reduces our daily progrefs to 40 or 50 miles and threatens us with considerable delays. I succeed however in restoring them to cheerfulnefs by good humouredly pointing out to them the folly of anticipating trouble - carefully concealing my own apprehensions, and quietly preparing to meet the worst. - In consequence of intelligence rec^d. of the scarcity of provisions on the river above; I shall carry the whole of my purchase to the Western Agency, and to Ft Gibson if necessary; should it not be acceptable to the Disbursing Agent there ^{the supplies} ~~it~~ can be returned by this boat to Little Rock, where I think it may command a profit on the original costs & charges. -

The Supt. of the Removal accompanied me to the mouth of the Tennefsee R, and was to return from thence via Nashville to the Eastern Agency.

Enclosed is a rough Statement of monies rec^d. & issued; which may serve as a Key to the Settlement of my accts. Should any accident befall me. Vouchers numbered and on file will be found amongst my papers one set of which is in the hands of Col. Montgomery - the other at my landlords Lewis Rofs's. The Superintendent will be able to explain any objections that may be made to them.

I have the honour to be, Sir

With very great respect & esteem

Your Mo Obt Sert

Joseph W- Harris

Lieut. Disb^g. Agent

Cherokee Removal

Brig. Gen^l. Geo. Gibson

Comm^y. Gen^l. Subs.

U.S.Army.

/On the edge of the first page of the above letter is written the following/:

The Supt.. gave me but one Set of Muster Rolls - promis-
ing to forward to^{you} himself the duplicate, with a few necessary
corrections, immediately

(OIA: 1834 Cherokees (Emigr.) Lt.J.W.Harris, U.S.A. Disb.
Agent to Gen. Geo. Gibson. En route with 462 emigrants, etc.)

Brown's Hotel, April 5, 1834

To the Hon Lewis Cals,

Secretary of War,

Sir-

Understanding that there is now no interpreter for the United States at the Cherokee Agency, and presuming that one will be appointed to fill the vacancy, we beg leave to recommend to your favorable consideration Mr. Stand Watie, as a person every way qualified to perform the duties assigned to an interpreter. He is a young man of good common education, and understands the English and Cherokee languages well. We are assured his appointment would give general satisfaction.

We have the honor to be, Sir,

Your Obt Servants,

Major Ridge his
 x
 mark

Andrew Rofs

David Vann

John West

T. J. Pack

Elias Boudinot

James Starr his
 x
 mark

(OIA: 1834 Cherokees East John Ross & Others. Favor of Stand Watie, interpreter.)

Cherokee Agency T Apl 12 1834

Colo Geo Gibson

Com^y Genl Sub^e

I have the honor to transmit herewith two muster rolls of Emigrating Cherokees who have left this Agency for the west ~~since~~ since the reopening of enrolling Books As the season for removal is now nearly closed, it is not probable that many more will go off until fall Enrollments will however be made until otherwise ordered for next fall & winter removals

Most Respectfully

I Have the Honor to be,

Your very Obt Servt

Ben. F. Currey Supt

Cherokee Emigration

(OIA: 1834 Cherokees (Emigr.) Benj. F. Currey, Supt. to Gen.Geo.Gibson. Probable number of emigrants 1500, etc.)

Cherokee Agency Apl. 20 1834

Colo Geo Gibson

Com^y Gen^l Subsistence

Sir

It was considered by me highly necessary I should accompany the expedition part of the route, at least, lately embarked for the West

There were some families to assemble on the river from the Creek Path Valley and without my presence there was but little hope they would be able to get off. My acquaintance with the emigrants & their desire that I should accompany until they were past the dangers of the Shoals & for the purpose of allaying their fears from Cholera which was represented to be raging on the river I went as far as the Confluence of Tennessee & Ohio rivers

A great deal of writing growing out of the late emigration & the importance of finishing the valuation Rolls & completing consolidated abstracts of valuation - with the occasional arrival at this point after the departure of the main fleet under Lieut Harris of families undertaking to remove themselves appeared to authorize the continuation of Geo W Curreys services a little beyond the period which you were notified these services would be required

Having However brot matters so nearly to a close as to be able after tomorrow to dispense with his further aid his pay will cease After which I shall have the honor to see you personally as soon as the Stages will convey me to the City.

Most Respectfully Your very Obt Servt

Ben. F. Currey

(OIA: 1834 Cherokees (Emigr.) Benj.F.Currey, Supt. to Gen. Geo. Gibson. Probable number of emigrants. etc.)

Browns Hotel

24th April 1834

Great Father

We have been sent here by our nation to make Treaties and put our people at rest by settling all our troubles We have called upon Gen^l Houston a man who we have long known to help us and to Stay with us until all our businefs is settled. We had authority to employ any power to afsist us. and we called on Gen^l Houston because all the people in our Nations ware acquainted with him. He says that he wants to leave the City and is not willing to Stay longer. We have consulted togeather and think if you will call upon him that he may be got to Stay until our matters are settled - We are satisfied that if he is present when our businefs is done that our people will be satisfied that it is don in the best way- We hope you will talk to him and get him to Stay, because he knows all about our country and has lived among us

Your Children

John Rogers

John Drew

James Rogers

Moses Smith his
 x
 mark

(OIA: 1834 Cherokees West Jas. Rogers Requests employment of Sam Houston, etc. Addressed to President.)

Washington City June 13 1834

Sir

In assembling the late emigrants at the Cherokee Agency East for embarkation notice was given of the time at which waggons would be dispatched for their respective neighbourhoods

The party opposed to removals previous to the arrival of the waggons had all night meeting appointed at which either some of the head men - or their subservient instruments attended to dissuade the enrolled party from going - representing the Govt pledges to be unauthorised & that the emigrant would never get his pay if he went &C &C By this means upwards of Eight hundred of those who had voluntarily enrolled & bound themselves to go with that expedition were prevented from accompanying the waggons which in many instances returned empty or only with partial loads as will appear from the detailed report of your Disbursing Agent Lieut Joseph W Harris attached to this removal

Most Respectfully

I have the Honor to be

Your very Obt Servt

Ben. F. Currey

Colo Geo Gibson

Com^y Gen^l Sub^e

Washington City

(OIA: 1834 Cherokees (Emigr.) Benj.F.Currey, Supt. to Gen.Geo.Gibson. Probable number of emigrants 1500, etc.)

Articles of agreement entered into between John H Eaton
 Commifsioner on the part of the United States and the
 Cherokee Delegation of Indians

That portion of the Cherokee people who reside East of
 the Mifsifssippi river through their Delagates Andrew Rofs James
 Starr Tho^s J Pack & John West charged specially to enter into
 an arrangement with the Government of the United States from
 a settled conviction entered by them that it is not in the
 power of the Cherokee people to reside longer within the lim-
 its of the States of whose laws usages & customs they are ig-
 norant, do hereby by their said delegates enter into and agree
 to the following articles

Art 1 Between the United States & the Cherokee nation of peo-
 ple it is stipulated that amity & perpetual peace shall exist
 Against no nation or tribe of Indians ~~shall~~ will the Cherokees
 make war and if war be made against them, the Government of
 the United States promises to them aid and afsistance

Art 2nd The Cherokee Delegation for themselves & for their
 nation hereby scede to the United States all the lands owned
 & pofsefsed by them, lying & being within the States of
 Georgia N^cCaroline Tennefsee & Alabama: And as consideration
 therefor, the United States pledge themselves to the follow-
 ing covenants & undertakings

Firstly An enrolling agent or agents shall be appoint-
 ed by the Government and so soon as a majority of the Chero-

kees who reside within the limits of the State of Georgia shall remove or enroll for removal the country they ~~they~~ occupy in said state shall be considered as ceded to the United States; and so soon as a majority shall remove or en-
 roll ^{to} ~~for~~ remove from the State of Tennessee, then that portion of their country shall be considered also to be ceded, and the same shall be understood in reference to the states of N^o Carolina & Alabama: or when a majority of the entire Cherokee people shall remove or enroll for removal then the
 whole country ^{is to} ~~shall~~ be considered as having been surrendered and ceded: and the better to ascertain this fact a census of their population shall be taken in which shall be included those Cherokees who have removed beyond the Mifsissippi since the date of the Treaty made in the year 1828; and to those who have removed within the last Twelve months all the privileges secured by this agreement shall equally belong to them. And where any portion of the Cherokee Country shall become ceded after the manner above prescribed, the same shall remain & be considered as a fund pledged for carrying out and meeting the provisions of this agreement unless where Congress by any act heretofore passed may otherwise have disposed of the right of soil,

Secondly. To grant to the Cherokee people so soon as by removing West of the Mifsissippi this treaty takes effect Twenty five thousand dollars for Twenty four years, the same to be paid annually to the Chiefs or the people thereof as

may be requested by the Nation in Council But it is agreed that the annuities thus secured are to pertain exclusively to those who have emigrated & who shall emigrate and reside west of the Mifsissippi: and so soon as a majority of them shall remove then the Annuities shall be considered to be due & payable to the whole Cherokee people west & to none others; and this shall be the case in reference to all annuities secured to the Cherokee people under former treaties entered into and also in reference to their school funds

Thirdly An agent shall continue with them to watch over & take care of them, and in his selection & continuance in Office, the Govt of the United States will always pay regard to the recommendation & wishes of the Cherokee people

Fourthly To cause emigrants to be carried to their homes under the guidance of some faithful conductors at the expense of the United States: and they are furthermore to be furnished with the means of living for Twelve months after their arrival

Fifthly To furnish to those who emigrate rifles mackinaw Blankets and Brafs Kettles as are stipulated for in the eighth article of the "Treaty of the sixth of May one thousand eight hundred & twenty eight" concluded at the City of Washington; the same to be furnished west of the river except the Blankets

Sixthly To secure to those Cherokees who intend to emigrate & to those who have emigrated the territory which has been afsigned to them west of the Mifsissippi by Pattent,

agreeably to the authority granted & permitted by the Act of Congress of 1830-; and restrain from intrusions on the same all persons except such as the Cherokee people or the laws of the United States may authorize to go into and reside within said limits; all others the United States Government on being applied to by the nation will cause to be removed that the Cherokees may repose in peace & enjoy quiet free from unauthorized disturbances.

Seventhly To Possess all the right & privilege of being interfered with or disturbed by any authority except the Councils of their own nation or such laws as the Congress of the United States rightfully & for their peace & happiness may enact; and to this end it is agreed that the Cherokee people shall be no more interfered with by any State or Territorial laws nor by any other than what they or the Congress of the United States may declare

Art 3 A desire is expressed that the Cherokee people may have a Delegate in the House of Representatives; it is laudable and evinces a desire for an onward march to improvement & civilization; but the Treaty making branch of Government is incompetent to grant such a privilege it being one on which all the Branches of the Government are necessary to a decision; but it is agreed that as soon as a majority of the Cherokee people shall reach their western homes the President will refer their application to the two Houses of Congress for their consideration & decision

Art 4 A wish is also exprefsed that an agent to represent the rights and interests of the Cherokees may remain at the City of Washington after a removal takes place. This request is admitted and it is agreed that he shall receive from the United States an annual Compensation of Twelve Hundred Dollars for performing this Trust; but after five years the same shall be discontinued if in the opinion of the President the duties to be performed by said Agent may be dispensed with & no injury results thereupon to the Cherokee people

Art 5 Improvements which were authorized & admitted under the provisions of the Treaties of 1817 and 19 are not to be prejudiced by any thing herein contained; but they are declared to be protected & secured so far as the claimants or those legally & rightfully claiming from them can asfert a valid demand; and where any just and rightful claim has not been heretofore admitted and compensated for to any person the same shall be recognized & paid for.

Art 6 Persons who desire to become citizens of the State in which they reside, and who, within ten months from the date of this treaty, shall signify that intention, and which intention shall be recorded in the county where the party resides, shall be entitled to the section or fractional Section of land on which their dwelling or improved land, as they prefer, may be situated, and to such as shall thus signify a disposition to become citizens, a reservation as aforesaid shall be granted, but no patent shall ifsue for the same, un-

lefs the person claiming shall reside thereon for five years after the time of recording his intention to become a citizen; and having done so he shall thereafter cease to be considered as being entitled to any further privilege as a Cherokee under the articles of this agreement, except so far as the Cherokee nation west in council may resolve and determine. But any white man married to an Indian woman shall receive the right and patent in the name of his wife only, and not his own.

Art. 7 It is stipulated and agreed that ^{months} thirty from the date of this treaty be allowed for removal and until then no survey of the Cherokee lands by the United States shall take place except under the circumstances of enrollment or removal, such as are stated in the first section of the second article of this agreement; and as compensation and inducement to those who may remove early, it is agreed that Indian persons who shall emigrate before the fifteenth of October one thousand eight hundred and thirty five of whatever age or sex they may be, shall be entitled on their arrival west to be paid sixty dollars each, and twenty five dollars will be allowed to those who shall remove during the ensuing year thereafter; but after that period, to wit October eighteen hundred and thirty six, this compensation will not be allowed, except to those who may have emigrated previously to that time.

Art. 8. That no delay be occasioned to those who may desire to remove, it is consented that an agent or agents shall be

sent into the Cherokee country as soon notice of the intended removal is obtained, who shall receive all Indian personal property which is not desired to be carried away; and the same shall be sold and the net proceeds paid over to the owners respectively who may be entitled to the same: or the same, may at the discretion of the United States may be valued, and the valuation thereof be paid by the United States.

Art. 9. The Cherokees are rapidly improving; their people have yielded the chase, and are becoming agricultural. They desire still to progrefs, and to that end it is consented that on getting to their new homes, One thousand dollars shall be advanced to them to procure materials for printing and publishing a news paper; that ten thousand dollars a year, for twenty years shall be allowed for common schools within the limits of the nation, and for teachers and the furnishing of blacksmiths shops with iron and steel, and for erecting mills, as the nation may desire; and also the further sum of ten thousand dollars for eighteen years, for the education of children within the States, the same to be disbursed under the superintendence of the Secretary of War; also there shall be advanced to them twenty five thousand dollars for the purpose of erecting such school and other houses as the nation may desire; and for ploughs, axes, hoes looms & wheels, thirty thousand dollars.

Art.10 The parties further agree that such of the Cherokees as shall, after this date, remove to the west shall be paid for the improvements which may be left and which add real value to the land, And to this end, the President will appoint some

discreet person or persons to value the same, and make report to the Secretary of War of all the improvements and their value, within the Cherokee country; and it is agreed that five hundred thousand dollars shall be set apart for that purpose, to be disbursed to the different claimants at their new homes, as their removal takes place. But as many of the Indians may, by the whites, be arrested on the eve of their departure for debts actually due or feigned, and their emigration thereby be prevented, it is consented that the United States will pay all such claims after the mode and manner that the President may prescribe, as may be ascertained to be justly and fairly due, to an amount not exceeding fifty thousand dollars, but no part or portion of this sum shall be paid to any person who shall cause an Indian to be arrested for the debt claimed of him, nor on account of any Indian who does not emigrate beyond the Mifsissippi.

The several items of payments secured & promised to be paid under the different provisions of this treaty, may be estimated beyond and greater than what the expenditure actually may be. And to avoid all difficulty and uncertainty in reference thereto, it is understood that if the several amounts herein pledged be not expended, that the balances remaining shall be added to and from an increase to the Cherokee annuities, and further, it is agreed that the annuities now due and owing, and those which shall become due, shall be apportioned and paid to the East and West Cherokees in proportion to their relative numbers, until a majority enrol to remove, or actually remove, and thereafter the whole annuities shall be paid to those living West of the Mifsissippi river.

Art. 11. It is furthermore agreed that, to satisfy fully the Cherokee people who entertain and express doubts if the country to the west, already possessed and which is to be patented to them, be adequate to the wants and probable necessities of the whole nation, that the following territory, supposed to contain about eight hundred thousand acres, shall be added to the large and extensive country already secured to them, to wit, all that territory which lies East of the Osage reservation, and west of the western boundary of the State of Missouri; and should it be satisfactorily ascertained after the removal of the Cherokees to their western homes, that in extent and quality, the country secured to them for agricultural purposes is inadequate to their wants and necessities, then the United States promise to use their endeavors to procure from the Osage Indians, along their southern boundary., a cession of such of their lands as may be sufficient to furnish a comfortable and satisfactory home for the Cherokee people; and if the United States prove successful in the negotiation, the same is to be assigned by patent to the Cherokees; and thereupon if desired by the United States, the Cherokee Nation will surrender all the claim they have to an equal quantity off their extreme western boundary, usually denominated the "Outlet" to the West. But from the above cession, the lands granted heretofore under former treaties, to the Senecas, Shawnees and Quapaw Indians are reserved and excepted; ^{but} said tribes if consented to by them, and the Cherokees residing to the West, may become members of the Cherokee Nation, and possess all the rights and privileges

of other Cherokees; and thereafter all their lands shall be considered as being held in common.

Art 12 In their earnest desire and efforts to remove the the Cherokees expect much interruption, and that means will be resorted to prevent their enrollment and removal, through threats to be made and fears to be excited. The United States, therefore, covenant and agree to protect them from interruption, if any should be attempted or threatened; and furthermore will cause to be prosecuted, to the extent the laws will authorize, such persons as shall interfere to disturb or prevent their removal.

Art. 13. It is stipulated that the expenses of the Cherokees who have come to the City of Washington, and are here at this time shall be paid, and also their expenses in returning home.

Witnefs

John H Eaton Comm^ron

Charles F Little

the part of the United States

Secy to Comm^r

Andrew Rofs

Rt M Johnson

John West

W^m Schley

James Starr his x mark

W B Lewis

T. F. Pack

John Coffee

C C Clay

James Standifer

Benj Reynolds, Indian Agent

F W Armstrong C Agent

A P. Chouteau

Benj F Currey

The undersigned, being a deligation from the western Cherokees, representing fully the wishes of their nation, have considered the several articles of this agreement, and they do hereby agree to, and approve of the same; and hereby give, as far as we can our assent to the same, and do invite our friends and brothers who remain in the States of Georgia, North Carolina, Alabama and Tennessee, Where we well know they cannot reside in peace to come and participate with us in the blessings we enjoy, They will be received by our people kindly and as brothers.

John Rogers

John Drew

James Rogers

Moses Smith his x mark

Charles F Little

Secy to Commissioner

~~Luke Lea~~

~~Saml Bunch~~

Supplement to a treaty between the United States, by their Commissioner duly appointed, and the Cherokee Delegation, which was concluded at the City of Washington on the nineteenth day of June, one thousand and eight hundred and thirty four.

Whereas by former treaties entered into, it was stipulated that a country should be set apart for the residence of the Cherokee people & in pursuance of this agreement and understanding, many have removed, and more propose to remove,

now it is understood that the country heretofore ceded west of the Mississippi, being originally intended for the use and occupancy of the whole Cherokee people, the United States will secure and protect them in the use, possession and enjoyment thereof, to the extent that others heretofore, at any time, have enjoyed and possessed the same. But upon application of the Cherokees that the country assigned to their use is insufficient, then the United States influenced by the kindest feelings towards their Cherokee friends and brothers, will approve any arrangement which the Cherokee nation by one or more persons to be appointed, shall arrange or cause to be arranged with their neighbors, the Osage Indians, for an enlargement of the present limits so as to run north along the Eastern Osage boundary, sixteen miles, and thence West to what is called, on the map hereto annexed and signed, and dated this day by the Commissioner and the Cherokee delegation, "McCoy's Habitable Line", and as consideration to effect this object, the United States consent to a cession, to the Osage Indians, of an equal quantity of land ceded by them from the unoccupied territory possessed by the United States along and with the Northern boundary of the Osages, to the eastward of said habitable line." And it is furthermore provided, and expressly understood that the expenses of obtaining this territory, over and above the land to be ceded by the United States in aid thereof, shall be chargeable on the Cherokee funds, secured under the articles of agreement to which this is a supplement, the same to be taken from any part of the estimates and allowances which are authorized under the Ninth Article of the agreement, to which this is a supplement., But

as an arrangement may be made before the Cherokees are authorized to receive any thing from the government it is agreed that the sum to be paid shall be advanced by the United States, and be charged to the Cherokees, by them to be reimbursed,

The tenth Article is agreed to be so amended that, that when the Cherokees remove, ferries owned by any of them shall be taken into the estimate as parts and portions of the value of improvements to be estimated and paid for. Said article also requires that improvements shall be paid for to the Cherokees on reaching their Western homes. It is agreed that so much of any Indians improvement as may be necessary to pay any debts which shall be due and Owing, and shall so appear to the satisfaction of the Secretary of War, may and shall be so paid for by said Secretary to the creditor after the debtor emigrated, But any demand thus to be allowed and paid shall be subject and liable to the several restrictions and conditions which are continued in same article in reference to the paying of other Indian debts; And the amount for that purpose, limited in said article, shall be applicable first to those Indians whose improvements are found insufficient to pay their debt.

Andrew Rofs, it is understood, has made a turnpike road, which has cost not less than one thousand dollars: it is stipulated that he shall be paid for the same.

It is requested and agreed to that the United States will redeem the Osage reserves of eight Sections, within the Cherokee territory, which heretofore have been reserved and

secured to them by previous treaties, whenever the same can be effected on fair and reasonable terms,

It is Stipulated and understood that an equal and just proportion of the present Cherokee annuities shall be given to each person who shall enrol for emigration, and the same shall be paid when the parties are about to emigrate to the West, and so far as the Secretary of War can ~~be~~ ascertain, he will cause their former annuity of ten thousand dollars to be proportioned from time to time, equally, to the East and west Cherokees, agreeably to their respective and relative population,

And Indian persons who under the provisions of this agreement, may be entitled to subsistence for a year after removing to the west, may commute that subsistence for ^{money} ~~mony~~ ^{ration} ~~at the subsistence~~ price, if the disbursing agent on the part of the government shall consider it advantageous to the party applying and shall consent to the same; and whenever contracts are necessary to be made for procuring supplies for the subsistence, and any Cherokee shall propose for the same, the contract shall be awarded to him if the terms of the offer be liberal & low as those offered by others.

The expenses in coming to, returning from, and remaining in the city of Washington, of the Western Cherokee Deligation, who have come here to aid and assist their eastern brothers, and to encourage them to go west, it is agreed shall be paid; and also their Clerk Mr Shaw, who has accompanied them, and aided in this Service.

The Cherokees propose that their right may be regarded and to this end ask that the act of eighteen hundred & thirty two, which prohibited ardent spirits to be introduced into their country, may be repealed. The authority of Congress to "regulate commerce with the Indian tribes" is not denied; but in that does not consist, they think, a right to restrain and prevent them to use & enjoy, and take into their country, on their own account, those articles which their white brothers use and consider to be comforts and luxuries. The application offered is thought to be reasonable and just, and it is agreed that the Cherokees shall, for their own family, use carry into the nation wine and ardent spirits; but it is also agreed that no white traders shall be permitted to introduce them, and the Cherokees agree that they will not, for the purpose of speculation and gain, whereby to corrupt the temperate habits of their brothers & friends. Yet, if the President and Senate shall think proper to disapprove of this proposition it is consented that its rejection is not in any wise to affect this treaty, although they consider the request just, reasonable and proper, the abuse not the use of ardent spirits makes the wrong; and upon this point they respectfully submit if their own councils, instead of Congress, shall not be at liberty to decide and if this article be admitted, it is further agreed that the Secretary of War shall settle and pay for such ~~ardent~~ ardent spirits of the Indians as was seized and confiscated by Capt Vashon and Maj Armstrong, the Agents of the Government, in the ^{year} eighteen hundred and thirty two.

Done at the City of Washington, this 23rd day of
June 1834

Ch^s F Little

John H Eaton Comm^r on the

Rh M Johnson

part of the u States

W^m Schley

Andrew Rofs

John Coffee

John West

C C Clay

T J Pack

James Standifer

James Starr his x mark

Luke Lea

Saml Bunch

James A Whiteside

Benj F Currey

W^m D Shaw

Secy to Cherokees

Washington City

July 16. 1834

The within is a true copy of a treaty which was concluded by me as Commifsioner on the part of the U States with the Cherokee Deligation at this place during the present summer.

Given under my hand this day

Jn^o H Eaton

The above Cirtificate was written by Major John H Eaton at the office of Indian Affairs in my presence on the day above named.

Elbert Herring

Commifsioner of Indian Affairs

The foregoing is a copy of Articles of Agreement which
I am directed by the President of the U S to submit to the
Cherokee people for their approval. As these articles will be
acted
carried with and ~~they~~ upon sooner or later and your aid in
their promulgation is most respectfully requested

Ben. F. Currey Supt
Cherokee Removals

To Jn^o Rofs Geo Lowry Geo Waters
Maj Ridge & other Cherokees
assembled at Red Hill T

Oct 13 1834

(OIA: 1834 Cherokees (East) Articles of Agreement between J.H.
Eaton U.S.Com'r & Andrew Ross John West T.J.Pack Jas.Starr.)

Wills Town C. N. Aug^t 17th 1834

Dear Sir,

about

I have been at home ~~nearly~~ two weeks and having been expecting to see you here before this I would be truly glad if you could make it Convenient to come down here soon, ^{as possible} there was a plan laid a few days ago to kill Pack & myself by some of the Indians, they understood that we were going to cross the mountain to Bellefonte on a certain day. they collected to [&] go ^{had} lay in ambush for us on the mountain but after they collected they were told that we had gone down the valey they then concluded to defer their designs until another more favourable opportunity, I can hear of such threats almost ^{dayly} ~~delay~~, I have ^{no} fears about them if they would only come out boldly, but I beleave that ther designs is to take some private advantage of us, there is no doubt but what the indians are urged on by Certain Individuals who are afraid show their own faces but pushes the ignorant indians before them I wish ^{you} to come down soon as possible if it is in your power to do so I shall be on my guard, & if there is an attact made on me I will try to kill one of them at least, I would come up myself but I hurt my horses back so that I cannot ride him & my good friend here are so obliging that they will not lend me one. Respectfully yrs

A. Rofs

Dart Davis has come to the conclusion to enroll the first time he see^s you and has requested me to send you word to come to his house soon as possible and bring the afsefsors with you I think there will be several others that will enrol in this neighborhood - Come well prepared & we give these threatening

Fellows Hell if you have the regulars at your Comand send a
out
detachment down with fail

A. Rofs

(OIA: 1834 Cherokees East B.F.Currey A. Ross. Report of
shooting of John Walker. Above letter addressed to Curry.)

Cherokee Agency Aug 25 1834

E Herring Esqr.

Com^r In^d Affrs

Sir

A Council of Cherokees having been convened at Red Hill T, by Jn^o Rofs a few days ago where Jn^o Walker was present In returning home he was fired on twice by persons laying in wait He says he saw one of them & recognized him to be an Indian the first fire was without effect but the second wounded him dangerously - the Ball having pafsed through his body above the right nipple There are however hopes entertained of his recovery should a skillful surgeon reach him in time

Enclosed I send you a letter from Andrew Rofs which will show you the temper of the Indians excited as they are by the misrepresentations of Jno Rofs & his party in relation to the late Treaty Rumor says all who were accefsory to this arrangement are to share M^cIntoshes fate Indeed we have ~~tee~~ much reason to apprehend the party adverse to a treaty decreed this course before they left the City and are now standing in the back ground while their minions are to carry into effect their diabolical schemes by shedding the Blood of their Brethren At the Council Ridge was afsailed with much violence & threats are out against his life also as I am informed I started to the Council myself but it adjourned before I reached there - the cefsion was unusually short & the object of the meeting not promulgated

Would it not be well for you to direct the Commander of the Troops at Coca Creek to station himself or a detachment

of his forces any where in the Indian settlements that the circumstances may seem to require for the purpose of intimatedating these people & preventing the effusion of Blood.

The Commander of these troops never having reported
to me
himself, leaves a doubt whether he would consider himself bound by my requisition & our friends being comparatively few in the nation require ~~this~~ support from that quarter

On this subject be pleased to write me without delay

Most Respectfully

I have the Honor to be

Your very obt Servt

Ben F. Currey

P. S.

Time may Show that the shot Walker received was the result of some old grudge between him & Ja^s Foreman instead of the Treaty spoken of

(OIA: 1834 Cherokees East B.F.Currey A.Ross. Report shooting of John Walker.

Cherokee Agency Aug 26 1834

Gen^l Geo Gibson

Com^y Gen^l Subsistence

Sir

I arrived at this Agency on the 19th Inst After having visited Golconda Ill & Cape Girardeau M^o with the view of ascertaining the best route by land for the removal of Cherokee emigrants In order to be availed of all the information on this subject considered of importance to the Department I must beg leave to defer a report until Issee Lieut Harris who is at this time at the Blountsville A springs & whose observation will enable him to furnish information additional to that collected by

Yoursmost Respectfully

Ben F Currey

PS Will my friend Easton have the goodnefs to send me three or four printed copies of the newly printed regulations on the subject of Indian removals?

(OIA: 1834 Cherokees (Emigr.) Benj. F. Currey, Supt., to Gen. Geo. Gibson. Rel to the Golconda route, etc.)

(COPY)

Head Quarters 7 Ift

Fort Gibson Sept 7th 1834

Sir

Yours of this date, I have received and shall tomorrow, or next day, send the soldiers (including the Sergeant) that were accessories or the cause of Jefse Parris's death, under the charge of an Officer of Fort Coffee. There to be kept in confinement until you require them of the Commanding Officer, Capt Steuart, to be delivered to the civil authority. I will transmit to you a copy of the proceedings of a Board of Inquiry that I instituted for the investigation of every particular relative to Parris' death, by which you will perceive who are the principal witnesses. These witnesses, I will order to Fort Smith as soon as you notify me that they are necessary, in order that the prisoners may be committed to Goal by their testimony.

I remain

Very respectfully

Your Obt Servt

Jos B Many

B^t Col. U.S.A.

To

Major F W Armstrong

Acting Super^t West. Territory

Present

(OIA: 1834 Cherokees West. F.W.Armstrong. Respecting Cherokee murderers.)

(COPY)

Fort Gibson Sept 7th 1834

Col James B Many

Commanding Ft. Gibson

Sir

In our conversation of yesterday, upon the subject of the death of Parris, a Cherokee, we came to the conclusion that the perpetrators of the act should be dealt with in such a way, as to meet to meet the requisites of the law, without delay, so that the responsibility of keeping the offenders safe, should at once be thrown on the civil authority, to where it legally belongs, It was understood between us that it would be best to send the offenders to Ft. Coffee (Ironed) and let them be kept there until I could write the Dist. Attorney for the U. S. Mr. Roan, at Little Rock, and call on him to send up the Marshal, or take whatever other course he might deem proper in this case. It is understood that the Guard will continue with them, until they are safely lodged in Goal, or until they are relieved by the civil authority, which will be upon committal being made, unless the further assistance of the command is wanted to guard them to Goal, of which the Marshal will be the judge.

It will be necessary to send with the officer having charge of them, a list of witnesses examined by the committee, or such as is necessary to ensure a committal. I will thank you to include in the list of witnesses Elijah Cowan, B H. Smith, W^m Glafts, a Cherokee, and Captain West. The testimony of Cowan is important on the examination. He is near here, and the Cherokees will advise him to attend whenever the command is ready to march. I have been requested to employ Cols Seviere and Ashley

as Prosecuting counsel on the part of the Nation. This will be done.

It is due to the Chiefs to state that they appeared satisfied at the course proposed to be taken in this unfortunate and verry much to be regretted affair. I am to notify the Cheifs when the Court sits.

I have the honor to be

Your Obt Servt

(Signed) F W Armstrong

A S. W. T.

P S. A copy of this letter has been furnished the Cheifs.

(OIA: 1834 Cherokees West. F.W.Armstrong. Correspondence on murder by U. S. troops.)

Choctaw Agency Sept 11th 1834

Elbert Herring Esqr

Com of Indian Affairs

Sir

I regret to inform you that a most unfortunate affair took place between a command from Fort Gibson, sent out by order of Col Many, consisting of a Sergeant and ten privates, on the night of the 25th of last month.

It appears that a white man not a resident among the Cherokees, was at a half-breed's living within two miles of the Garrison, a great Whiskey character. This white man was drunk and in a difficulty which grew out of this man's abusing Parris's wife, and breaking some things in the house, the Half Cherokee Parris took a club and beat this man until his life, for some days, was despaired of.

Col Many commanding the Fort knowing that the law had legislated Capt. Vashoen out of office, and not knowing that he was appointed Sub; and knowing that I was absent, felt it his duty to have this Cherokee taken, he therefore sent a command to take him, as stated, but in doing so, it is admitted by all, that he gave positive orders, not to use force under any circumstances. When the command reached the house of the Cherokee, he jumped out of the window and ran, it was in the night, and four of the command fired, as they say at the order of the Sergeant, there is a good deal of excitement among the Cherokees; and the Chiefs complain that this is the fourth man that has been murdered, and no redrefs, threats are made by some of those people. I had the Chiefs together, and as you

will see from the enclosed letter, which is a copy of one to Col Many, things are quiet - I have taken such a course as I hope will be satisfactory.

Without the least censure intended, it is not, in my opinion, right that the military should act until an opportunity is afforded the Chiefs and Nation to deliver the offender up, which they will do in all cases, when a demand is peremptorily made, by the Government Agents.

Enclosed you will, also, receive a copy of Col Many's letter to me, and a copy of my letter to the Dist. Attorney, which will put you in possession of all the facts connected with this case.

I presume the particulars will be furnished the Sec. of War, through the proper Military channel, as a committee did set several days, taking down the testimony. To which I have the honor to refer you for the details of this unfortunate affair.

I have the honor to be

Your Obt Serv^t

F W Armstrong

A. S. W. T.

(OIA: 1834 Cherokees West. F.W.Armstrong. Correspondence on murder by U. S. troops. There is no copy of Col. Many's letter to Armstrong in the file.)

Choctaw Agency Sept 11th 1834

Sam C Roan Esqr

Dist Attorney for the U. S. Arkansas Territory

Sir

A command of soldiers in attempting to take into custody, a Cherokee, by the name of Parris, under the orders of Col. Many, unfortunately killed him, although when the command left the Garrison, on this duty, they were expressly ordered not to use force in taking the deceased, still four of the command fired contrary to orders. I considered it my duty to have them placed in the hands of the civil authority, without delay, The prisoners are in Irons, and will be kept at Ft Coffee, near this place, until your precise instructions are received. The late act of Congress passed 30th June last, attaches this District of Country to your Territory, a reference to that law, which I presume has been forwarded to you by this time, will enable you to instruct me as requested. The Cherokees have required me to employ Cols Seviere and Ashley to aid you in the prosecution. If you deem it proper, which I presume it will be, the Marshal should be sent directly here, or any other course you may point out, will be followed by the Government officers connected with this duty, your early attention to this, is required, as there is great excitement in the Nation.

The names of all the witnesses, proper to be summoned, will be forwarded you at the time the prisoners are placed in the hands of the civil authority, and such of them will accompany the command having charge of the offenders, as will ensure a committal before the examining court.

Please inform me when the court will set, for their trial.

I am respectfully

Your Ob^t Servt

(Signed) F W Armstrong

A S. W. T.

(OIA: 1834 Cherokees West F.W.Armstrong. Correspondence on murder by U. S. troops.)

Cherokee Agency Sept 13 1834

Hon Lewis Cais

SecY of War

Sir

Enclosed is a copy of a communications from myself & Colo Montgomery to John Rofs - of the Cherokee Tribe & Gov^r Carroll of Tennessee Also a copy of a letter of instructions from the President of the U.S. to us in relation to the murder of Walker &C

The Shff of the Ind^d Govt & his half Brother have been arrested by the afsistance of the U. S. troops - and The circumstancial testimony^{was} so strong in its character as to justify their committal

Two other Cherokees were arrested & committed on account of threats made against myself during the pendency of the examination - They are Brothers to the murderers of Walker

Most Respectfully

I have the Honor to be

Your very Obt Servt

Ben F. Currey

(OIA: 1834 Cherokees East B.F.Currey A.Ross. Report shooting of John Walker. No copies of letters to Ross and Carroll and letter of instructions in file.)

Cherokee Agency Sept 15 1834

Hon Lewis Cals

Secy. of War

Sir

The following is a copy of some of the proceedings at the late Council called by Jno Rofs and a historical account of matters generally as they occurred written by Mr Ridge Owing to the Short period of their Sefsion it was not in my power to be personally present. Indeed I was advised not to go to their Council lest my presence or that of any agent of the Govt. should sharpen the indignation of the common Indians & turn their feelings excited as they had been by J Rofs & his afso-ciates into open acts of hostility against Ridge Vann & others who had spoken favourably of the arrangement made by Andrew Rofs & his colleagues.

To the Committee & Council in general council conveded

The undersigned petitioners & citizens of the eighth district of the Cherokee nation would respectfully represent to the general council that several members of the Committee in the humble opinion of the undersigned are at this time sustaining a course of measures introduced by the Govt of the U.S. that are too well calculated if permitted to pafs unnoticed by the citizens of this country as not to fail in disappointing our best hopes of finally succeeding in establishing our dearest rights - the preservation of our nation. In order to preserve ourselves and nation from the injurious effects

of the System of measures kept up by the Govt to create dissensions among us and destroy our nation, Justice to ourselves and duty to our nation compels us to remove the obstacles existing in the way of our authorities having for its grand object of relieving the Cherokees from their distressed situation The undersigned are therefore impelled by the love of country and disposed to preserve ourselves therein come before your honorable bodies, and present the following general charges against the Hon^l Jno Ridge David Vann & Maj. Ridge as maintaining opinions and a policy to terminate the existence of the Cherokee community on the lands of our fathers & secured to^{us} by treaties with the U.S. - Specification. We allege against the Hon^l Jno Ridge David Vann & Maj Ridge aiding the Govt of the U.S. in opposing the policy of the nation in obtaining permanent relief from the Government. The undersigned would therefore further intreat that your honorable bodies pass an act this session to discontinue the above persons as members of the general council of our nation and that they may vacate their seats thereto and that others more patriotick and disposed to sustain our policy may be appointed in their places and your petitioners will ever pray Maj Ridge being a member of the executive council of the principal we pray may likewise be discontinued from his station.

Signed by 22 names from Chatouga District two from Hightower 16 from Hickory Log; 88 from Coosawattee, 10 from Toquohee and 6 from Aquohee. In the Cherokee language -

The Council do find from mature deliberation of the Contents of the within petition that the persons named in the said

petition are guilty of aiding the Govt in its policy in trying to effect a removal of the Cherokee people to the West of the Mifsissippi & should ^{be} ~~and~~ removed from & vacate their seats

Red Clay C N

Aug 23 1834

A M^cCoy Ck

N Council

his
Sleeping x Rabbit
mark

Speaker Protem

In Committee

A communication was received from the Council preferring inpeachable matter against Mefsr Jno Ridge David Vann members of this body and Maj Ridge one of the Executive council and on Motion of Richard Fields the Communication and documents were laid on the table - the Clerk to notify the parties Charged to appear at this place on the second Monday in Oct^r next to answer to the said preferred Charges,,

"I will now communicate to you the results of the late Council called at Red Clay where Jno Rofs & his deligation reported on their transactions with the Executive & Congrefs of the U.S. during the last winter & spring The council met. on the 18th Aug & adjourned on Saturday of the same week The memorial & the correspondence annexed to it which was submitted to the Senate were read & other manuscript letters in relation to the School fund & on subjects of minor interest with the Subordinate officers in the War Department closed the report for the first day. - On the second Jno Rofses verbal commentary on this report & objections to the policy of the Govt of the U.S. were given Previous to the meeting of the Council, however, as usual,

had
 false hopes, been rivited on the minds of the Indians by various rumors of promising prospects founded upon expected consequences which were hid in ambiguity and mystery - They^{were} all to be made plain by the papers when opened - the result of the reading contradicted all this and silence of the full blooded Indians who attended in numbers The members of the committee were not Organized but stood or sat among the multitude as they could - the Clerks were not allowed to read or interpret but it was all managed by Jno Rofs Taylor Ned Gunter & George Lowry - when the deligations indirect propositions to submit the Cherokees to take their individual standing in the States were read Rofs & Gunter explained them away by saying they were to be submitted to them for their acceptance or rejection and if agreed to it was not meant now to emalgamate with the whites but may be to do it in fifty years or a hundred or never at all if the Cherokees did not like to do it, and that they had returned without impairing their rights but that they were just as good now as they were when the Deligation Started At the close of the report Tom Foreman rose & suggested to Rofs in a speech that he omitted to report that the Cherokees were getting alive again - he saw this in the law providing intercourse with the Western Indians - that the intercourse law for this country was unrepealed Jackson had signed that law - he was forced to do it by circumstances - and was also compelled to pay the Annuity money to the nation He said we had ^{evchires} sinners among us right here - Our people were doing all the mischief - relief had long ago been obtained if it was not for these enemies - They had induced a good portion of poor ignorant Indians

to enroll, who had all died on the way, or if yet alive they would all die this Summer -

These men might as well carry a poisoned cup to your mouths and say drink this & I will give you so much money! Or let me give you money to allow me to kill you! Who would make such a bargain? H. would not (a laugh in council,) Maj Ridge was a member of the Executive council but he had gone to Washington to do some things against his Country. He had gone around the nation with the Chiefs & made Speeches telling the people to love their land, & in his earnestness Stamped the ground - the ground was yet sunk where he stamped & now he was talking another way If he Foreman had known this he should not have voted for him. Yet these men had good clothes on - why could they not be satisfied with their property & not try to suck for more in the veins of their country &C" During this speech it was responded to by the Indians - I heard one of them Parch Corn, who ran away from the Georgia side for stealing say "let us kill them"

I replied & expressed my surprise to hear such a speech at the close of the report of the Delegation on their return from Washington. Was it done at the suggestion of the Chiefs to conclude that report? I could not believe it Foreman had said that our cause was reviving & appealed to a law made for the benefit of the Western Indians let it all be read & let the people know upon what sort of ground they were to build their hopes. Maj Ridge had with distinguished zeal & ability served his country He saw that it was on the precipice of ruin ready

to tumble down He told them of their danger Did he tell truth or not? Let every man look at Our Circumstances & judge for himself Was a man to be denounced for his opinions? If a man saw a cloud charged with rain - thunder & storm & foretold that it would fall & urged the people to take care & his apprehensions had been confirmed is that man to be hated or was he to be respected. Foreman had told untruths to prejudice your mind against certain men to gratify his malice The Delegation had given us a candid report I believe they had hid nothing from us It afforded no hope of relief against our suffering Country - why should we embitter each others feelings But if the presence of Maj Ridge & myself in their council which we thought was ours also is disagreeable to you we know how to Stay away What would become of our nation if we were all like Tom Foreman? Could any good grow out of our Councils? We should now fall together & twist each others noses - Our eyes would not remain in their Sockets, but in general we should gouge them out &C. Maj Ridge replied at length in a dignified Speech with a degree of eloquence, that equalled his best efforts & defended his reputation - I will not have room to give the substance of it But this ~~is-said~~ he said that he, "had not the vanity to hope for honors in his declining years His Sun or existence was going down - it was low He had only a short time to live It may be that Foreman had better expectations & that he showed in Slandering men establish his fame among you But I have no expectations he will enjoy it long, for we have no government - it is entirely suppressed Where are your laws? The seats of your judges are all overturned. When I

look around upon you all I hear you laugh at me when harsh words are uttered by men who know better to promote their own objects I feel on your account oppressed with sorrow I mourn over your Calamity & the fatal delusions in which you are bound You can never stand ~~in~~ on freedom's ground again This man will not reap any harvest of glory if he expects to be a great man in your estimation It is past remedy I am not angry at the people I know how to feel for your condition But as for you who know better & hold your plans to yourselves I tell you that you shall not make a treaty by yourselves I tell you that you shall be carefully watched in your movements" After this the thread of Foreman's malicious discourse seemed to be deranged He tried to speak faltered was embarrassed - denied he was a Slanderer believed he was right & requested a letter from Jno Nave to be read which spoke unfavourably of Arkansas as to soil & health He said Five of the Coody's family were down with a fever - desired his parents should remain if they had to rent land & that he would return in the fall It was read by Rofs & interpreted by Gunter After this Ned Gunter arose and delivered a Speech on a subject which he said had been omitted by Foreman He warned them against A Rofs's treaty & said a good deal to put the people on their guard when this was done I began to think it was a plan devised by Rofs to direct the people's minds from his failure & to raise their indignation against the advocates of a Treaty In this they succeeded too well. Threats were made that if some men did not take care they would drop off from their ponies."

A Petition written by Elijah Hicks a copy of which I herewith send was now privately signed to discontinue by an act from office John Ridge David Vann & Maj Ridge for entertaining opinions in favour of removing the Nation The Council unanimously, excepting Geo Chambers who made a speech against it found us guilty & impeached us The Committee laid it upon the table to be taken up the 2nd Monday in Octr next when we are to be tried for our grievous Sins The Committee will of course set as a high court of Impeachment on oath W^m Rogers & E Boudinot will be our counsel on the occasion an opportunity will here be presented to discuss fully our views & policy & ask what the policy of the Nation is Towards the close of the council three acts were passed to wit an act directing the agent to pay over the annuity money to Judge Martin an act to increase the salaries of Shffs & Constables and an act requiring the President of the U.S. to withdraw the Cherokee children from the Choctaw academy & asserting the right of choosing the Schollars & the Schools when they are to be educated by the interest of the School fund ~~according~~ academy from the reservation made in the treaty of 1819 for the support of education among the Cherokees. After writing due Bills to compensate the members of the council it adjourned During the council at its close threats were made to kill such as were friendly to the Treaty & just at 9 Oclock in the evening Jack McCoy arrived as an express to state that Jack Walker Jr had been way laid & shot Maj Walker instead of going to see his son accused the council & Ross as the instigators of his sons assassination and threatened to kill the latter - The Hare & others guarded Mr Ross in his cabin all night & at different times of the night saw the

Major hovering about the place Before day light M^r Ross started home guarded by Taylor & Dirt Town. In the morning some friends requested urged me to avoid an ambuscade they believed was also laid for me on the direct road & to go by Joe Vanns with a large party who were returning from council I did so & returned home in safety M^r Ross in going to the council went in a bye path with Woodard guided by an Indian called Fox & crofssed New Town several miles below

As he did not crofs at New Town Elijah Hicks exprefsed his belief that he was slain by the Treaty party & hunted two days for his corpse until he afcertained that he had crofssed at Six Killers and gone on to the Council - I really believe that between the Official & Woodard that John Rofs is under serious apprehensions for his life, & as for us we know that we are in danger & you may judge of the situation of both parties at a time when our nation is crumbling into ruin The Committee appear as a body to pofsefs reason but greatly silent & caucious all the principal half Breeds treat me respectfully & politly but they do not exprefs opinions but in disconnected terms and they are greatly opposed to removals They live in the hope I believe to effect a compromise by yealding up Georgia & secure protection in the remainder This scheme is supported by the weakest argument & at the same time all their energies are exerted to prejudice the people against Arkansas - they allege that all are in a state of slavery as soon as they enroll Jno Rofs has been instructed by Mr Sergeant of Philadelphia to institute suits against the Georgians in their own courts & in the Federal District courts He did

not report this in council but I am credibly informed it is a fact"

From the foregoing it will be seen what countenance was given by M^r Rofs & his party to the murder & afsination of the Treaty party,

Gunter who spoke in relation to A Rofss Treaty is a member of Jno Rofss Executive council - from the circumstance of Gunters saying Foreman had omitted to speak of one thing &C it may be fairly infered F had been instructed by this committee of which Rofs is the principal. The notorious fact too that Elijah Hicks the Brother in law of Rofs never acts politically without R^s previous sanction will go to show Hicks was instructed by him in relation to the memorial praying the removal of Ridges & Vann from the committee & council of which Hicks appears to have been the writer.

I am at this time engaged in taking depositions by which to ascertain if pofsible all the facts in relation to the murder of Walker & the intended murder of others identified with the Treaty party in obedience to the Presidents order a copy of which was forwarded you a few days since

Most Respectfully

Your Very Obt Servt.

Ben. F. Currey.

Hon Lewis Cafs

Cherokee Agency 17th ~~th~~ Sep. 1834

Sir

I had a shocking trip - one day and a half in coming from Maj. Colemans here; where I arrived yesterday, noon, feverish with vexation and regret that I should be so little punctual. You may imagine my astonishment to find however that very few, scarcely any, except the three chiefs the committee and council had arrived, and Capt. Vashon informs me that he has just now called on the Chiefs committee and council requesting them to convene the tribe for the exprefion of their decision as to whom the payment shall be made. When I received the funds for paying this annuity, I consulted with yourself, Capt. Vashon & Capt. Brown as to the time and place of payment; with Capt. Vashon I consulted particularly. By all it was agreed and determined that at this time and place the payment should be made, and Capt. Vashon told me that he would give timely and ample notice as to the time and place, and also of the decision the time would then & there be required to make. It would have been improper for me to give notice, the instructions of the dept. imposed this duty on him. Yet I am now informed that notice has not been given, and the question is now being discussed whether notice shall be sent out by mefsengers or not.

I find that the Chiefs committee & council take the decided stand that they are ^{the} chosen and fair representation of the Cherokee tribe, the proper organ through which this decision should be exprefsed. They exhibit both the laws for the organization of the Ind. Dept. & appropriations of indian annuities, ^{the first} the language of which is "that all annuities shall be paid to

the chiefs or such persons as they shall appoint," and of the latter "to the chiefs or such persons as the tribe shall appoint."

The council was organized & commenced business last evening, and I am informed that they will this morning notify the Sub Agent that they are ready to receive the annuity. If he will not recognize them as the proper persons to receive, they appeal to the Dept. Capt. Vashon calls on them to convene the tribe. This I am told they will refuse to do, in which case the Sub Agent will appeal to you. Two contractors are waiting for me, I have much other business to attend to, and in this state of things I shall leave here and make the payment when called on by the Sub Agent.

The Chouteaus are neither here nor at Gibson, I will forward your letter as soon as possible.

I have not interfered as I thought it would be improper and write you this in confidence. I have complied with the appointment, my other duties will not allow me to remain here. I shall be ready whenever called upon to make the payment. I regret the state of things but it is not for me to regulate them.

My respects to the ladies

Respectfully Sir

Your obt servt.

J. Van Horne Lieut 3 Inf

(OIA: 1834. Cherokees West Lt. Van Horne, U.S.A. Chiefs. Relative to annuities. Above letter addressed to F.W.Armstrong.)

Cherokee Agency Sept. 27, 1834

Gen^l Geo Gibson

Comy Genl Subsistence

Sir

From the best information to be had, with the limited examination which it was in my power to take of the Golconda route, the distance might be estimated at Eight hundred miles from this Agency to the Western Agency. While that via Memphis may be put down at seven hundred and thirty

During the greater part of the year the latter route would be impofsible for land carriages. While the former would present no obstacles to prevent travelling at any season

In pafsing on the Memphis route the Emigrants would have to travel through a Cotton growing Country part of the way, where Supplies would neither be so plentiful or so cheap as they would on the Northern route

The Cherokees have an unconquerable aversion to Water transportation, any part of the way, which would be absolutely necefsary on the Memphis route at most seasons of the year. All their partialities are fixed in favour of the Northern or Golconda road and most of them would prefer Settling on the lands designated in A Rofs^s Treaty West of Mo & so & East of the Osage Reservation which would make the distance to be travelled about equal on each route.

Waggons and teams could be had cheaper to go the whole distance than they could by engaging them for the Mif-

Mississippi river Subject there to be dismissed or continued at pleasure. - Should they be continued through, it might be well to say whether the whole disbursements for transportation should not be made by the Agent East where the contracts are concluded.

It is believed no considerable number would wish ^{to} emigrate during this season. - Such as do will mostly take the commutation money or prefer to be removed by persons selected by themselves who would take this allowance as compensation for transporting and subsisting them on the way

Where this is allowed responsible contractors with good and sufficient security will be required

Before any general removal takes place it would be proper for an Agent to pass along the road Selected, and fix Stands at convenient distances, from which to furnish the necessary supplies to emigrants on their way to the West

In conducting an extensive public business it is all important that a regular set of Books should be kept exhibiting all the transactions connected with removal & C & C To this end the services of G W Currey have been employed - his salary or pay has not yet been fixed, but will be regulated by the duties performed.

A copy of this Communication will be furnished Leut Harris with a request that he make out an estimate and forward it to your Department early

I have the Honor to be Most Respectfully

Your Very Obt Servt Ben F. Currey

Extract from the proceedings at an interview held at the
Choctaw Agency, Novemb^r 29, 1834, by Maj. F. W. Armstrong,
Act^g Sup^t Westⁿ Territory, with a delegation of Western
Cherokees, headed by their 2^d Chief Black Coat. Kept by
the Clerk at the Superintendent's Office.

"The Chief also complained that white intruders were settling on their lands, bringing their stock &c, with them. The Superintendent explained how difficult it would be for the Agents to distinguish the white intruders from the number of white persons permitted by the Indians to live among them, without their assistance. He advised them to give the Sub Agent, a list of all those whom they wanted to remain in their country, and he would have the others expelled from their lands. He impressed upon them, the necessity of their permitting none to reside among them, but men of character - of honest and sober habits, whose example of industry would be a benefit to the Cherokees. He advised them to adopt a plan which he knew would not fail to secure them from the intrusion of bad men of all kinds. "That is not to employ or permit any stranger to live among them, unless he files in the Office of the Sub Agent, a certificate of character - stating his profession, and what he is going to be employed at." The Superintendent promised the Chief, that he or the Sub Agent would have all white persons, who failed to file certificates of character, in his or

the Sub Agents Office, removed from their country.

The Chief expressed much satisfaction with the Superintendents assurances; and views of the various subjects they had conversed upon; and the Delegation agreed to meet the Superintendent at Fort Gibson, on the 15th of next month."

(OIA: 1835. Western Supt'y. J.W.Armstrong.)

Athens, January 20, 1835.

Sir:

An examination of the papers of the late John Walker Junior, of the Cherokee Nation, leads me to suppose, that he lost his life on account of the relation he sustained towards the Government of the United States, respecting the removal of his people; or, at least, that if private pique was the immediate cause of his death, its perpetrators would not have dared to commit the crime, but for the countenance they anticipated from those of opposite sentiments. This consideration, and the fact, that his family is nearly related to me - his wife being a grand daughter of Col. Meigs - embolden me to ask of the Department, that in making a final arrangement for the removal of the Cherokees, a reservation be granted his wife for life, remainder in fee to his children, to include the very valuable improvements on which he resided at the time of his death.

Feeling very great solicitude on this subject, you will, I trust, excuse me for most earnestly soliciting your attention to this application, and begging the favor of an early answer to this letter, and the communication of the views of the Department on this proposition.

Most respectfully

Your obt. Servt.

Hon. Lew. Cads,
Secretary of War.

R. J. Meigs

(OIA: 1835. Cherokees East R.J.Meigs. Opinion as to murder of John Walker.)

Fairfield 16th Feb. 1835

To Maj F Armstrong

Superintendant &c

D. Sir

You will reckon you requested us to inform you when any of the white men in the Nation behaved amiss, that they may be put out of the Nation, or dealt with according to their misconduct; we now accordingly present the following persons, viz. Mr. Floid Jorden - Mr. James McDonald and Mr John Mosely, all white men, the two last with Cherokee families and the first with a Catawby wife.

Mr. Floid Jorden has been in the Nation about five years, and his conduct has generally been notoriously bad, as a gambler, drunkard and quarrelsome man. On the 11th Instant he provoked a quarrel with a Cherokee man, by the name of Whirlwind (Whirlwinds son) and unmercifully beat him without cause till he was dangerously wounded hitting him with an axe and using other dangerous weapons on him. At the time of the fracas they were both intoxicated

Mr. James McDonald we complain of, as the man who furnished them with the liquor, on which they got drunk. He is one of the last emigrants, and has generally behaved himself as far as we are informed well; but he is certainly known to have furnished the liquor to Jorden, and is believed to keep ardent spirit in his house for sale. -

Mr. John Mosely was taken on the 1st day of Feb. by the Lighthorse and tried according to our laws and usages for horse stealing, and found guilty. He stole two horses from

Mr Isem Snow a white man living in the Nation with an Indian family. The witnefs against him is also a white man. He was kept under guard and not punished, with the design of reporting his case to yourself, to know what should be done with him, as both he and Mr. Snow are white men. You will now please to inform us what we must do with him, whether we shall deliver him over to your order to be tried by the U. S. law, or punish him according to our laws and usages. -

	his	
John	x	Looney
	mark	
	his	
Aaron	x	Price
	mark	
Thos	x	Fields
Eagle	x	
John	x	Smith
Climbingbear	x	
James	x	Campbell
Irentacher	x	
Rogter	x	/signature blotted/

(OIA: 1835. Cherokees West. John Jolly & others to F.W.Armstrong. Relative to various legal complications.)

Washington, March 13th 1835

To Hon Lewis Cafa

Secretary of War

The undersigned would respectfully represent that M^r Richard Fields, upon promise of having his expenses paid, came to this City for the purpose of inducing M^r Rofs & others to come to some arrangement with the Govt. for the relief of the Cherokees and not being authorized in any way he does not think proper nor consistant to sign the provisionary arrangement to be proposed by the Govt. to the Cherokee people, The Undersigned being afsured that M^r Fields will not lay any obstacles in the way of a free and unbiased discufsion upon the acceptance or rejection of the propositions of the Govt, but will himself give them proper consideration & induce others to do so, would request that his expenses may be paid. We understand that two hundred^{and fifty} Dollars will be sufficient to defray his expenses

We are respectfully &C

A-McCoy-

John Ridge
Elias Boudinot
W. A. Davis
S. W. Bell
John West
Ezekiel West
Archilla Smith

(OIA: 1835 Cherokees East John Ridge & others of delegation. Wish expenses of R. Field paid.)

(COPY)

Captⁿ Geo Vashon

U. S. Sub Agent

Sir:

The National Council has thought it proper and expedient that you should be informed of the nature and design of the present council. The provisions of Treaty has been made by John F Schermerhorn on the part of the U. S. and a delegation of the Eastern Cherokees, and as said Treaty involves the interests of this nation, it has been to this nation for our consideration.

The principal Chief has called the present National Council together for its consultation, some objections to the Treaty, as it respects the rights of this nation; but as the object of the Treaty appears to be to unite the two nations in one on the Arkansas, upon satisfactory terms, the national has thought it highly proper and expedient to take such steps as will effect such a termination.

The national council by direction of the Chiefs have selected four delegates Messrs Jo^s Faw^{Van?}, W^m S Coody, John Smith and John Drew; who are instructed and authorised to go to the Eastern Cherokees; and if possible, ^{to} effect such arrangements as will unite the two people in one, upon the Arkansas; and upon such principles as will be satisfactory to both the eastern & Western Cherokees, they are also instructed to attend to any and every thing which involves the interests of the Western Cherokees; and in the event our delegation should not be able to effect such arrangements in the Eastern Cherokee Nation;

and they think it necessary and expedient that they should repair to Washington, they are instructed to do so, that is if they believe they can effect an object of interest to the nation, sufficient to justify their going there, and in the event the delegation should go on to Washington, you are respectfully requested to inform the Secretary of War and apprise him of the nature of their visit to that place. You will please also to make any necessary arrangement for the convenience of the delegation which will place or present them to the Department upon such terms as will enable them to effect the object in view, that is to unite the two people in one on the Arkansas, upon such principles as will be satisfactory to the people East and West. This will be handed by the Principal Chief

(Signed)

June 7 - 1835

John Smith P. Com.

Glass P. Comr.

W^m Thornton

Clk Nation^l Coun.

(OIA: 1835. Cherokees West. Council of Cherokees West to Geo. Vashon. Relative to Treaty with Eastern Cherokee.)

Choctaw Agency June 11, 1835

Elbert Herring Esqr

Commr. of Indⁿ Affairs

Sir

I have the honor of enclosing for your information the copy of a letter addressed to Captⁿ Vashon Sub Agent for the Western Cherokees, by the late Council, convened expressly to take into consideration the Treaty offered to the Cherokees East. It is my duty to inform you of a fact that is well known here, that these people are dissatisfied; and will, I have no doubt, object to the views of the Government, in uniting the Cherokees, unless they can have their wishes, which I assure you are not to found in the Treaty to be laid before the Eastern Cherokees. If these people are not made to abide the policy of the Government, and the acts of Congress, there will soon be no use for Agents, or any one else, in the Cherokee country, as far as they are concerned.

If the Cherokees this side of the Mississippi, deemed it their duty to have any thing to say in the Treaty proposed, all they had a right to do, was to give their Eastern brothers a friendly invitation to join them, for no one can say but that in the Treaty they are well provided for, and should be satisfied.

I have the honor to be

Your Obed^t Serv^t

F. W. Armstrong

A.S.W.T

Chattahochy. June..th23, 1835

Hon.

Lewis Cofs

Sec.^t of War

Sir

To bring you acquainted with the humble writer of this letter, it is only necessary to remind you of a tall young man, who as one of the deligation of Cherokees in company with Mr Rofs, paid you several visits, and was one of the signers of the various communications, which were submited to you, by that delegation last winter. I have thought it proper thus to apprise you, that I am a Cherokee, not only as an appology, for obtruding myself upon your notice, but by way of calling your attention to what I may say; as I am persuaded that you will not pass unnoticed the suggestions of the humblest Cherokee, especially when asured that he is not only an advocate for the removal of his people to the west; but is powerfully convinced of the absolute necessity of such a course, and offer his suggestions, with a hope that they may lead to a result so much desired.

I am not ignorant that the president and perhaps yourself think well of Mr. Ridge. To lower him in your estimation is not my object. For I am not his enemy. All that I would say, is that there are persons holding office under the Gov. amongst the Cherokees, ^{who} taking advantage of this disposition in Mr. Ridges' favour, would imprefs your mind and that of the president, with a belief that no treaty can be made with the Cherokees, unless ~~unless~~ it is done through Mr. Ridge. This I think is a mistaken pollicy, and is to be attributed more to a feeling

of enmity to Mr. Rofs, than to a desire to forward the views of the Gov; and to advance the true intrest of the indians,

Dictated by a spirit of this kind, a report of the proceedings of the late Council at Red Clay, has no doubt ere this been made to you, and - you may in consiquence, have come to the conclusion that because the treaty arrainged with with Mr Ridge was rejected, that the Cherokees will not at this time enter into any treaty bassed upon the award of the Senate. I know this idear is taking ground every where. But I know it to be erronious; for I was present at the Council saw all and heared all that was done; and I am certain that nothing was said or done, which fixed in the smallest degree an imprefsiion upon my mind, that the Council by rejecting Ridges treaty, intended to reject the award of the Senate. Why then it may be asked did they reject this treaty? without mentioning other reasons, it will be sufficient to say that prejudice, was not one of the lighest; you may form some idea of the extent of this prejudice; when asured that the Cherokees, look upon Mr Ridge as the cause of the cruel opprefsiion which they are now suffering at the hands of Georgia; proof of this they firmly believe might be found in the Executive department of that state.

By what I have said I would wish to suggest that the Gov^t. ought not to belive, that, because a treaty can not be made with the Cherokees through Mr Ridge - one can not be made. What I have further to suggest - ³if that the Govt. ought to send out Commifsioners this summer fully autherized to enter into a treaty with the Cherokees, upon the basis

fixed upon by the Senate. Mr. Ridge can not object to the
Cherokees being permitted to make such a treaty upon that basis
as they may like; and if Mr Rofs opposes it he will be deserted
by many of his most inteligent & best friends. If however the
Govt. should come to a determination to consider the award
of the Senate, and the treaty based upon it with Mr Ridge as one,
and therefore not to be altered, then I have no hope that any
treaty will be made with the Cherokees, during the time which
the present Chief Magistrate may continue in office.

I have the honor to be

Your Ob^t. Servent

William. Rogers

(OIA: 1835. Cherokees East (Emigration) Wm. Rodgers.
Respecting the proposed treaty.)

(COPY)

Camp Armstead July 3rd 1835

Benjⁿ F Currey Esq^r

Supt Inⁿ Rem. Act Agent

Sir

I think it proper to report to you the occurrence of one or two Indian outrages in this vicinity of a serious nature - The first and most important is that of an attack upon Col H K Turk whilst in your employ. About four miles from this place he was way laid by a body ^o of Indians fired upon by several of them and received a very serious wound by one, he made his escape from them and is now confined to his room at this place.

A M^r Rogen a citizen on Valley River was fired upon and badly wounded by an Indian whilst engaged at labor in his field.

It is unnecessary to add that I have and shall do my utmost within the authority of the laws of Congress, to stop these occurrences, be pleased to accept assurances of my respects and esteem

Most respectfully

Your obt Servt

C S Howe

Lt Com^{dg} U S Troops

Camp Armstead

(OIA: 1835 Cherokees East (Emigration) B.F.Currey. Reports recent outrages, asks military aid.)

(COPY)

Camp Armstead July 3rd 1835

Dear Brother

On day before yesterday I pafsed by John Redixes, 9 miles from this place returning from over the mountains, and while pafsing the house an who was there gave a Lowd warr Shout after pafsing there some miles an Indian came into the road behind me and followed me some miles from his manner I supposed he had some design perhaps on me after following some distance on turning to Look at him I found him making ready to shoot me his gun fired and the ball pafsed through my right shoulder and wounded me seriously at that time a great number of Indians came out of the Bushes some four or five others shot at me but without effect I came to this place as soon as I could and am here confined with my wound and want you to come and see me - While I was over the mountain an Indian shot a white man on Valley river the man shot was by the name of Rogers he is considered Dangerous - I am of opinion that Redix was the cause of the attact made on me I have notified the persons as directed by Majr Currey if you should see him or have an opportunity you will please communicate these facts to him -

I am suffering a great deal of pain but have hopes my wound may not prove mortal I wish you to come up as soon as pofsible I am about to procede to Examine Redix Judicially perhapse the Examination may Lead to a detection of the guilty person I am with brotherly affection yours &C

Hiram K Turk

Col Ar Turk

by hie friend present

Preston Starrett

(OIA: 1835. Cherokees East (Emigration) B.F.Currey. Reports recent outrages, etc.)

Cherokee Agency East July 6 1835

To His Excellency

Wm Carroll

Sir

I have often called your attention to the temper & spirit of the Cherokees towards the white settlers, as well as towards such of their own people as consent to go west. As you have been prompt on every emergency where your countrys good was at hazzard, I am encouraged with the confident expectation that the following outrages will receive at an early period such attention as your better judgement may dictate.

On the 1st Inst Colo Hiram K Turk was badly wounded by a Ball from a gun fired by an Indian see letters A & B This happened on the public highway within the limits of Monroe County Tennessee. A few days before that but within the limits of N^o Carolina a M^r Rodgers while ploughing in his field was fired on & badly wounded by Cherokees - But a few days ago within the limits of McMinn County M^r Fouts & his family were put in dread of their lives by Springston & Foreman the murderers of Walker and were compelled to seek refuge among the citizens of Calhoun The enclosed affidavit will present the case more fully to your view. Not long since Fox Taylor was abused & beaten twice by an Indian of the name of Butler because he had given his consent emigrate - Another Indian who had spoken favourably of removals to the west after being severely beaten - his scalp was taken Threats are made daily Ambuscades are formed and our Citizens as well as those Cherokees who are disposed to favour the views of Govt by consenting to remove are

fired on & made to bleed freely The houses of the settlers have been torn down in many instances, while the settlers themselves have been driven from their improvements and their crops half made are left exposed to ruin Their women have been insulted & their children mistreated The officers of Govt have been measurably defeated in taking the Census - a measure so necessary to an equal distribution of justice. And the fact is too plain to admit of a doubt that no important step is taken by the Indians Indicating hostility or a want of amity without first receiving the sanction of John Rofs

As the laws of Tennessee have been extended, the War Department Considers these matters to be more properly subjects for your Excellencys consideration and action - The civil authority here is inadequate to the present emergencies - The few Regular Troops stationed at Coca Creek under the command of Lieut Howe will as far as lies in their power aid the Civil authorities But I must be allowed to remark, that a search after Criminals skulking in the bushes & impervious mountains afford no security against the afsafsins aim - In fact nothing short of holding the self Constituted Chiefs of the tribe accountable will give security to the emigrants or to our own citizens

I have the honor to be

Most Respectfully

Your very Obt Servant

Ben. F. Currey Supt

Cherokee Removals & Acting

Indian Agent

P. S.

You may furnish Jno Rofs a copy of this communication

or give it any other publicity which may be considered proper
by you

Ben. F. Currey

(OIA: 1835 Cherokees East (Emigration) B.F.Currey. Reports
recent outrages, etc.)

(COPY)

Cherokee Agency East July 7 1835

Lieut Howe

Camp Armstead

Sir

I am advised that you have it in contemplation to arrest the Chiefs of the Mountain County & hold them in confinement until the perpetrators of the late mischief are delivered into your keeping This course meets my hearty approbation And I hereby enjoin it upon you to hold said Chiefs as hostages for the good behaviour of that portion of the tribe until otherwise directed by the Sec^y of War

Most Respectfully

I am Sir Your very Obt Servt

Ben. F. Currey Supt

Cherokee Removals

P. S.

Require Timson forthwith to give up the letter received from Rofs and forward it to me if obtained

B. F. C

(OIA: 1835 Cherokees East (Emigration) B.F.Currey. Reports recent outrages, etc.)

(COPY)

State of Tennessee) Personally came before me Benj F Curry
)
 McMinn County) Superintendent & C Solomon Fouts and
 after being duly sworn deposeth & sayeth that about two weeks
 ago he was assaulted by Isaac Springston Anderson Springston
 & James Foreman members of the Cherokee Tribe residing within
 the Cartered limits of Tennessee with rocks thrown & guns pre-
 sented accompanied by threats from them against the life of
 affiant if he did not within one week leave the Cabin and
 improvements where affiant then resided Affiant says that
 he himself made the Improvement in the woods which was at least
 one half a mile from any other house or Cultivated lands all of
 which is within the County of McMinn & State of Tennessee
 Affiant further says that through fear he has been Constrained
 to leave his possessions and seek refuge in the older settled
 parts of the state & further this deponent sayeth not

Solomon Fouts

Sworn to & subscribed before me
 Ben F Currey Supt Cherokee Removals
 this sixth July 1835 at the
 Cherokee Agency East

(OIA: 1835. Cherokees East (Emigration) B.F.Currey.
 Reports recent outrages, etc.)

(COPY)

Cherokee Agency East July 7 1835

Lieut C S Howe

Sir

I had the honor to receive your communication of the 3rd Inst on my arrival here yesterday conveying the unpleasant intelligence of Indian outrages on Colo Turk & Mr Rodgers. The perpetrators it is hoped through your dilligence & industry will be ascertained arrested and held in confinement until demanded by the respective Executive authorities of the states within which these offences were committed or until instructions on the subject can be had from the War Department

Be pleased to accept afsurances of my confidence in your zeal & fidelity in promoting the great objects of the Government & believe me to be

Most Respectfully

Your very Obt servt

Ben. F. Currey Supt

Cherokee Removal

(OIA: 1835. Cherokees East (Emigration) B.F.Currey.
Reports recent outrages.)

Cherokee Agency East July 8 1835

Elbert Herring Esq^r

Com^r Ind^d Affs

Sir

Enclosed I have the honor to transmit to you copies of Communications on the subject of recent Cherokee outrages -

The most of public officers have heretofore boarded at Lewis Rofs^s. perhaps for the want of other convenient quarters - A reciprocal confidence seems involuntarily to grow up between them & the Rofs^s - As that takes place all the dread which keeps Indians in subjection is removed, and the Common Indian is taught to regard Rofs^s boarders as my enemies & his friends. This idea was somewhat encouraged by the recent conduct of Maj McIntosh & his surgeon, Dr Mills, who I am advised made their boasts that the War Department had sanctioned the course of the Commander in refusing to consider me more than another private Citizen

I have heretofore endeavoured to imprefs it upon your mind that here where Rofs has his confidents & afsociates made up in part of those appointed to cooperate with me, and they claim to act independtly of my suggestions, mischievous consequences would ensue. - I would again for the public safety urge the importance of having the Regular troops placed here subject to my orders; for all of which I will hold myself and am willing to be held responsible

M^r Rofs should be removed from the Agency reservation and an Inn Keeper placed in his situation who is superior to

improper influences and in no wise identified with with the
Indians

Most Respectfully

I have the Honor to be

Your very Obt Servant

Ben. F. Currey

(OIA: 1835 Cherokees East (Emigration) B.F.Currey. Reports
recent outrages, etc.)

Fort Coffee

July 13th 1835.

Sir:

I wrote you on the 3^d. inst. from Little Rock, and informed you that I was there on my way to the Frontier with Funds to pay Indian Annuities, &c., and I now inform you that I reached this, all safe, on the 7th following.

My first duty will be to pay those Emigrant Cherokees, who have claims for abandoned improvements. After which, I shall proceed to Muster the Choctaws, which when accomplished, if the Agent can attend, shall pay them their annuities. Should it be so that the Agent cannot attend, and my other duties not permitting me to remain longer on the frontier. I shall leave the funds in the hands of Assistants, to make the payments, when required by the Agent.

Capt. Stephenson, Dis. Agt. Ind. Repl, will receive Funds and pay the Creeks and Osages the Annuities due them for this year. He will also receive and disburse the funds appropriated for Treaty Stipulations, and to meet Current Expenses of the Agencies for these Tribes

Lt. Van Horne - Dis. Agt. will receive Funds and pay the Cherokees, the Shawnees & Senecas, Senecas, and Quapaws, their Annuities. He will also receive and Disburse the Funds appropriated for Treaty Stipulations and to meet Current Expenses of the Agencies for those Tribes, forming his District.

The Gentlemen above named will execute the duties allot-

ted to them, wherever required by the Agents of the Tribes
to whom the Annuities are to be paid.

I have the honor to be,

Very Respectfully -

Your Obt. Servt.

J Brown Capt. U.S.A.

Pr Dis. Agt Ind Annuities

Elbert Herring, Esqr.

Com^r of Ind. Affairs,

Washington City.

(OIA: 1835. . Cherokees East (Emigration) Capt. Jacob Brown,
Dis. Agent. Reports arrival, etc.)

(A COPY)

N^o 1

Mineral Springs. C. N.

August 22nd 1835.

Mefsr J. F. Schermerhorn

U. S. Commifsioner &

Benj. F. Currey, U. S. Agent,

Gentlemen,

It has been reported to me that the Georgia Guard, headed by Colo. Bishop & accompanied by Stand Watie, have forcibly seized, and taken away from the house of Mr Elijah Hicks, at New Echota, the printing prefs and types, various books & papers, and other articles, all belonging to the Cherokee Nation - It has also been stated that it was currently reported and believed that this extraordinary proceeding has been performed under your direction, in conjunction with that of John Ridge, who, it is said, was in New Echota at the time when the seizure was made. In order, therefore, that the facts in relation to this transaction may be correctly known, I imbrace the earliest opportunity to addrefs you on the subject, and respectfully to inquire whether this report be true or not, and, if correct, then to be informed by what authority or justification you have been thus prompted to seize this rightful property of the Nation. What the object in view is for having it done, and what disposition is intended to be made of the property? It may be proper to add that Genr^l Council of the Nation, which was held at Red Clay in the course of last spring adopted a resolution directing me to have this property removed from

New Echota, and that in pursuance of which I had employed a waggon and team, to carry it into effect, but the waggoner, engaged in this service, arrived at New Echota about two hours after this unexpected and very singular seizure was made on the property, as herein stated

I am, gentlemen respectfully yr Obt Servt

Jn^o Rofs. P Chf. C. N.

(OIA: Cherokees East (C4) Washington.)

Nº 2.

Cherokee Agency Sept. 9th 1835.

Sir

Your communication of the 22nd Ult addresed to the United States Commifsioner and myself was received to day on our return to the Agency and at his request I proceed to answer it without delay.

I am informed that M^r. Stand Waitie one of the former Editors of the Phoenix Called upon Col. Bishop of Spring Place and Stated to him that in the absence of his Brother ^{had} Elias Boudinot & his family, you came to his house and re-moved from thence all the materials belonging to the office of the Cherokee Phoenix, in his pofsefsion, to the house of Elijah Hicks; and that you was about to remove them and the Prefs to Red Clay, and re establish it there and that for this purpose a building had been prepared by you, and persons engaged to manage the same according to your own views, to subserve your own interests and mislead the people. He also stated that the Prefs and materials belonging to the office, had been purchased by his Brother, with money obtained by him in voluntary Contributions, among the Citizens of the United States; and that the same was given for the general benefit of the Cherokee people, by conveying to them the truth & correct intelligence on all subjects; but especially in reference to their true interest and general benefits as a people, In this manner , it was conducted by M^r. Boudinot and himself, until 1832, when they were compelled

by you & your partizens to give it up: because you would not permit them to conduct it in a fair, candid & impartial manner, by giving both sides, those in favor of emigration & a Treaty: and those opposed to it; an opportunity to exprefs their views and sentiments through the Phoenix. Yea, that you would not even permit them to publish in the Phoenix for the information of the people, their justification of the course they have been compelled to pursue. You gave the prefs into the hands of your brother in law Elijah Hicks who was completely under your dictation; and it was prostituted to party politics among yourselves; misleading the common people & prejudicing their minds against some of the best & most patriotic members of the tribe, because they would no longer submit to your dictation, when they saw you leading them to ruin and distraction by your uselefs opposition to the measures of the government, Mr. Waitie observed that since their National Government had been dissolved, and the laws of the several States extended over them, He thought that the Prefs ought to be placed again in the hands of Mr. Boudinot and himself, who had originally had the Charge of the Prefs; and Conducted it to the general satisfaction of the Cherokee people; and not be suffered to get into the hands of a few designing men who had assumed to themselves all the Power & authority of the Cherokee Nation and who will use it only to subserve their own interests and party purposes - deceiving and deluding the common people as they had done when the Prefs was in their hands before.

These representations induced Col- Bishop to accompany Mr. Waitie, to the house Elijah Hicks; who (Viz Waitie demanded of Mrs Hicks the Prefs and materials belonging to the office of the Phoenix of all which she delivered him Peaceable possession. At the request of Mr. Waitie Col. Bishop removed it for safe keeping, and this is all the agency the Col. has had in this matter.

Since this transaction took place I have deemed it proper to place the Prefs in the hands of Mr. Waitie and his Brother; with an express understanding & assurance that the Prefs shall be open to all the Cherokee people to publish every thing relative to the situation of their affairs, the true interests of the Cherokee people, the Course that has been and is now pursued by those in favour of the propositions submitted to the nation by the President of the United States, and those against them, and also every thing in relation to rights and privileges enrolled in the Nation of Reservees and old emigrants under the Treaties of 1817 & 1819 so that the common people may fully understand their own rights and true interests.

As the Agent of the Cherokee Indians appointed by the President- Government of the United States I shall ^{see} that the Cherokee Prefs according to the original design of the donors is used for the general benefit and best interests of the whole Nation and that the property is Carefully preserved, and finally disposed of in such manner as may be most Congenial with the views of the donors & interests of the people.

You seemed disposed to infer that Mr. Ridge, because he was at New Town about that time was concerned in removing the prefs. Let me guard you against the evil tendency of these unfounded jealousies and as a friend, to both, assure you of Mr. Ridges steadfast determination to meet You on the proposed ground of reconciliation & unite whenever you shall appoint a time, as agreed upon, to see what had best be done to insure the salvation of his Brethren

Most respectfully

Your very obt. Servt.

Signed Ben. F. Currey

To,

Mr John Rofs

Of the Cherokee Tribe East. -

(OIA: Cherokees East (C4) Washington. 1836.)

N^o 3.

The Committees on conference on the subject of uniting the parties of the Nation into one, and harmonize & associate together as one people in any treaty which may take place between the U. S. & the Cherokee Nation, in order to relieve the last from its distressed & afflicted condition, have agreed, that is to say, Major George M. Waters, Judge John Martin, Richard Taylor, John Baldridge and John Benge, acting under the instructions of John Rofs, Principal Chief, on the one part, and George Chambers, John Gunter, John Ridge, Charles Vann, and Elias Boudinot on the other, acting under the instructions of Major Ridge & others of the treaty party having agreed to bury in oblivion all unfriendly feelings & act unitedly in any treaty arrangement with the U. S. for the relief of their Nation. That the number of Delegates to be chosen by the General Council & people here present, shall consist of nineteen members to act for the Nation, with full powers. That of this number there shall be three chosen of the treaty party and nominated & appointed, in the same way as the others, ^{of each and every member} ~~from~~ authority, to be joint and equal, to be confirmed by the people here present. This agreement then & in that case only to be binding at once upon the parties.

The Cherokee prefs is the property of the Nation & as we have become friends, no more publications shall be made either against one or the other of the parties, because they are now united, and should be surrendered to the proper authorities of the Nation. -

In concluding this agreement, speeches of peace & reconciliation shall be made of a prudent and judicious charac-

ter to the people, in order to do away any unpleasant feelings
which may rest &c

Given under our hands & seals, this the 24th Octr 1835
at Red Clay, in the Cherokee Nation)

Geo. M. Waters, Chairman (SEAL)

George Chambers	(SEAL)	John Ridge	(SEAL)
John Benge	(SEAL)	John Martin	(SEAL)
John Gunter	(SEAL)	Charles Vann	(SEAL)
R. Taylor	(SEAL)	his John x Baldridge	(SEAL)
Elias Boudinot	(SEAL)	mark	

(OIA: Cherokees East (C4) Washington. 1836.)

New Echota Council House, Dec 22 1835

The people of the Cherokee Nation having convened at this place, according to the notice of the United States Commissioners, William Carroll & - John F Schermerhorn - they were addressed by the Commissioners J F Schermerhorn there present, who stated fully the manner in which the meeting had been called, and its objects, viz: to lay before them certain propositions for a treaty which he would submit tomorrow. The Council then organized and appointed John Gunter to preside at this Council, and Alexander M^cCoy Sec. The meeting then adjourned till to morrow morning.

Dec 23 1835

The council assembled at the Council House and the Commissioner addressed the people, and presented to them propositions for a treaty, which were then read & fully explained, both in English and Cherokee languages. After some discussion it was

Resolved that the council will receive the propositions and enter into negotiations with the United States Commissioners.

Resolved that a Committee of twenty persons be appointed to consider the propositions which have been submitted to the Council, and that they have power to confer with the commissioner on such points of difference as may arise between the United States and the Cherokee people provisionally, and that they report their proceedings to the people in General Council assembled for their approbation or disapprobation.

Resolved That William Rogers, Elias Boudinot and John Gunter belonging to this Committee, and that they nominate seventeen others as said Committee.

The Committee nominated the following persons, and who were appointed by the council, viz. Maj- Ridge, George Chambers, Archillee Smith, Tesahtaske, Jefse Halfbreed, Charles Foreman, Charles Moore, Robert Rogers, James Foster, William Lafsley, Keetche, Tah ye ske, De joh eske, G. W. Adair A Rofs, James Starr, and John A Bill.

Resolved that the Ark. Delegation be requested to participate in the Council. The Council then adjourned to meet at the call of the Committee.

Dec. 28th 1835. The Council afsembled at the Council House, and in the absence of Mr Gunter appointed Johnson Rogers Chairman.

The Committee reported, that they had carefully examined the propositions for a treaty and conferred with the Commif-sioners on some points of difference, as to spoliation- claims, preemption rights and reservations under former treaties, and it was agreed by the Commifsfioners that should be a certainty on the subject of claims before the treaty was submitted to the Senate, and also that a Committee should be appointed of the Cherokee people to recommend suitable persons for the pre-emption rights and to transact and settle all the businefs of the Nation under this treaty with the United States. The subject matter of the treaty as agreed upon by the com'ttee & com-mifsfioner was fully explained to the people both in the inglish & cherokee languages.

After due deliberation & consideration of the same it was

Resolved that the com'ttee of twenty be and are hereby fully authorized & empowered to make & conclude said treaty with the U States Commifsioner, and sign the same in behalf of the Cherokee nation.

Resolved that a com'ttee of five be appointed to consist of William Rogers, Elias Boudinot, John Gunter, Bear Meat & John West to nominate a delegation to accompany the commifsioners to Washington city with the treaty, & whose duty it shall be to use all their influence with their brethren who were appointed a delegation at Red clay council, & who are now at Washington City, to sign this treaty, and they are hereby requested and instructed & instructed to do so if they have not already made, or cannot make a better treaty. And it shall also be the duty of the delegation appointed by this council to use their best exertions to secure the ratification of this treaty by the U. States Senate, if a better shall not be effected, and they are hereby also authorized to make such alterations in this treaty as they may find necessary to secure its ratification & to promote the peace of the Cherokee people. The council then adjourned to afsemble at the call of the Com'ttee

December 30 1835

The council met at the Council house & in the absence of Alex M^cCoy appointed Johnson Rogers secty- The-Gen

The Com'ttee appointed to conclude the treaty, made a report, that on yesterday, in conformity with the power in

them vested, they did sign & seal for and on behalf of the Cherokee nation a treaty with the United States. On the question of approval of this act of Committee, it was unanimously concurred in by the people.

The com'ttee of nomination reported the following persons as the delegation to Washington, viz. Maj Ridge John Sanders, William Rogers, James Foster, John A. Bell John Fields, George Welsh John Gunter, Long Shell Turtle, James Star, Jas Forman, John Tempson & Roman nose

A vote was then taken on each of the persons nominated and all confirmed but that of Roman Nose.

Resolved that in case of the death or resignation of any of the delegation the vacancy may be filled by the other members of the delegation.

The whole proceedings of the council & of the Comttee wer read & explained & wer unanimously confirmed by the people in General Council afsembled, & the Chairman & the Sec. wer required to signed them same, & cause a copy thereof to be handed to the U States Commifsioner

John Gunter Chairman

To the Council of the Cherokee
Nation Convened at New Echota

Johnson Rogers Sec.

(OIA: 1835 Cherokees East. John Gunter, Chairman. Minutes of council, etc.)

(Copy)

Fort Gibson Dec^r 23^d 1835.

Sir

The Cherokee Council have had under consideration your views in answer to our call upon you at the Choctaw Agency, to remove white men from among us. We approve of them and will with great pleasure cooperate with the Agents of the Government in carrying them out.

Most respectfully

Your friend

Signed Black Coat his
x
mark

2^d Chief Cherokees West.

Done in my presence

by Jas Rogers, Act^g Interp^r

Signed Geo Vashon

Sub Agent

Major F. W. Armstrong

Actg Supt W. Territory

(OIA: 1835. Western Supt'y. F.W.Armstrong.)

Cherokee Agency Jan^y 27 1836

E Herring Esq^r

Com^r Ind Affs

Sir

Letters have been received recently as I am advised from John Rofs instructing his Second Principal Chief to call the Cherokees together and get them to protest against the ratification of the late Treaty

Until letters were received from Washington advising this course all the Indians here appeared well satisfied. So you may date their late dissatisfaction with the receipt of letters from that stubborn & perverse Chief Rofs & his coadjutors

Most Respectfully

I Have the Honor

to be Yr Very Obt Servt

Ben F. Currey

(OIA: Cherokee File

Cherokee Agency, 1/27/1836 Currey, Benj. F.

(2d Chief has rec'd letters from John Ross urging a meeting of Cherokees to protest against treaty))

(COPY)

At Home, Murray County

1st February 1836

His Excellency William Schley

Dear Sir

I feel it my duty to lay before you the facts in relation to the number of Creek Indians now settled, and daily expected to arrive and settle in this county in the neighborhood of Coosawattie ol town. Their movements have excited considerable alarm amongst many of our citizens. - On yesterday M^r L. Atkinson and myself from the solicitations of some of our neighbours who appeared to be alarmed rode down to where they are settled and settling to ascertain if pofsible the facts. Agreeable to the best information we could get, there are from 75 to 80 in number consisting of men women and children, and perhaps as many more expected shortly. They say they are from Terapin creek Alabama. Some of these Creeks have ✓torn paper. "relations"? among the Cherokees I learn, where they have settled. They appear peaceable as yet, and are building good cabins, and say they intend to remain here. Threats are frequently made by the Cherokees, those opposed to the treaty, saying they will fight for their country before they will leave it, and the creeks will help them. The Rofs meet in council to day, I learn to protest against the proceedings entered into at New Echota, by order of Rofs - a great many Indians have gone on much opposed to a treaty. - We need not be surprized if the difficulty with the Cherokees, ends as with the Seminoles - as we have plenty of such men now amongst us as Powell - though I still hope for the better.

I have the Honor to be

Your friend & Obt Servt.

Isaac Baker

(CIA: Cherokees East File Executive Office Georgia)

Washington February th 15 1836

Hon. Elbert Herring

Commifsioner of Indian affairs

Sir

The undersigned are desirous to have a copy of the communication recently addrefsed by the Department to John Rofs & others, informing them of their mistake, in supposing that they had been received and acknowledged as the Legal representatives of their nation. We wish to transmit copies of thatdocument to our people at home, in order that they may understand the true situation of Mr Rofs & his friends, and be relieved of the false imprefsions they are at preasant Labouring under,- which imprefsions have been y mad by Letters which they have received from this place.

We have the honor to be

Very respectfully your

Obt Sevts

his
Maj Ridge x
mark

William Rogers

Andrew Rofs

On behalf of the Delegation.

A Copy was accordingly given to them

E-H.

(OIA: Cherokee File. Washington. 2/15,1836. Delegation.
Request copy of a letter, etc.)

(OIA: Cherokee File, Cherokee Agency, 3/7, 1836)

Cumming Forsythe Co Ga March 7 1836

Elbert Herring Esq^r.

Com^r In^d Affs

Sir

On last Friday I attended a Council of Cherokees on Hiwafsee River in N^o Carolina called together by Mr Wofford an express bearer from John Rofs to the Cherokees East

They endeavoured to Keep every thing communicated to them, from me My Interpreter however got to hear a part of what had been translated into the Cherokee language as he believes by the Rev^d Evan Jones which was full of abuse against Mr Schermerhorn & those who made the Treaty at New Echota & which I suppose was intended to inflame the minds of the ignorant Indians against the Treaty party. A collection of money by Contribution was made at that place & it is believed this was done to defray the expense of runners to other parts of the nation bearing Copies of a letter supposed to have been addressed by Rofs to Jones

The reasons why I suspect Jones are the following On the day before the Council Colo Hunter & M^r. Mountcastle visited Jones-- they saw M^{rs} Jones first & enquired what news Wofford had brought from the City She replied M^r Jones had got letters from M^r Rofs & M^r Bushyhead but she did not know their contents M^r Jones was afterwards seen by them apart from his wife & before she had an opportunity to inform him what she had told them--they made the same enquiry of him when he denied having received a letter from Rofs at all but said he had got one from Bushyhead on the subject of translating the Bible but

little or nothing in relation to a Treaty. I visited on the following day in company with Colo Hunter. On entering his room found him engaged in writing a communication in Cherokee Characters with a host of Indian men about him, whom he immediately dispersed & ceased at the same time to write any more. The addrefs read at the Council & of which my Interpreter got a glimpse he informs me could not have been written by a Cherokee, because the stroke of the pen was too fine.

Jones acknowledged to myself & Colo Hunter in the presence of the Interpreter he had received a letter from Rofs by Wofford although he had denied it while his wife said he had only the day before. This letter he informed us only afsured him nothing had yet been done. He informed us that Rofs ascribed their failure, to the New Echota Council. Judge Martin to Davis England who is Known to Mr. Schermerhorn substantially the same.

Should any great disquietude take place or mischief ensue be afsured it will be owing to the inflamitory communications received from Rofs & his coadjutors as we fear dictated by bad counsellors at Washington City.

Most Respectfully

I Have the Honor to be

Your Very Obt Servt

Ben F. Currey

PS

Having collected all the testimony necefsary to sustain my communication to the Federal Union except that which can only be derived from persons at the City, I shall on my return to the Agency take pleasure in answering your letter of the 23rd. of Jan^y last on that subject.

Ben F. Currey

Mouth of Illinois Cherokee Nation

March 26th 1836

Sir

an
having recently heard of an affair respecting negroes that
are in dispute between M^r Tally, and. M^r Vann and Briant and
now in your Custody, we request of you to have the said negroes
delivered to (the) M^r Phillips who is sherif of this District.
the object in geting them back is, that there may be a fair
investigation of the right to said negroes

We are respectfully your friend

John Jolly

his
x
mark

Jno. Brown

(OIA: 1835. Cherokees West. John Jolly & Others to F.W.Armstrong.
Relative to various legal complications.)

Washington City

Aprile the 5. 1836

Hon. Elbert Herring

Sir

The undersigned delegation of the Western Cherokees in obedience to their instructions, would respectfully call your attention to the fourth article of the Treaty of 6th May 1828. That article provides for the sale of the Agency reservation, the proceeds of which are to be applied to erect a Grist and Saw mill, for the benefit of the Cherokees.

Owing to various circumstances this provision has never been executed - By a Treaty concluded with our people at Fort Gibson on the 14th day of February 1833, it was agreed that twelve railway patent corn mills should be furnished, and this provision was considered a substitute for that in the treaty of 1828.

An appropriation for these mills was made, but has not yet been applied. Our people in General Council, have resolved that insted of the railway mills, it will be prefferable to have erected with this money a merchant mill in some central portion in their nation. It is our duty therefore to request that this money may be remited with such instructions as will insure the accomplishment of the wishes of our people.

We beg leave to state also that an appropriation was made in 1834, to pay claims for spoliations upon our people. We ask that this money may be remited and applied under such directions as the Department may think proper to give; so

as to meet the object of its appropriation.

To enable us to satisfy our people, we wish to be furnished with an abstract showing the claims of this character which have been paid, the names of the Claimants of the payee, the nature and form of the assignment, and the amount and time of payment.

We have further to request that measures may be taken to furnish our nation with a printing press, as Stipulated in the 5th article of the Treaty of May 1828. To be established wherever the National Council and the agent may determine.

We have the honor to be

Your ob^t. serv^{ts}

James Rogers

John Smith

(OIA: Cherokees West File. Washington, 4.3, 1836. Rogers, John & James Smith. On the subject of a saw and grist mill, etc.)

To the President of the United States.

The representation and Memorial of the Chiefs and Head men, and others, of the Cherokee Nation West, Humbly Sheweth

That it is understood that applications have been made for the removal of the Troops of the United States from Fort Gibson to Fort Coffee, or to some place on or near to the Arkansas Territory line.

We would beg leave to call to your recollection, that all the lands West of Arkansas Territory, has been guaranteed by Treaty stipulations to our nation, and to other nations of Indians as a permanent home: And the United States has engaged to protect the several nations of Indians settled thereon, in the peaceable enjoyment of the same forever. We not claim the benefit of the Solemn pledge from the Government of the United States; and we have every reason to believe that all the nations to whom these lands have been allotted, are opposed to the removal of the Troops, from Fort Gibson. - We consider that the place has been well chosen for the protection of the Indian nations West, as well as for restraining depredations or hostilities towards the Citizens of Arkansas Territory. It is nearly at the junction of the Rivers Arkansas, Verdigris and the Neosho or Grand river; all of which are navigable for Boats at all seasons of the year; and by means of these rivers, and the various roads leading from Fort Gibson in every direction, the Troops, Baggage, ammunition and stores necessary for the protection of the Country may be immediately transported to any place within

these Indian Territories, where they may be required.

Fort Gibson is within the Cherokee Territory, and more convenient to them than any other place that can be selected:

is
- It, but a short distance from the Choctaw Boundary line, and within four miles of the Creek Boundary line; it is nearer and more convenient to the Osages than any other eligible station. It is also the ready market for the adjacent Indian nations. -

Aprail 16th 1836

John Jolly 1^s. C

J Vann S^d C

Jn^o, Brown 3 "

Charles Rogers

Rich^d. Ratcliff

John Drew

Loony Riley

William Drew

Samue^l. R. Brady

John G Harnage

Isaac Bushyhead

Joseph Tally

(Indian O. F. Cherokee West File. 4/16, 1836. John Jolly and others. Rel. to site for military post, etc.)

Chattahoochy

June 8 1836

My dear Boudnot.

I have just received a Letter from Welch, informing me that his house has been waylaid by the Indians, who are seeking an opportunity to kill him. Our friend Tom Taylor is scattering the firebrands. All my friends are well pleased that our treaty has been ratified, and are ready ^{to} peril their lives in defence of the treaty party. We have thousands of friends amongst the Georgians ready to do the same.

If you are at all apprehensive of danger Let me advise you to collect all ~~the~~ your friends and form an encampment at Ridges, /one word indecipherable/, but act on the defensive. Make any contracts necessary to your support. The treaty must meet them. I have just written to Schermerhorn informing him of Taylors conduct. Write to me often. I am much concerned for your safety.

Sincerely your friend

William Rogers.

(OIA: Cherokee File. New Echota 6/16/1836. Boudinot, Elias. Inclosing letters on the subject of hostilities, etc. Above letter was from Warsaw, Georgia, addressed to Boudinot at New Echota.)

Coal Mountain June 8th 1836

Mr Elias Boudinot

Sir there was an Indian Frolic or Dance on Saturday night last and there was some white men went to the same they have reported that the Indians said they had no malice towards the White people but that they intended Killing Ridge and yourself I have wrote you that you might be on your guard which no doubt you are the citizens of this County had a meeting yesterday they are resolved to punish all offences if any I would recommend for your safety for you and family to leave the country until the excitement is over a little please to accept for yourself and family my best wishes

Truly yours

George Kellogg

(OIA: Cherokee File. New Echota. 6/16/1836. Elias Boudinot. Inc. letters on the subject of hostilities, etc.)

New Echota, June 15, 1836.

Hon. Elbert Herring,

Commifsioner of Ind- Aff

Sir,

By the last mail I addrefsed a letter to Mr. Schermerhorn to your care, which you have probably perused. What I there stated in regard to the state of feeling among the Cherokees, has only been confirmed to my satisfaction. Indeed, I will ^{has been} venture to say, there never ^{has been} ~~was~~ a time for the last five years, when appearances were so favorable as at present. - I know of no hostility to the treaty - I hear of none; on the contrary the Cherokees in this region will receive it with Cheerfulnefs. They say the matter is now settled, and they are glad of it. I speak of the mafs of the Cherokees - there is a portion who no doubt feel far otherwise - but they are those whose ambitions have been disappointed Without their interference there will be no excitement. I trust they will not endeavor to excite the people.

The white inhabitants of this country are in a state of great alarm, founded upon some unfounded apprehension. I believe it is owing a great deal to what is transpiring in the Creek Nation. Our people are not now aware of the state of feeling among the whites, much lefs are they thinking of making war. I trust, Sir, that no exaggerated rumors, which no doubt will go out of this country, will induce the govt. to believe that the Cherokees are in a hostile attitude. They are not; nor do I believe, even with Rofs' influence, will end a portion of them ever afsume such an attitude.

Our people are greatly suffering for food. It is very important that the necessary appropriations should be made soon for their relief. If I had authority to do so, I would commence to supply them in this neighborhood.

In my letter to Mr. Schermerhorn I have referred to the speculation that is going on upon the Indians by Whites. & half breeds. Strong measures are necessary to prevent it. The President ought to have the right of deciding what are the first debts of the Indians, for the protection of this class. If not they will go to the west deprived of every cent of their property, and the money will go into the hands of the Whites, and such Indians as have opposed the very treaty by which they are now trying to amass wealth. I say again those strong measures are necessary.

I trust the President will think it best to send Mr. Schermerhorn again - I think him a suitable person, because he is a terror to speculators, and understands the situation of these people & their affairs.

With sentiments of high esteem I remain

Yours

Elias Boudinot.

(OIA: Cherokee File. New Echota. 6/16/1836. Boudinot, Elias. Inc. letters on the subject of hostilities, etc.)

New Echota, Geo. June 16,- 36

Hon. Elbert Herring

Commissioner of Ind. Affs.

Sir,

I addressed a letter to you yesterday, giving you a favorable account of the state of feeling among the Cherokees - I have since then received the enclosed letter, which would seem to contradict what I have stated. I wish to be understood as speaking of the Cherokees in this region and from which I have direct information. There are neighborhoods, where I have every reason to presume there is hostility towards us as a treaty party, and there ^{are} individuals who would willingly take our lives if they could. I have no idea that the danger is as great as is apprehended by the writers of the two letters enclosed. I came through the neighborhood where the hostility is said to exist, and the frolick or dance spoken of was held before I came along. I saw Tho^s Taylor there and he told me that he found the people better satisfied than he expected. I yet think there may be some mistake about Welch being waylaid. Foster, one of our delegation, was here the other day, and he told me every thing was going right for the treaty. But as I have before stated, inflammatory statements from the other side may change the state of feeling. I shall not be excited, and shall take the matter coolly & deliberately, and shall endeavor to keep you apprised ^{of what is} happening. I shall repeat again ^{within the compass of my observation,} what I have said that matters have never appeared so favorable, for the last five years as at present - And if Ross would only keep away the nation would almost be unanimous for the treaty.

To give you an instance how these poor people ^{are} ~~have-been~~ deluded and mislead - It is said that one of Rofs' delegation, on his return, reported those the Cherokee Countries here and in Ark. have been sold, and that the Cherokees will have to go to a far country, infested by ~~cannibals~~- man eaters. The people protest ^{there,} going, ^{but} are willing to go to Ark.

I should have addrefsed these letters to Mr. Schermerhorn ^{If} if I thought he was still there. ^{He} is there, please give my respects to him & let him see these letters.

Verry respectfully

Elias Boudinot

(OIA: Cherokee File. New Echota, 6/16/1836. Boudinot, Elias. Inclosing letters on the subject of hostilities, etc.)

Washington July 2^d 1836

Hon Lewis Cass

Secretary war

Sir

The undersigned beg leave to call your attention to the removal of Gen^l Campbell Cattle from there country; frequent application has been made to the Dept by the Chiefs of the Cherokee Country requesting the removal of this gentleman Cattle for the last Five years,,

We are instructed by the Chiefs of the Cherokee Nation west to obtain an order from the War Dept for the removal of thos Cattle this important that this order be granted with out delay so as to enable the Chiefs to protect there people from the injury done by those Cattle as well as to prevent colusion betwen the Whites and red men more especialy as Genl Campbell resides in Washington County Arkansas Territory and permits his Cattle to remain with in the Indian Country; this Gentleman having been removed from his agency some Two years since shou^d have removed his stock from the Chrokee Country with out troubeling the Chiefs to make application, to your Dept

Verry Respectfully

James Rogers

his
John x Smith
mark

Chrokee Delegation

West

(OIA: Cherokee File (C33) Washington. 1836.)

Cherokee Agency, Fort Gibson, Aug^t 15th 1836.

C. A. Harris Esq.

Commifsioner of Indian Affairs.

Sir

I have reason to congratulate myself and the Indians under my Superintendence, for the change which has taken place in the Office of Commifsioner of Indian Affairs: For, although I cannot foresee what your course will be as regards myself and the Indians of my Agency; there is great consolation in knowing that in either case, matters may be better, but cannot pofsibly be worse. I am not complaining: - I have learned not to Complain, and experience has taught me the folly of reproach. - Although writing on a sick bed, which I have not left for eight days, I cannot forego this early occasion to addrefs a few remarks to yourself and Maj. William B. Lewis, in relation to some of the grievances, under which the Indians of my Agency labour, as well as myself.

I am Sir, with great respect, your Obed^t Servant

M Stokes. Sub-Agent

for Cherokees

Sub-Agent for Senecas

Sub-Agent for Senecas & Shawnees

and Sub-Agent for Quapaws.

(OIA: Cherokee (West) File (S55). Fort Gibson.

Cherokee nation 22^d August 1836.

To M. Stokes, Sub-Agent for Cherokees.

We hereby request you to demand from the Government of the United States, upwards of Fourteen thousand dollars, appropriated 28th June 1834, for the benefit of Cherokee Citizens for lost stock. - Also upwards of Four thousand dollars, as our part of Twelve thousand six hundred dollars appropriated by an Act of Congress of the present year. And also to demand the money appropriated to build a Merchant mill for the Cherokees, so that it may be built forthwith.

We further require you to demand the money stated as the value of the mill and distillery of Charles Rogers, which was destroyed in obedience to a late Act of Congress regulating trade and Intercourse with the Indians: We wish you to call on the United States to pay the valuation; so that Charles Rogers may get satisfaction for his said improvements. - Mr Charles Rogers states that the reason his mill was valued, was, because the mill would have been an expense, instead of a benefit to him, after the Government of the United States refused to permit him to run his stills; as it is in a section of Country where very few Citizens live.

his
John x Jolly Prin^l Chief
mark

Joseph Vann 3^d Chief

Cherokee Agency, Fort Gibson, 24th August 1836.

I Certify the foregoing to be a true Copy of the Original filed by me, at the request of the Chiefs, in the Office of the Cherokee Agency. M. Stokes Sub-

Agent for Cherokees.

(OIA: Cherokee (West) File (S61-63. Fort Gibson. S-63.)

Cherokee Agency, Fort Gibson August 26th 1836.

C. A. Harris Esq. Commifsioner of Indian Affairs.

Sir

I have been repeatedly urged by M^r Charles Rogers, a Cherokee; and also by the Principal Chiefs of the Cherokee nation, to demand the payment of the money due to the said Charles Rogers for the lofes he sustained by the destruction of his distillery, and the lofs of his mill.

I have apprised the Chiefs that this payment cannot be made without an appropriation by Congrefs for that purpose.

Your early attention to this subject will greatly oblige those concerned.

I send you the papers relating to this businefs, at the request of the Principal Chiefs of the Cherokee nation.

I am, with great respect, your obed^t Servant

M. Stokes. Sub -."

Agent for Cherokees.

(OIA: Cherokee (West) File (S62) Agency.)

Executive Department Geo.

Milledgeville 4th Sept. 1836

Sir,

I have received yours of the 30th Ultimo. I have no doubt M^r. Schermerhorn made the promise you state, and it is probable he mentioned the subject to me, but, if he did, I have forgotten it -

I have no power to interfere in any way with the operations of the judiciary, but, if a conviction should take place in the case of Lynch or any one else, I can then exercise the pardoning power, which I will immediately do, provided the Convict, will engage to emigrate immediately, and provided also a petition in his behalf signed by a respectable number of the citizens of the County be presented to me.

I have written to Judge Kenan, and requested him, in the event of a Conviction, so to manage the matter, that the Convict shall not be sent to Milledgeville until after a sufficient time shall have elapsed to send a messenger to me with a petition, and return with the pardon - The judge & Solicitor General have full power to postpone the trial until the next term, and perhaps this would effect all you have in view as well, or better than a conviction and pardon, because the indictment would be hanging interrorem over him, and may hasten the emigration of him and his securities. And in the event of their going off this fall the matter might and would be permitted to rest without taking judgment on the bond of the securities. All that I have power to do to hasten the departure to the west of the Cherokees, shall be done, and those

who are charged with Crimes lefs than murder, who will, with their bail, go this fall, may feel satisfied that no injury shall befall them in consequence of any claim of the State in reference to such cases -

I am very respectfully

Yr ob^t Servt

William Schley

Maj^r Benj F. Curry

New Echota

Geo.

(OIA: Cherokee (Emigr.) File. Milledgeville, 9/4/1836. Schley, Gov. Wm. to B. F. Currey, Supt. Relating to the case of Lynch and criminals among the Cherokee, etc.)

War Department

Office Indian Affairs

October 12th 1836.

Sir,

I enclose an extract of a letter of this date to Brig^r Genl Wool.

Should the delegation of Eastern Cherokees therein spoken of, which it is understood consist of John Ross, John Benge, W. Adair, Calsatahee or Hogg, Richard Taylor and Joseph Saunders, proceed to the West Cherokee country with a view to incite opposition to the Treaty or to attempt an alteration of it, you will at once arrest them, and institute the proper legal proceedings in the United States District Court under the 13th and 23rd Sections of the Intercourse act of 1834. And you will inform the Western Cherokees, that the conduct of Mr Ross and the delegation is regarded as an/ⁱⁿdirect contravention of the recent treaty, and admonish them against any proceedings which may have a similar tendency and character. You will instruct Gov^r Stokes to watch the conduct of all the Cherokees with great vigilance.

The commanding officer at Fort Gibson will be instructed to furnish any military aid you may require for the execution of these instructions.

Very respectfully

Your Obt St

C. A. Harris, Comr.

W^m Armstrong Esq.

Choctaw Agency,

West of the Mississippi.

(OIA: Cherokee File A 79. Choctaw Agency.)

Extract of a letter to Bvt Brig^r General John E Wool, dated War Department October 12 th 1836.

"You will also inform him, (Mr Ross) that if a delegation proceed to the Cherokees West of the Mississippi for the purpose of procuring their cooperation in an attempt to set aside or modify the existing treaty or to obtain a new one, the acting Superintendent of the Western Territory will be instructed to enforce the provisions of the 13th Section of the Intercourse Act of 1834, and to employ Military aid, if necessary, under the authority of the 23rd section."

(OIA: Cherokee File A 79. Choctaw Agency.)

Rome--Floyd Co Ga Oct 13 1836

Sir

I have learned from unquestionable authority that Rofs^s late Council Appointed a Delegation to visit the Western Cherokees This Delegation is to be headed by John Rofs and the object as communicated to me by Stephen Foreman one of the Delegates is to induce the Western Cherokees to refuse to accept the late Treaty and get them to send a Delegation to Washington next winter to Cooperate with Rofs & his party in trying to brake it.

I have this day read a letter signed by John Jolly Principal Chief & a number of others among whon is John Smith of the Western Chiefs protesting that this Treaty was signed without sufficient authority by Smith & Rogers and that its provisions do not secure equal advantages to the Western Cherokees-- asking of James Starr & others a mondification of its provisions

Would it not be well for the Department to direct the Western Agent to seize the individuals headed by Rofs under the authority conferred by the 13 & 15 sections of the intercourse law of 1834 and dispose of them as that law directs? The measures contemplated have for their object the defeat of said Treaty and ought perhaps properly to be checked when Commenced among the Western Indians as there is lefs doubt as to the binding influence of that law in a Country where the State jurisdiction has not been & cannot be extended

Most Respectfully

C. A. Harris Esq^r

I Have the honor to be

Com^r In^d Affs

Your Very Obt Servt

Washington City

Ben. F. Currey

PS

Rofs & his party set out in a few days & will probably remain
some weeks in the West.

(OIA: Cherokee File C87
Rome (C87)

Spring Place Ga Oct 24, 1836

To His Excy A Jackson

President of the U. S.

Sir

I had the honor some time since of receiving your
com.ⁿ in reply to mine by Mr Rogers

Since that date I find M^r Jarnigan has erected a trading house on the Agency reservation In this measure he is sustained so far as Genl Wools failure to remove him & others similarly intruding, on my applycation can be considered so. In the last conversation I had with M^r Jarnigan he informed me he was employed writing legal opinions upon which for Genl Wool to base his operations If this be true the military had as well be under the direction of John Rofs: for I can regard Jarnigans intrusions in no other character than to afford him facilities towards aiding M^r Rofs in opposing the enforcement of the Treaty succesfully He was & I believe he is yet Rofs^s atto^y & counsellor but he has by writing flattering letters to M^r Harris in relation to Gen^l Wools conduct here & reading them to that Officer before they were sent gained upon his confidence whereby he may the more effectually succeed in his schemes

I enclose you an Athens Republican containing a letter from H Clay-- One from Jno Rofs also one from Jas Standefer none of which need further comment than is made by the Editor Rofs I understand has gone to Arkansas to excite opposition there to the late Treaty He takes with him a Delegation--from the west he will go to Washington this winter Again to play the part afsigned him by his political promptors I saw a letter a few

days ago to James Starr & others purporting to be signed by John Jolly
 P^r Chief & others of the Western Nation Asking a Modification of M^r
 Schermerhorns treaty & complaining of its alleged injustice & inequality
 this letter was evidently written by a Man of talents & was certified
 to by M Stokes Agent Whether his personal feelings towards M^r Schermer-
 horn has enduced him to encourage opposition to this treaty I would
 leave others to Judge

I believe Rofs is ultimately to fall a victim to the seductive polit-
 icians & the temptations held out by a company claiming a large tract
 of land in California

On the 13th Inst I wrote M^r Harris on the subject of Rofs^s misfion
 & suggested the propriety of arresting him in the Western Nation under
 the Authority of the 13 & 15 Sec^{ns} of the Intercourse law of 1834

On The 10th Inst was appointed by Gov^r Lumpkin for persons having
 businefs with the Commifsioners to meet a new Echota many attended but
 the absence of Gov^r Carroll & the Disbursing Agent disappoint every
 one --When I left Washington City Gov^r. Cafs informed me D^r.King would
 follow in a few days to make all the necessary disbursments. I after-
 wards rec^d a letter from the D^r saying he would be at the Agency by
 the 20th Aug yet no such officer has reported himself. Many Indians
 wish to go off & are waiting for the means of Transportation Having
 sold all their stock & crop preparatory to a removal, they remain here
 in great suspense

I write you freely & fully because your order will remedy all incon-
 veniences in the shortest possible time

The Georgia elections have been close but this I believe will only cause the Union Men hereafter to act with unanimity making assurance doubly sure The untimely death of Gen^l Coffee I fear has let in one nullifier for the session of 1837-8 -- Changes are taking place rapidly in E Tenn; but the contest is even more doubtful in that State Alabama is safe & I believe Co Ca to be so also

Be pleased to accept my best wishes for your future health & happiness & believe me

Most Respectfully

Your Very Ob^t Servt

Ben. F. Currey

(OIA: Cherokee File (C93), Spring Place, 1836)

War Department

Office Indian Affairs,

November 10th 1836.

Sir,

The 4th article of the treaty with the Cherokees east of the Mississippi, of December 29. 1835, a copy of which is enclosed, provides for the payment of Fifteen thousand dollars to certain half breeds, for whom reservations were set apart in the 5th Article of the treaty with the Osages of June 2^d 18 The individuals to whom this sum is to be paid are named in a schedule appended to the treaty. The condition of the payment is the execution of a satisfactory conveyance of these reservations to the United States, by the persons to whom they belong, or have been assigned, or their agents or guardians.

I have to request that you will instruct the Sub Agent for the Osages to procure this conveyance. If the lands have been assigned, a copy of the assignment should be obtained by him, and transmitted to this Office. If an Agent or guardian has been appointed, an attested copy of the appointment should be forwarded here.

When this conveyance is received, and admitted here, the amount will be remitted to Capt Brown, with instructions to cause it to be paid upon the requisitions of the Sub Agent

Very respectfully

Your Mo obt svt

Capt William Armstrong

C. A. Harris

Choctaw Agency

Comr

West of the Mississippi.

(OIA: Western Supt'y File. Office. 1837.)

Choctaw Agency

Nov 17th 1836

C A Harris Esqr

Comr Ind Affrs

Sir

Yours of the 12th Oct upon the Subject of a delegation from the Cherokees East to those west; as also an extract from you to Gen^l Wool has been recieved. I have written Gov^r Stokes in relation to it; and should the delegation come on, I will give the subject of your letter my particular attention. I hope however, yours to Gen^l Wool will have the good effect of stopping the expected delegation from coming over with a design of interfering with the treaty in any way. Should they come and do so, I will act promptly upon the subject; and at the same time with great caution, for I know with whom I have to do. The Department know my views in relation to the feeling and spirit of the Creeks - and there is with the Cherokees, great discontent; but the way to stop such a spirit is by a sufficient force; and the rigid execution of the laws of Congress.

Respectfully

Your Obt Servt

W^m ArmstrongAct Supt. West^t Ter^y

(OIA: Cherokee File A 79. Choctaw Agency.)

COPY

War Department

Office Indian Affairs

January 18th 1837.

Sir,

I have the honor to lay before you for transmission, if you think proper, to the proper committee of Congress, various papers in relation to a claim for indemnity, by Charles Rogers, a Cherokee Indian, for a Mill and distillery, said to have been destroyed by the order of the Superintendent of the Western Territory.

There being no existing law under which this claim can be paid, I recommend that the whole matter be submitted to Congress for such action as to that body may seem proper.

Very Respectfully

Yr Mo. Obt. Servt

(Signed) C. A. Harris

Comm^r --

Hon:

B. F. Butler,

Sec^y of War

Ad interim

(OIA: Western Supt'y File. Office. 1837. (1/2, 1837)

Fort Gibson 31 January 1837

Sir

About sixty Cherokee emigrants have lately arrived here, who claim the commutation allowance for transportation and the years subsistence, as allowed by the late treaty. As I have as yet received no instructions to be governed by its stipulations, I submit this case for your instructions.

I observe in the report of the Secretary of War, that he concurs with you in recommending the allowance of a commission on the amount disbursed by Disbursing Agents in the Indian Dept. I have not seen your report, and am therefore ignorant of its details. I beg you will excuse the freedom I use in presenting some circumstances which may not have presented themselves to your mind, tending to shew why the allowance of a commission on disbursements may under existing arrangements here, benefit unequally those for whose good it is intended. It may not have occurred to you that probably the greater part of the disbursements of annuities, treaty stipulations, current expenses &c, have been made by the local disbursing agents here, although they were required to take vouchers for these disbursements in the name of the Principal Disbursing Agent. So also of payments for transporting indian goods to the agencies, for furnishing treaty articles, in fact for most of the disbursements made, - notwithstanding the letter of the Commissioner of Ind. Affairs of 10 Nov. 1834 on this subject.

If these disbursing agents are to receive a commission on the sums, thus disbursed by them, then well. But by the

system alluded to, one or two officers would seem from the accounts rendered to have made very heavy disbursements, while others on exposed and arduous duties, because required to make disbursements in the name of another, or because all payments for the supplies he sees furnished, or the services he sees rendered, are required to be made by another; his disbursements are, (in appearance at last,) so small that the commifision would be trifling in amount. At the same time one clafs of these officers may be as serviceable, and, (at any rate,) discharge duties as arduous and unpleasant as the other.

I feel much delicacy in alluding to this, but confidently believe you will be glad to have every light to enable you fairly to apportion among Disbursing Agents any allowance that may be granted.

Very respectfully

Sir Your obt. humble servant

J. Van Horne Lieut U.S.A.

Disb^g Agent I. R.

C. A. Harris Esq^r

Com^r Ind. Af.

(OIA: Cherokee (Emigr.) File V13-28-29-39. Fort Gibson.
1837. V-13.)

Choctaw Agency

Feb 3^d 1837

C A Harris Esqr

Comr of Ind Affrs

Sir

In relation to John Rofs and and the delegation of Eastern Cherokees who have lately visited the Cherokees West, and succeeded in getting up a delegation from that nation to accompany him to Washington, I beg leave to state, that upon receipt of your letter to arrest Ross and delegation if they should proceed to the Cherokee country west with a view to incite opposition to the late Treaty; or attempt an alteration of it, I wrote to Gov Stokes and gave him a copy of your letter and at the same time requested him to observe the movements of Rofs and his delegation; and in the event of his attempting an interference with the treaty to communicate the fact to me. Gov Stokes states to me that Rofs visited him and conversed friendly without disclosing the object of his visit. I was at Gibson, myself during the time that Rofs was there but did not see him being much engaged with the Creeks. I did not learn the object of his visit - but have since been advised by Gov Stokes, that a delegation of three have accompanied Ross on, what their business is, he does not know.

I also addressed a joint letter with Govr Stokes to the Cherokee Chiefs, warning them from any interference with the treaty or connection with Rofs. I saw and conversed with Major Brown, one of the Chiefs, he is quite gentlemanly and intelligent man, who stated to me that he did not wish to have anything to do with Rofs.

I called upon Genl Arbuckle and stated to him my determination to execute the order if I could find out that Rofs was attempting to incite opposition to the treaty. The Genl was extremely solicitous that as there was such a small force at Fort Gibson; and a time of such peculiar excitement, that it would not be necessary to call on the military for aid; about this time, I received the decision of the District Judge of Arkansas, by which decision an Osage Indian in jail at Little Rock, committed for murder, was discharged for want of jurisdiction; and I therefore concluded that if I should discover that Rofs was attempting to incite opposition to the treaty, he also would be released. I however set out for Red River; and was not apprised of the delegation going on until my return. I have been thus particular, in order that you may see why Mr Rofs was not arrested, having received your order to do so, I should certainly have executed it, had I been apprised of the fact of Rofs getting up an excitement against the treaty. From what I could discoverⁱⁿ the Cherokee nation there appeared to be no feeling about the treaty. I enclose you an extract of Gov Stokes' letter from which you will see the character of the delegation; and that their particular object in visiting Washington was not known.

Respectfully

Your obt^t Servt

W^m Armstrong

Act Supt. Westⁿ Ter^y

Extract from Gov Stokes letter.

"Three of the delegation have gone on. Neither of them are men of business. John Loony is a Chief, but of moderate capacity and limited influence: Aaron Price is a good man of no great influence or capacity; and you know the character of Dutch; It is that of a brave determined warrior - neither of them were ever at Washington and curiosity as much as anything else has, in my opinion, prompted these delegates to go on. It is probable also, that they may wish to visit the places of their former residence."

(OIA: Cherokee File A126-291. Choctaw Agency. A-126.)

Choctaw Agency

3^d Feb 1837.

C. A. Harris Esqr.

Comm^r of Ind. Affr^s

Sir

I enclose you a plan of Agency house for the Cherokees -
I wrote Gov. Stokes and gave him the plan of the houses now
building for the Choctaw Chiefs similar somewhat to the
Agency house here - The plan is a good one for a dwelling -
and has as you will find from the enclosed extract, ^{been} adopted
by Gov. Stokes - the location is not yet made but will be so
soon as funds for the building are in hand -

Respectfully

Your obt Servt

W^m ArmstrongAct. Supt. Westⁿ Ter^y.

(OIA: Cherokee File A124-125- Choctaw Agency. A-124)

Extract from Gov^r Stokes letter:

"In obedience to the letter from the Com^r of Indⁿ Affrs of the 23^d November 1836; and yours of the 2^d inst, I enclose a description and estimate for buildings for the Cherokee Agency - I have taken the model from your proposals for houses for the Choctaw Chiefs. I think the estimate at \$2,000 is too low; but as you think otherwise, I have only required that sum, having a greater respect for your opinions in this case than my own."

(OIA: Cherokee File A124-125- Choctaw Agency. 1827. A-124.)

Choctaw Agency

3^d Feb. 1837.C. A. Harris Esq^r.Comm^r of Ind. Affr^s.

Sir

I have the honor to enclose a letter from Gov. Stokes upon the subject of the Seneca Mills. I can readily bear testimony of the great Utility of those Mills - not only to the Senecas but the Cherokees - and even to a portion of Missouri and Washington County Arkansas - the inhabitants of which have their wheat manufactured into flour - indeed there is no other Mills in the indian Country that afford any general facility but those - I would therefor respectfully recommend the payment of the account - if the same can be done by the goverment -

Respectfully

Your obt. Servt

W^m ArmstrongAct Supt Westⁿ Ter^y

(OIA: Cherokee File A124-125- Choctaw Agency. A-125.)

Washington, D.C. Feby. 8, 1837.

C. A. Harris Esq.

Commsr. Ind. Affrs.

Sir,

The Surveyor of Cherokee Land, under my Superintence agreeably to instructions which I received from you the 5th July 1836 will resume his labors as soon in the Spring as there will be grafs on the prairies for the subsistence of his horses, say, in the latter part of April or the first of May. He will then need an escort of thirty Dragoons.

This is respectfully to request that measures be taken to have the escort in readinefs. I would also respectfully remind you that Fort Gibson is much nearer the place at which it will be desireable for the escort to join the surveyor than Fort Leavenworth.

So soon as I ascertain from what post the escort will be furnished, and whom it would be proper for me to addrefs, I will take measures to inform the proper officer of the precise time and place at which the escort will be wanted.

With great respect

Sir

Your Obt. Servt

Isaac M^cCoy

New Echota Ga

Febry 19th 1837

Dr. Lillybridge

Sir

Agreably to your request I cheerfully make the following statement.

I have been constantly at this place since your arrival here on the 11th January 1837., & have been intimately acquainted with your movements. My quarters are within a few steps of your boarding house; I have seen you at all hours of the day, & frequently late at night particularly when you attended a Cherokee who was wounded & who was living very near my quarters, on whom you regularly & constantly attended apparently with the utmost alacrity.

With regard to the charge of "Intemperance in the use of Liquor" I can testafy that I have never seen any indications of your having used it to excefs; either in your conversations or actions Your deportment, as far as I have seen or heard has ever been, that of a perfect Gentleman

I am Sir

Very Respectfully

Your Obd Srvt

Chas, Hoskins

Lt, U, S, A

Gen^l Andrew Jackson.

D^r Gen^l

I perceive that John Ross, and company have arrived in the city. Tis of utmost importance that they should receive no recognition, nor countenance by the government. That such will be the case, I cannot doubt, yet I take the liberty of requesting your attention to this matter, as any acknowledgment of them as a Delegation, for any purposes, would produce the most serious mischief in the Cherokee Nation.

With highest respect

I am your Ob^t Ser^t

William R King

(OIA: Cherokee File (K11) Senate. no date. King, Hon. W.R. Recommends that John Ross and his party, etc. Above letter was received in Indian Office Feb. 28, 1837.)

Fort Coffee March 29th 1837

To,

C. A. Harris Esq^r

Comr Ind Affrs

Sir

I have the honor to report to you the arrival at this place of the 1st detachment of emigrating Cherokees, they arrived in safety & good health, not a single death having occurred since their departure; They have dispersed in search of their places of residence by direction of Capt Armstrong, the most of the emigrants have determined to settle in that part of the Cherokee Nation oppisite to this post-, a few of them have gone higher up the river

Very Resptly

Yr Obt Svt

Phil: Minis. U.S.A.

Disbg Agt C Remvl.

(OIA: Cherokee (Emigr.) File M59-103-108-155-253. New Echota.
Fort Coffee M-103.)

Washington City

May 4^h 1837

To The Hon.

Joel R Poinsett

Secretary of War

Sir

Since taking leave of you and my separation with those of my colleagues who have returned homewards, it has become my duty to address you this letter previous to leaving the Metropolis of the United States for the Cherokee Nation -

I will not occupy your attention with a recapitulation of all that passed between us at our several interviews, on the subject of Cherokee affairs: Being informed that General Wool will be relieved of his military duties in the Cherokee Country by Col^o Lindsey - I beg leave to call your attention to certain acts of oppression and injustice complained of by the Cherokees, and to ask that justice may now be extended in reference to them. -

In the summer of 1835, the Georgia guard under the Command of Col^o W^m N. Bishop, by authority of M^r Benj. F. Currey then Superintendent of Cherokee removals, forcibly seized the printing press, types, books papers and other materials pertaining to a printing office, belonging to the Cherokee Nation; and notwithstanding applications having been made for their restoration, they are still retained - .

1836? In the summer of 1826. Brig^{er} General John E. Wool required the Cherokees of the valley Towns to surrender up their guns to his Command, and as a proof of their peace-

able disposition towards the Citizens of the United States about 200 (or upwards) guns were brought in and delivered up ~~te~~ by the Cherokees, to that Officer - and when it was believed that Gen^l Wool could not but see that there was no propriety in withholding these arms longer, the Council of the Nation, in the fall of that year, at the instance of the owners, solicited the General to restore the guns - but I am not informed that it has been done, even up to the present time -

Some time in December last, when a Committee of the Nation appointed by the General Council, consisting of Mefs^{rs} Lewis Rofs, Rich^d Taylor, Dan^l M^cCoy, & Elijah Hicks met at the house of John Martin late Treasurer of the Nation for the settling his accounts preparatory to his emigration to Arkansas, at a late hour of the night, M^r Martin's house was surrounded by U. States ~~treeps~~ soldiers and in the morning the Officers in Command demanded all the public papers of the Nation and forcibly took the Treasurer's a/c^t Book and other papers - M^r Martin together with the Committee (excepting M^r Taylor who was not present) were then made Captives and escorted by the Military to Head Quarters before Gen^l Wool, a distance of twenty miles - the Commanding Gen^l after liberating these Gentlemen made a general demand of them for all the public papers of the Nation and threatened if they were not surrendered up to him that he should be under the painful necessity of arresting all the leading men of the Nation -.

These unaccountably strange proceedings, no doubt oc-

curred under the pretext of and authority of executing the
"Gen^l Order N^o 74."

You will pardon me for repeating the suggestion to you,
of the necessity for superceding the former instructions of
the Department, upon which the aforesaid "Gen^l Order" was based,
by those which are now to be given to Col^o Lindsey -

My most ardent desire for avoiding any possible ground
of difficulty between the officers of the Gov^t and the Chero-
kees prompts me to ask the indulgence of being furnished with
a Copy of the instructions which shall be given to that Offic-
er - and in Conclusion further to ask that the printing prefs,
types, books papers &c belonging to the Cherokee Nation - and the guns
of individual Cherokees seized & detained as herein stated,
be now ordered to be restored, without further detention - .

I have the honor to be, Sir, with great respect,

Y^r Ob^t Hb,le Serv^t

Jn^o Rofs in behalf

of the Cherokee Delegation

(OIA: Cherokee File R93. Washington. 1837. R-93.)

Journal of events &c June the 11th & 12th

Was among the Carsawaytee indians Although they are in a few miles of a depot of provisions they will not go forward to get they being neverthelefs in the verry extremest Suffering The fewest number of them have any thing to eate only as they buy a little from the whites or get it in Some Low way not unfrequently by Stealing I conversed with Some respectable White men who represent their case to be bad indeed and confirmed the ascertain above I tried to influence them to go down to Echota or M. C. Nary to get provisions telling them ^{that} they had a right to get if they would go And that I did not think they would be drove off to Arkansaw immediately My reason for doing this was to get them in a way of going after Supplies hoping that the officers would make use of all Chances to allay their timid fears and get the other indians to talk with them for that purpose also I discover that the great fear is that Should they receive the Supplies they will be driven off to arkansaw immediately and Some are trying to Scare themselves with the idea that if they Should receive them ^{or the price} it will be reduced out of their other dues I took all the care I could to allay these fears I allso got the whites to agree that they would do all they Could to induce them forward I also Suggested the idea of holding popular meetings among them and let Some persons who can Speak the Language attend and talk to them perhaps if Some of the Rofs people could be along these meetings might do much good Persons who Speak

their Language can do a great deal more than others in this way The Whites think that Such a plan will have a good effect On Sa,lee,quo,he, I Saw I (sic) Company of drunk indians

Pafsed on and Met an influential Cherokee (named daugherty* and his wife I told them to tell all who were Suffering to go & get Supplies that it was their right & they could get it if they would only go forward

They readily agreed to tell them --

It appears to be a great backset to this business that whiskey is retailed at So many places The indians lay about those places & miserably neglect all business Those places seem to form a haunt around which their affections seem to cling With mad delusion equally as close as to any other power of attraction among them They may be heard to single out many of these Whiskey Moungers from all other white men & speak in terms of praise Oh, Se, Oo, U, no, Kah, I meet Some others who seemed to be going to the drinking frolick carrying Vefsels which I supposed contained Whiskey & was Likely to continue the frolick on

I have understood that these Whiskey Venders were generally going much harm not Satisfied to Keep the indians hankering about after drink but also in Some cases persuade them against emigration perhaps for the purpose of trying to keep them as Long as their money lasts ^t Sayed all night at Esqr Woffords Sh.ff. of Cafs County.

Tuesday 13th. In conversation he appears to be out of heart of the natives being got off only by force He thinks popular meetings might do good especially if Some of the Rofs

men could be got to take a hand in them He says that a great-many of the indians in his acquaintance must be at the point of Starvation he knows not how they get Supplies only as they get a Little from the whites by beging or otherwise in Some instances they work but it is verry Little All the white people Seams to think favorable of popular meetings especially if whiskey is allowed they think the indians will turn out in mafs To day I had a Long talk with old Tom Pettit & Sally Hughs in which we talked over all most all the Cherokee rilations of the Last 3 or 4 years at the winding up of which they both manifested a disposition to get ready (provided they can get their businefs arranged agreeable to what they think is justice) and go to the West Sally Sally Seams anxious to go early in the fall But old Tom is reluctant and Seams to have much of the dread common to his party but from the best judgement I have of the case if he could get Some advantages under the treaty he would consider himself under So much obligation that he would make ready and go off Soon He has it appears been verry badly treated about his place he thinks the government ought to pay him its valuation under the treaty & I discover that it is the general opinion of all the Whites who know anything of the matter He is endeavoring to get his case prepared to Lay before you

It is thought that he and Sally have considerable influence in all the region round about there where they Live and that they could entice off a hundred or more if they would endeavor to do so

They both Say that the indians as far as they are acquainted are generally Suffering for Want of provision and depend verry much on the whites for any thing to Live on Poor old Sally Wept - She Said that She used to have plenty and Lived as well as any one but now She had Lost almost every thing And it Seamed that one way or other they were were disposed to robe her of all the advantages of the treaty bad as it was I found it altogether necefsary to encourage her and old Tom with the hope that their claims would be favorably noticed

I then proceeded down the river to Gen^l Millers and found many indians but could not talk with them for want of an interpreter The men seamed to occupied mostly in drinking as far as I could See them at any thing The Women go out all day & gather Whortleberies which they Sell generally for the merest trifle And thus it is that these people are So Closely and profitably engaged that they cannot pofsibly get ready to go west without Longer time allowed Gen^l Miller Says that there are 12 or 15 families on his Land and not one of them gives the Slightest indication of readinefs to go But they are generally needy and in a Short time must Suffer if they are not Supplied Someway - I told him to tell them to go to New Town or M.C.Nairs where they may get Supplies plenty He said that if he had the aid of a good interpreter he thought he could get them in the notion of going to get rations in which case it would Seam with proper management a great many might be got willing to go and perhaps all enroled which would afford a better pretext for catching hereafter when it may have to be done Al-

all
 most, the exertion that has as yet been made to get these
 Willing to go has been done by the Whites among whom are
 the Valuing agents these people do not have much faith in
 what any White man would tell them which Seams to be the
 reason why there is So Little imprefsion made on ^{them} as yet
 Gen'l. Miller Seams to think that popular meetings might do
 good if properly managed If there was Some pains taken now
 to allay their anger & pacify them generally it could scarce-
 ly fail of a good effect Their Situation and distrefs is
 Such now that they would be glad to find some person who
 would be friendly to them & Seam to put the means of re-
 lief in their way

Pafsed on down the river to a Mr Smiths - ^a respectable
 man he said he Should be glad how Soon they were away that
 they (the indians) were perhaps obliged to make a Little to
 free with their neighbours corn in that quarter He confirms
 the Statement of Suffering Says that he knows they can have
 but Little or nothing to Live upon and that the men visit
 the grog Shops & the women gather Whortleberries which is
 the most they do. He says that it is his opinion those grog-
 shops are doing much harm The indians are induced to hanker
 round them when they have nothing else to Stay for & would
 probably Come to See the Commifsioners &c. was it not for
 them Pafsed on down the river and staid all night at Dr
 Quins He is verry anxius that every thing Should be done
 that can be to get these people off peaceably He encour-
 aged me verry much to try and do all that I could He gave

me the names of several indians to call on Mr. Eliett who Lives near him is disposed to afsist in any measures that will do any good He thinks that popular meetings may have a good effect and has promised to talk with Several indians himself when he gets a Chance It is probable that these two men have considerable influence with the indians Dr. Quin promised to ^{do} ^{to} all he could induce the indians forward Thursday June the 15th. Pafsed on down the River into Alabama found the white persons verry anxius for the indians to get off as Soon as can be I enjoined upon them to do all they can in any fair way to get them to come forward to See the commifsioners & Gen.l Smith & C. that they all might get Some of the benefits of the treaty (I discover these Alabama indians are abundantly pleased when they get up courage enough to come forward and get money) The Silver & gold pleases them verry much Called on an indian by the name of Scraper He received me friendly but we could not talk for want of an interpreter He parted ~~parted~~ with me also friendly & Seamed verry anxius to talk Went on them to Millses He is a pretty Smart old indian & is a preacher He is said to be a fine honest indian He understood me better than I did him and Seamed to Strive verry hard to be understood His children that talk inglish were not at home

I talked to him all I could & perhaps more than he understood He appeared verry friendly & desired to talk but we could not do much at it From thence went on not knowing where there being no one to direct me but in a mile or two came to a young indian^s named Archy He talked

english I had a good talk with him and he Seamed verry attentive He was the most accomodating of any I had met He went with me and put me in the direct way From thence went on to Charly downings. He is also an interesting fellow and Speaks good engligh I think I Left him willing to go to the West The plan is to try to get he and Grimmit who Lives in the Same region to go together If it can be effected it will probably Shake the confidence of Some 25 or 30 families who are residing about the mouth of Chattooga river I sent word to Bark (who is one of the deligates of Mr Rofs Last Winter) and Several others who I did not get the Chance to See I promised that I would return through that way and give them a better Chance to understand me I Saw a company of indians at Fort Armstrong who Seamed in a drinking mood but verry friendly I called on one by the name of Grits but could not talk for want of an int. Saw a good many others but could do nothing for the Same reason I continued to work up the white people to the idea of doing all they can I ^{them} told to So manage as to get the Confidence of the indian ^{when} and ^{their} reason cannot be expected take the advantage of ~~his~~ prejudices convince them that it is their interest to go Say Little or nothing about Mr Rofs especially against him and they may find it in their power to do more than they can any other way

Let the troops go amoung them and keep them in fear and all others act as friends I took as much pains to inform the white persons So they may act in concert in this matter as I did the Cherokees I have also Cautioned a good

many white persons about allowing them to hanker about them drinking Showing them the dibatorious effects and that if they did not Stop it I had no doubt but the next Legislature would make it penal in which case they will Stand as good a chance to be driven out of the Country as the indians Continued down the River amoung Several more indian families the Celebrated Dah, cah, ga, amoung others but could not talk for want of an interpreter He (Dah, can, ga,) is said to be harbouring Some four or five Creeks about about him and is hostile he says he will die before he will go

They say that he has been endeavoring to get up a Company and turn out to Killing Some of the people in that vicinity Speak of forting Friday the 16th Spent this day mostly amoung the whites planning and encouraging them to use their inelunce in getting off the indians in every fair way they can In the evening traveled acrofs the mountain from Coosa river to Wills Vally about 15 miles the Most of the way through the rain and a good piece in a hard Storm Saw one indian who I afterwards Learned was named Balldridge He is a friendly interesting fellow he Seamed verry anxius to talk but Could not Speak english Stoped for the night at Lamars I encouraged him to use all his influence and / he and his wife get as many off as pofsible He th & Mrs. Lamar thought they had already done Some good and would continue trying If they could be allowed to ration the indians for a Short time at their house they allowed that

they could enroll all that were any where near them They say that the indians on the mountain are suffering and would come forward ^{to Lamars} verry readily if they could get Supplies I also Saw Mr. Curry there and rec^d. Some encouraging accounts from him I communicated to him a good deel of what I had done and my reasons for So doing put him on a plan that I hoped would enable him to make Some enrolments Sat. the 17th Understanding that Boudinot & wife had gone up the Valley to Revd. Mr. Chamberlains and wishing to See him I proceeded directly there Saw Several indians on the way but could not talk with them though I continued to operate on the whites every opportunity Saw Boudinot and Learned from him that he had been taking a greatdeel of pains amoung the Cherokees about Gunters Landing & the country around about in that part of Alabama He Said he had been to Mr. George Lowries and Learned that his family had become disposed to go to the west and Seamed to Speak favorable of it The old man himself though was mute on the Subject but is Likely half inclined if it were not for circumstances of which you are aprised he would probably be off Shortly Sabbath the 18th Lay by at Mr. Cham^s (Enjoyed our Sabbath) Monday the 19th Started in the rain for New Echota In Skin born Vally had a good deel of conversation with the whites There are but a few indians there and they of the more respectable Sort I did not have a Chance to See any of them Came on to Broom Town Vally A Mr. M.C.Cutchen Said or told me that there was a good many indians there and Some of them was Suffering I Left word as I have done in all other cases for them to come to Echota or M.C.nairs and get Supplies An old indian in that quarter made a Speech a

few days ago which is said to ^{have} been verry eloquent He brought the tears from his audience Poor old fellow I admire his eloquence though I pity his delusion Came on to Major Stories in Chattooga Vally and talked with an indian by the name of Cook He Says that he and others about there are going early in the fall I told him to tell them that their best way was to get off as early as they could those who got off first would come out best and those who would not go atall would be taken off Like the Creeks The Major Says that a good many of them are suffering He thinks that he could enroll all in and about there if he could be allowed to ration them a Little while at his house and Should proper pains be taken he thinks a Large number might be got off Thursday the 20th Sept for Echota Saw no indians until I came in the Vicinity of Oostanallee There I heard of a good many Some of them had Lately came in the neighbourhood extream want prevailed amoung them indeed it is thought that they will pirish if they are not Supplied Somehow I Sent word to them to come to New Town and get provision and not Stay there pirishing rather than come forward and partake of What was really their own

For these two Last days I have not Seen many indians though what I have Seen appeared verry friendly Arrived at Echota after dark this 20th day June 1837 After an absence of 9 days during which I have rode 250 miles in the rounds and turns of the rout Saw many indians and talked with all that I could in which I have an humble hope that I have

done good I have conversed freely with the whites and have put in train a course of proceedings that it is hoped will do much good I have spared no pains to do all that I could I also hope that I have done nothing that will in the Least degree do harm to any I have endeavored to Conciliate in all cases and have been cautious how I Said things about any person or thing that is Calculated to give a bad impresfion I have not even attempted to defend the treaty party but have only endeavored to pacify the Virulent feelings against them and the treaty &C

Henry H. Sutton

N. B I am of opinion that industry and perseverance in this course will effect the removal of the most of indians They naturally Slow to act it will not do to get out of heart
(for Small matters i. b.

ENDORSEMENT: May be exhibited to the Commifsioners and
Superintendent of Cher. removals

(OIA: Cherokee (Emigr.) File. 1837. Case of Sally Hughes and Henry Sutton. Affidavits and evidence, etc.)

Journal

Started from New Echota thursday June the 22nd. and on my way to the pine Log Settlement Met old Bill ^{Vann} ~~Dewning~~ who told me as well as I could understand him that Since my trip up among the Saluquahe Cherokees Several or Some at Least had begun to get ready or was ready to go to the West and inquired for meat and meal stating that they wanted to draw rations

I told him to tell them to go immediately to New Town that all he and they wanted would be attended to and that the officers there would be verry glad to see them I saw other Cherokees who seamed verry friendly and Some of them appeared to wish to talk I pafsed on through the pine Log region & old Town Left as much word amoung them as I could and Likely talked a a greatdeel more amoung them was understood Pafsed on to the Etawah rigion called and talked with a family Living on the road I tried to get them to go to New town or Mc.nairy the old man objected and I could not explain the matter to him so that he could get any understanding of it I called on Mr. Few and had a Long chat with him in which I urged the necefsity of his going to the West and got him to agree to do all he could amoung the Cherokees about there From thence I went to the Widow Ragsdales and took up for the night My reasons was that I might have a fair opportunity to say as much as I wanted to betwean that & bed time and until breakfast in the morning We conversed a Long time in which we talked over nearly all the Cherokee affairs

for the Last Several years A Minute account of which I could not now give Her two great objections to going away, are first, that She thinks her mother unable to go So far She being a verry old woman Second that Mr. Rofs has not told them to go yet I combated both of these objections by telling her that if her mother could not go otherwise that I would go myself and take care of her all the way and that I thought her a woman of too much Sense to remain here until She was wholly ruined because Mr. Rofs does not chose to tell her to go And also that the most of those who were now trying to Stay will in a Short time wish that they had gone That the white people will not have so much regard for them any Longer than their money Lasts A Mr. Canned [?] white man who claims Some kin with the old Lady I think has a greatdeal of influence with her I am not certain if he was watched closely but that he might be found discouraging emigration Though I think upon the whole that the old Lady her mother and all the family may be got to go She gave good heed to what I told her but would not either agree or disagree With the exception of old George Still and his folks She Stands next in the Scale of influence in her vicinity Friday the 23rd this morning went on to Canton and conversed with Some of the persons of that place requested them to make it public amoung the indians that the committee would be in Session the Monday following and that all the Cherokees who are Suffering might go & get provisions I also wrote a Letter to Mafsy Daniel requesting him to Send the people to New Echota if pofsible &C. Pafsed

on then to Rogerses and after Staying all night and having a gooddeed of conversation about the affairs of the Cherokees Left for Jackson Co. to attend My Mothers funeral on Sunday Thursday the 29th entered the nation again near Huckahies ferry inquired for indians Learned that there was Some in that neighbourhood who allowed to remain I took a great-deed of pains to talk with the whites in Such a way as to cause them to influence the indfians if pofsible I Sent word to the indians that wheather they were capable or incapable respectable or not rich or poor or desired to Stay or not that I as a friend and well wisher would advise them to go away if pofsible And if any were Suffering Let them go forward and get rations There are in this region a few Widows who would wish Some attention If it were pofsible for them to have Something under the treaty it Seams from the relation in which they Stand that it would be nothing amifs -- Saturday July the 1st called at Mr. Kellogs & wrote two Letters one to George Welch & one to Joshua Buffington The one to Welch I exhibited to Mr. Kellog he approved it Said it was appropriate They were both on the Same Subject requesting those men to be active and make use of all exertion amoung the Etowah Cherokees I did not have time to call on any any where above Scudders which was my reason for writing But I sent all the word I could by Mr. Kellog and every am /man/ I Saw who was going up that way I continued however to here the unfavorable account of their Stubbornnefs & objections to go away I could not get Scudder to exercise his influence I saw but three indians all day and could not talk with them -

but tried - they put their hand up to their ear in token that they did not understand Took up for the night at Canton The people about Canton Seam ready to do all they can and are verry anxious for measures to be taken that will prevent hostility the truth is Cherokee County has more indians than any County in the State and they are if pofsible more Stubborn It does Seam that it verry necefsary that Something Should be done if pofsible to give matters in this county a favorable turn the people all along on Etowah think that a depot of rations at Some convenient place on the river would do much good as the indians are suffering and Some at the verry point of starvation It is thought that Something of that Kind will move them. more readily than any thing else They have a great aversion to go any where where the persons are that manage the treaty but it is probable that they would receive rations from persons they did not Suspect and in their own neighbourhood July the 2nd Started from Canton in Company with Mr. Bostwick of Augusta and Mr. King of Cherokee On inquiry what would be the chance for Specia in the augusta Bank he answered no chance atall for the Centrell Bank a day or two before he Left had drawn all the specie ~~the~~ it had Mr. King Said in reference to the Cherokees that he thought a depot of provisions somewhere in the neighbourhood of the Sixes would collect the most of the indians in that part of the country and that he could and would throw a Smart influence in the way or plan of receiving rations Somewhere there but he could not get them to go where the provisions were now issued There are a good many families on his Lands and he is getting verry

anxious to see them manifest some disposition to get away He
 says that could have influenced a hundred or more if if there
 was a plan that they did not dread so much There is no doubt
 but the whites would do all they could if this opportunity was
 offered He and myself called at Moses Daniels and had a
 long conversation with him He thinks a small depot of provi-
 sions would do a great deal towards collecting them and he is
 willing if it was established near him to use all his influence
 to use all his influence to collect them and he could probably
 do more than any other man on the river it is also probable
 that old George Still would grow favorable to it if that was
 done It is also probable that if three small depots were es-
 tablished on Etowah river One about the Sixes one about the
 Savannah Town and one about Sally Hughes that in the course X
 of a few months the most of the Cherokees could be collected
 that are in all that region a distance of more than a hundred
 miles long and 30 or 40 broad Such arrangements as these would
 surely command the attention of the Indians so as to collect
 them together at those places in the shortest possible way It
 is expected that they may not go forward very readily at first
 but when they consider the matter and become a little accus-
 tomed to it and see how it is in every way they will no doubt
 go into it more willingly The white men would be able to
 help in this matter very much and would be glad to do it
 The Indians dislike to go off so far it seems to much like
 starting to the West which they generally seem to dread al-
 most like death The situation of the Indians are such that
 the white men can have a great influence over them From Dan-

iels I pafsed on down the river amoung the Cherokees trying
 to influence them all that I could I pafsed the Atatunne Mines
 and saw near a hundred Cherokees the most of them making a
 most abject appearance I tried to talk with them but did not
 find but one or two that talked my inglish and but indiffer-
 ently at that until I meet with a Mr. Johnson white man who
 appears to have a Cherokee family I had a Long and interesting
 talk with him in which I exprefsed myself freely He Soon agreed
 with me and said he had already been trying to do Something
 amoung them in that quarter He thought he could afsist in
 getting them to receive rations and was willing to do all
 be could in any way

I enjoined it on him to do all he could which he promised
 to do He appears to be a Sort of Merchant amoung them and pro-
 bably can do Something of Service I pafsed on thru to Mayses
 ferry and Lack of time & an interpreter I could not do much
 amoung the indians there but I Left word amoung the Whites
 for them and directed the action of the whites as much as I
 could I consider that every one can do Something and I have
 tried in all respects to get them to do this Something July
 the 3rd From Mayses ferry pafsed on to Cafsville and from
 there to New Echota not having time or much opportunity to
 See or talk with the indians Thus after an absence of 11 days
 have I been engaged faithfully & have some reason and have
 Some reason to think that my Services will be advantageously
 appreciated at Least.

I am verry causius that I have not omited any thing that
 I could think of or in any way caucian would be advantagious

I have verry good reasons to think that if Sufficient industry was used in the proper way that many of these people might be got off peaceably yet and within the time allowed I am confident that Let me take my own way for it make My own arrangements & have a good interpreter that I can collect a good detachment ready for removal early in the fall provided that no one be allowed to circumvent my action I have been now for 20 odd days routing about amoung the indians during which I have taken two or three Storms and nearly all the rain that has fallen in day time which has been no Little and have Spent 25 or 30 dollars of My own money rode down my horse traveled about 500 Miles in the rounds and fatigued myself verry much all with the hope^{alone} of doing Some good and I feel thankfull that I have had Strength & disposition to do it I have the consolation to believe that I have done Some Small Share of good at Least which is a high remuneration for my pains and trouble and Should my other businefs admit I am willing to undergo as much or more for the Chance of doing the Same amount of good I design to make a trip amoung the mountain indians with in the Limits of Georgia if I could be allowed an interpreter there I would try to appreciate the opportunity and flatter myself with the belief that I could make a more favorable return

This report after your examination may be refered to Gen^l. Smith that he may be apprised of the true State of things in this portion of Country

Respectfully Your obt. Servt. -

Henry H. Sutton

(OIA: Cherokee (Emigr.) File 1837. Case of Sally Hughes and Henry Sutton. Journal addressed to the Commissioners.)

An account of proceedings among the Cherokees
in the region of Sally Hughs & Thomas Pettit &c

Started from Echota July the 5th went immediately to
Esqr. Woffords Sh.e.ff. of Cafs County He told me that he
thought old Tom Pettit had come over considerably Since I
was along there two or three weeks ago I Stayed all night and
on the next morning (the 6th) Went to Pettits I found him at
home in a verry thoughtfull mood He Seamed glad to See me &
after a while got in a verry considerable way of taking:
during which, I drew out his feelings and designs concerning
the affairs of the Cherokees His confidence in Rofs is much
Shaken & he is going in a few days to See him from thence I
proceeded on towards Sally's. & Stayed all night in a mile or
So of the river The next morning I got an interpreter and
proceeded down the river 10 Miles below While there I saw
a Mr. Lawson Brandon former Sh.ff. of Gwinnett County He
told me that the indians in his vicinity are in a pitiable
condition They are not only Suffering for the want of pro-
vision but have been Cheated out of their Valuations in many
cases in the following way when the valuing agents were round
the indians in a greatmany cases run off from them and in oth-
ers were Stubborn and would not Show their improvements Such
men as Sam Mays Jack Elliott &c. were frequently along with the
agents and in general was verry handy in Showing them what &
to whom to value of course when they chose they could point
out a place for themselves and I am told did not fail to do
it I could hear of these speculative fellows Claiming not

a few of their improvements on the validity of a purchase where in many instances one two and three hundred dollar improvements were claimed for the consideration of one, two, three, or five gallons of Whiskey And had them valued no one being present to object I called at a house where two families Lived in the Same house According to the Looks of their improvement it must have been valued to 5 or 600 ~~th~~ dollars Mr. Brandon hapened to come in at the time which I was talking with them By the means of my interpreter I had already said a good deel to them Some of which Seamed to have Some effect Brandon Suggested to me that Sam Mays a white man entitled to a native privilage had had their place valued to Some one else I then depicted their condition to them also what it would be when the treaty ceased to protect them The poor Woman Sighed most pitiably; the men hung their heads and Seamed to wish that things were otherwise I told them that they never need expect to alter the treaty or buck it but, that they would have to come into it Some how or other - they Seamed bewildered - I then told them that if they would Come up to Echota and See the Com^s. that perhaps they could tell them how to fix their businefs So that their valuation might yet be paid to themselves and that I would do all I could to keep Sam Mays from getting it They Seamed to pick up Some courage then and one of the women began to Laugh and talk with the interpreter verry pleasantly and Soon indicated that She would be glad to go I took the advantage of that moment and told them that they had all better come up and that I thought if they could prove that they never Sold the farm to any one they

would yet get the money & I would advise them all to come and bring their witnesses and I would do every thing I could for them They all appeared consentive and agreed to do it It will be remembered that these are Some of the most ignorant & Stubborn Rofs indians who would not See the valuing agents or Show their places but run off Now with a Little pains these people may be got off peaceably I know from the pleasantness mingled with astonishment which I Saw in the Countenance of Brandon that Something verry unexpected had been achieved I expect these people are on his Land Myself and interpreter Left them all in a much better humor & condition than we found them, highly pleased at the Success we had met with These indians perhaps to the number of 20 or more may be expected in three weeks From thence went on up to Sallys ferry and Staid all night The next Morning (the 7th) went over to old man Beavers one of the former Chiefs among the Cherokees a great friend to Rofs and who has always declared that he never will go away I passed or claimed to be a Cherokee Myself And had a gooddeal of friendly talk with him (He and his family Speak and understand english) during which a Mr. Dobbs who owns the Land where the old man Lives hapened in Dobbs appeared verry glad to hear the old man and me talking After I had take a fine mess of the old honey mans, which was really fine indeed I felt pretty much in a mood for talking and verry shortly after commenced one of the most interesting talks that I have had with any Cherokee When I first began I durst not say any thing in favor of going to the west or in favor of the treaty or about Leaving

this Land or even receiving any of the money that the treaty allows and particularly nothing against Mr. Rofs The old man was So extremely sensitive on all these points that you might discover the Lightest touch on them to make him Sad and Cautious I continued Some how to keep the Subject in motion until I Saw that one of the women appeared chained to my conversation (the old wife though had taken her bed in the mean time and to all intent seemed incapable of either acting or thinking or even So much as to open her eyes) this seemed to help me along Smartly for I could discover the old mans eyes meeting this woman's every now & then until at Length he Seamed to get a greater confidence in my words and began to reply more readily and Seamed to become willing to chat and in a Short time began to Sanction Some things that I would Say The Subjects that I found So difficult to touch on at first had become Something more familiar I could plainly See the Dobbs was highly pleased he it appears has been trying all this year to have Some influence with this old man and family but has hitherto been unable to know that he had done the Least good He had also got others to talk with them for the Same purpose but all to the Same effect It Seams that he has a verry high opinion of the goodnefs and honesty of the old man So much So that he would verry much dislike to See his feelings hurt but nevertheless, he is extremely anxius to begin to See Some move on the part of the old fellow that would indicate getting away For to all appearances he Seams that he is Like-Dobbs ly to be an occupant of ~~the-eld~~ his Land a good while yet, or at Least during Life And to See Such a Change effected

altogether unexpectedly in Less than an hour was a matter of
 Some astonishment^{to} him After I had gotten through while the
 feelings in all were yet glowing I took my Leave and no
 doubt there is many an inquiry about who and what I am
 Dobbs went with me a Little piece and begged that I would
 call again the first opportunity I then went on to Sally
 Hughes house While there I Saw Several Cherokee women &
 talked by an interpreter to them all I Learned from them
 that when Sally came back home and was going to come up to
 New Town again they expected to come with her and also go
 to the west when She went All of this I discovered has
 taken place Since my first talk with Sally and old Tom at his
 house I then encouraged them to do what I Since Learn Sally
 has done extensively and old Tom also to Some extent the
 effects of which is already^{plainly} perceivable among them people
 Old Sally Says She wont mind any boddy any man (meaning Rofs)
 but She means to go her own way which is that She means to go
 to the West as Soon as She can get off, but there is no doubt
 but that She will Look for a Little hiring and a Little atten-
 tion paid to her now may do a greatdeal of good

I talked with a good many Cherokees about there before
 I came off all of whome Seamed to become disposed to comply
 with my direction and push forward Many of them have dif-
 ficulties about their claims &C. which will probably require
 patience in their adjustment I Pafse on then up to ^{Pettits} ~~Pettits~~,
 and spent the night with him during which we talked a greatdeal
 Esqr. Wofford present I told him amoung other things that he
 must begin to tell the people to come forward and arrange

their business and prepare for the West before they might have to be dragged off like dogs. I told him to remember the Creeks and not encourage his people to wait. Such a doom he seemed to wish to go and see Mr. Rofs in a few days indicating that after that he meant to act more decisively. I think on the whole that he will go away. The Strong hold in that quarter is most powerfully shaking and if Rofs does not hold his council and recruit them up again they may all be got off with a little pain. The next day I returned to Echota and on the way at La, la, qua, he, & Pine Log I saw several Indians. The general account was that they and many ~~Several~~ others are coming forward shortly. My impression is now as it was before that if proper arrangements are made and a considerable press made this fall the most of these people may be got off peaceably. It should be remembered that Sally Hughs is now and has been ever since she came to this place several days ago electioneering with all the Indians she meets trying to get them off to the West with her. This is under the knowledge of Ridge and various others. If all would try as heard the stay of the Cherokees in this country would be but short.

Respectfully yours obt. Servt.

Henry H. Sutton

Lest my long reports may be found tiresome this will probably close my communications of this sort unless I find it necessary to give something in the same way from that quarter. If I go I shall probably make a long trip

It will also be Shortly if atall I now think I will go
& verry much want to go -

respectfully your obt. Servt.

Henry H. Sutton

(OIA: Cherokee (Emigr.) File 1837. Case of Sally Hughes
and Henry Sutton. Affidavits and evidence, etc.)

Cherokee Agency, Fort Gibson, August 20th 1837.

Report of the Agent for the Cherokee Nation.

At the commencement of this Report I beg leave to state that in the Regulations N^o 3 lately sent to this Agency, there are many items of instruction, which cannot be complied with; and some that appear to be unnecessary. - I would not presume to find fault with the regulations made by the Department, such as may be deemed proper: - But it is my duty to point out wherein a compliance with some of them is impracticable.

To begin with the 9th and 10th Articles page 2, Requiring the Agent to nominate to the Department, Suitable persons for Teachers, Black-Smiths, Farmers, Mechanics &c And directing that the persons nominated shall not enter upon their duties until approved by the Department.

I have nothing to^{do} with the appointment of Teachers. The School fund having been with-held by Government for the last two or three years, the public Schools have necessarily been discontinued.

With respect to Mechanics, I would observe, that all now employed in the Cherokee Nation make their contracts on the 1st day of January; and it is not known to the Agent whether they will renew their contracts, until the year is out, and they have received their pay. I must inform the Department that employment as a Mechanic in the Cherokee Country is not a desirable situation for a good workman. Very few of this description can be prevailed upon to accept appointments, espec-

ially as some have been disappointed in their expectations as to their contracts. - It is believed that you, Sir by authority of the War Department. furnish the Choctaw Black-Smiths with all the coal that they require: Whereas during the continuance of my Agency, not one bushel of coal has been furnished to either of the seven shops of the Cherokees, Senecas, Shawnees or Quapaws; and the Agents have not the means to purchase any. Another objection to being employed in some of the Indian Nations, is this: - That in pursuance of the 9th Sect. of the Act of Congress of 30th June 1834, the Black-Smiths for the Cherokees, Senecas, Shawnees and Quapaws entered into written Contracts to furnish their own shops and tools for the year 1836, at the rate of Ten dollars per month in conformity with the provisions of said 9th Sect. of said Act. - This money has not been paid to them.

The difficulty of complying with the 9th Article of the Regulations page 2, Requiring the Mechanics and others to be nominated to the Department, and approved before they enter upon their duties, is this: The Mechanics generally come to the Agent about Christmas, either to renew their contracts, or to decline. If a new Mechanic is to be employed, he will not enter upon his duties without a written Contract; and as that cannot be made until the Department approves the nomination, it will be March or April before a contract can be made, and the Nation be without his work for two months in the most busy season for preparing farming tools and implements for Cropping.

I should be gratified in being informed of the necessity for all this preliminary arrangement. - It would appear that in the estimation of the Department, neither the Superintendent nor the Agent is fit to be trusted with the appointment of a Black-Smith, Waggon-maker, or Wheel-wright. If the Superintendent of Indian Affairs for the S^o Western Territory, nor any of the Agents under his direction can be trusted with the appointment of a Black-Smith or Wheel-wright, it must be evident that none of us are fit to be trusted with the performance of other important and responsible duties which are required at our hands. As I have written to the Department more than once on the subject of the employment of Mechanics, and their pay, especially as to Black-Smiths and their Strikers, I should feel myself humbled were I to waste more words and paper upon so trivial a subject.

The 11th Article of the Regulations page 2, Requires the Agent to recommend to the Department, suitable positions for Shops, Schools and farms.

I have before observed that there are no public Schools in the Cherokee Country. - For reasons best known to the Department, the School fund has not been sent on for the last two or three years. - For the present year 1837, one thousand dollars, has been sent: - It will not pay half the sum due to Lewis Milton for Boarding Scholars two years ago, at fifty cents per - week for each Scholar; and for the want of funds the School was broken up and the Scholars dispersed. As to suitable positions for farms, I would observe that there is

no provision in any Treaty, for farms in the Cherokee Country. - With regard to the recommendation for the Scites for Shops I have to inform the Department that in consequence of the frequent arrival of Emigrants, the Scites of the Shops are changed every year to suit the convenience of the new Settlements.

The 12.th and 13.th Articles of the Regulations pages 2 and 3, Requires Statements exhibiting the manner in which the farmers and others have been employed: - The quantity of Agricultural implements delivered: - The number of farms cultivated: - The kind of Cultivation: The amount of produce; and the number of Indians instructed in agricultural or mechanical arts.

If these articles refer to public farms under the Superintendence of Government, I have already remarked that there are none such in the Cherokee Country: - Neither are there any implements furnished to the Cherokee Nation, except such as are made in the Shops on the application of Individuals as they are needed. - In the Cherokee Country, containing about fifteen millions of acres of land, but sparsely settled at present, the number of farms and acres cultivated cannot be ascertained except by actual survey; and if such survey was made, it would vary every month, as the late Emigrants bring on a great many Slaves; and they make temporary or permanent settlements as soon as they arrive. I should estimate the number of farms at present between ten and eleven hundred. There are no Cherokees who follow the Chace for a living. -

The Nation is divided into farmers, Traders, Stock-raisers, Labourers and Vagabonds. - The produce of the farms is corn, oats, potatoes of both kinds, Beans, Peas, Pumpkins and Melons. - The great profit of the Cherokee farmer is his corn; his Horses, his Cattle and his Hogs. - Some of the Cherokees have taken and fulfilled Contracts for the Garrison of Fort Gibson, and for Subsisting Emigrant Indians to the amount of Forty to Sixty thousand dollars without purchasing any article, except in the Indian Country. - The Cherokees have several valuable salt springs, but for the want of Capital and Skill, they are not profitable. At the Grand Saline on the River Neosho forty miles above Fort Gibson, they are making Eighty bushels of excellent salt per day, for five days in the week; but the manufacture is carried on at Considerable expense for labour, fuel, Hawling &c - In the hands of a Skilful Capitalist, it would be a source of great wealth.

With respect to the number of the Cherokees in this Nation, there is no certainty., The number varies continually in consequence of the frequent arrival of Emigrants from the East of the Mifsifsippi; and the departure of Vagabonds to Texas. - I estimate the number now here at about eight thousand.

The 14th Article of the Regulations page 3, Requires a list of persons connected with the Indian Department. The list of Traders, Black-Smiths, Wheel-wright, Waggon-maker and Interpreter, included all that are officially known to

me. - There are here at this time, and has been for some time past, a number of Contractors for supplying Indian rations, with their assistants: But I have neither information nor Controul of their affairs nor of their numbers.

The 17th Article of the Regulations, page 3, Requiring the delivery of implements, Iron Steel &c.

There are no implements to be delivered. The Iron and Steel has been delivered to the Black-Smiths, and receipts taken. - It is understood that the Mechanics have generally given satisfaction to the Nation. - I will not suppose that ^{is} it expected of the Agent, that he shall personally and constantly superintend the delivery of work at six shops situated forty, fifty and seventy miles apart,

The 18th and 19th Articles of the Regulations page 4, Requires the Agent to visit and Report on the subject of Schools, public buildings, Education, the conduct of Teachers &c.

My remarks on the 11th Article of the Regulations will show that no satisfactory Report can be made on the Articles 18 and 19. - The School-fund, as before mentioned, has been with-held or otherwise applied, for about three years. - It is understood here, that it has been paid to the Superintendants of the Choctaw Academy in Kentucky. Of this I know nothing. - The Missionaries have an Establishment in the Cherokee Country called Dwight Mission under the direction of Mr C. Washburn. I enclose you his report, which I have reason to believe is perfectly correct. - Mr Wooster who was formerly confined in the Penitentiary of Georgia has some sort of an

Establishment in the Cherokee Country, but I know not whether it is more than a printing Office. He has never consulted me on any subject. - It is known to the Department, that the Missionaries claim the right of coming by wholesale, into the Cherokee Country, under Treaty Stipulations: - The Nation has complained and remonstrated against this general privilege being granted to them; but it appears to have been secured by the Treaty of 1835. - When a Treaty is made by a Sectarian Preacher, we are to expect that Bigotry and fanaticism will be tolerated if not patronized.

I hope, and would willingly believe, that it is not the intention of the Government to degrade the office of Indian Agent: And yet the manner of paying Indian annuities, and in other cases, that effect is produced. - I cannot explain this better than by stating facts which actually took place. The regulations direct that at the payment of annuities, where there is no Garrison, contracts shall be made for the subsistence of the Indians assembled to receive their annuities, after giving ten days notice. The money due for Indian annuities for the year 1836, did not come to the hands of the disbursing Agent until January 1837. - At that time I was sub-Agent for the Cherokees, Senecas and the mixed Band of Senecas and Shawnees. On the 23rd February 1837, the Disbursing Agent and myself set out from Fort Gibson for the purpose of paying these annuities. - In consequence of the absence of the Agent ^{Quapaws and} for the Osages, I was authorised and directed by the Superintendant of Indian Affairs, to attend the payment of the annuities to the last mentioned Nations also. - My

residence as Agent for the Cherokees has been at Fort Gibson. From Fort Gibson to the Senecas is 75 miles: To the mixed Band of Senecas and Shawnees 85 miles: To the Quapaws 90 miles; and to the Osages 160 miles. - It will readily be perceived that it was impracticable to give due notice and to make contracts for furnishing Indian rations at these places; especially as not more than four days rations was allowed to be issued at each place. The payments were all to be made in an Indian Country, where there is no provisions to sell. - A contract could not be made for issuing provisions at four different places, in an Indian Country: - The Places distant from each other Ten - five, and seventy miles; and the rations limited so as not to exceed four days rations at each place. For the want of contracts, the Indians at the Senecas were 3 days, number 200 - Rations, nothing: at the Shawnee Band 2 days, number of Indians about 100. Rations, nothing: At the Quapaws 3 days, number of Indians about 400. Rations, nothing: At the Osage Agency 4 days, number of Indians about 600. Rations, nothing. - In paying the annuities to these four nations, the disbursing officer did not pay one Cent for the subsistence of Indians. The Indians complained to me, but I had no means in my power to supply their wants. - I would ask, is it not degrading to the Agent? Is it not disgraceful to the Government, thus to trifle with the solemn obligations which the United States have pledged themselves to fulfil? Congress has liberally provided for the payment of the expences of Indians assembled to receive their annui-

ties. - The Agent is expressly ordered to Assemble the Indians for the purpose of ascertaining from themselves, whether they will receive their annuities in money or goods. He is moreover directed to place before them ^{the} advantages they would have in receiving goods instead of money:

- I would ask what credit an Agent can expect to have with Indians that he calls together with a promise of subsistence for a few days, and sends them away starving? - The expense of subsisting the Osages at the payment of the Annuities in March 1837, could not have been less than \$150 dollars. - Mr Papin the Indian Trader fed them, for which he did not receive one cent. - For the credit of our common Country, and much to the honor of the Disbursing Officer who paid the annuity for 1835, he paid all the money in his hands, set apart for that purpose, without requiring a Contract. - This expedition of mine has been a disagreeable and disgusting business; and such a one as I hope never again to be called on to repeat. - I will therefore close this Report with this remark; there never has and probably never will be a contract made for supplying Indian rations at the places appointed for paying annuities to the Senecas; the mixed Band of Senecas & Shawnees; the Quapaws, and the Osages. - The distance from the settlements in Missouri: The uncertainty as to the number of rations to be issued: - The trifling profit to be obtained by two or three days issues at four different places, distant from each other Ten, five and Seventy miles, precludes the expectation that any reasonable contract will ever be made in these cases.

I have no hesitation in declaring that it is an error in the direction of Indian affairs, to exalt the situation of a Disbursing Officer, at the expense of the Character and Standing of the Indian Agent, who ought to have some influence in the nation under his Superintendence.

I am, Sir, with great respect,

Your obed^t Servant

M Stokes Agent
for Cherokees.

Capt^tWilliam Armstrong,

Superintendant of Indian Affairs.

(OIA: Cherokee File. Fort Gibson, 8/20, 1837, Stokes, Gov. Montfort to Wm. Armstrong. Report of the Agent of the Cherokee Nation.)

Westport, Jackson County, Missouri

Sept. 20. 1837.

Hon. C. A. Harris

Commfstr. Ind. Affrs.

Sir

By your instructions of July 5th 1836 I was required to cause the surveys of the Cherokee lands to be completed and to supply every deficiency connected with the subject which, at that time, prevented the ifssueing of a patent.

The surveys have been completed, the Field Notes of which are herewith respectfully submitted, together with duplicate plats of each tract of Cherokee Land, also, a summary description of the boundaries and the quantity of acres embraced therein.

The surveys being made agreeably to the requisitions of the treaty necefsarily divides the Cherokee Lands into two distinct tracts, the north east corner of the one approaching the south west corner of the other within the distance of thirty Chains. This intervening tract is a slip of unappropriated land lying North of the Quapaws, one mile, forty five Chains and fifty Links wide, and extending from Neosho river, the place where the two Cherokee tracts approach each other, east twenty five miles, thirty six Chains, & fifty Links, to the western boundary of the State of Missouri Containing 24,813.39 acres.

The 2^d Article of the Cherokee treaty provides that if the Salt plain, at which Indians of various tribes procure salt "should fall within the Cherokee lands, the right should be reserved to the U. States to permit other tribes of red men to get salt on said plain in common with the Cherokees."

It appears that there are two noted places at which the Indians from time immemorial have collected salt. One is on the Cherokee lands. It is a plain on which Salt is formed by Solar evaporation situated on the Salt fork of Arkansas river, about fifteen or twenty miles south of their northern boundary, and about two hundred and twenty miles west of the state of Missouri.

The other is said to be a Salt rock. It is on the Creek lands, eight or ten miles south of the Southern boundary of the Cherokee lands, and about two hundred miles west of the State of Arkansas.

The surveyor was unable to visit either of these places, but Osage Indians who were hunting in the vicinity at the time he passed pointed out to him the locations of both.

Notwithstanding the Cherokee lands are divided into two separate tracts, the 2^d Article of the treaty requires both to be included in the same patent.

The 5th Article of the treaty requires that the laws which the Cherokees may enact shall be consistent "with such acts of Congress as have been, or may be passed regulating trade and intercourse with the Indians." Also, the 3^d Article stipulates that the patent to be issued shall

be "according to the provisions of the Act of May 28, 1830." This Act provides that the lands patented "shall revert to the United States, if the Indians become extinct, or abandon them."

Therefore while it is required that the patent should secure the lands to the Cherokees and their heirs and successors, it provides that it withhold from them the right to convey the same to others than Indians.

To this matter I beg leave to solicit particular attention. It is the hinge upon which turns the weal or wo of all the tribes for which the government is making provision in this Indian Territory, and vitally affecting the benevolent design of the government in securing to the tribes the possession of their lands.

If the conveyance be made in terms which could hereafter, by possibility, be construed to authorize the Indians, either collectively, or individually, to convey the whole, or any portion thereof, to others than Indians, either forever, or for a limited time, white residents would be introduced, and the Indians be crowded out.

Last winter four Chiefs of the Delaware nation, professing to act by authority, and in behalf of the whole, were induced to petition the government for permission to Lease to a certain white man, (a citizen of the U.S.) and his children, one section of land. I mention this fact, known to yourself as evidence that between the citizens of

the U. States and the Indians, negotiations have already been commenced, by which the former hope to obtain a footing within the Indian Territory.

In ifsueing the patent it will be necefsary to do more than to guard ~~aga~~ against Selling and Leasing. These two avenues to the ingrefs of white population being effectually barred, a third will be sought under the pretext of being employed to perform some useful service to the Indians. If an Indian be allowed to introduce a white man into the Indian country as a partner in businefs, as a Clerk, as a laborer, as a physician, or in any capacity whatever the indulgence will be abused by the avaricious Individuals, or companies of Indians will be hired to form either nominal or real contracts for the introduction of white men under the name of employees of the former.

None of the tribes are capable of guarding their own interests, and if they were, in such transactions as these under consideration, human nature should not be supposed to be beyond the influence of the temptations of money. The right of introducing into the Indian country any white person, citizen of the U. States, or of any other country, can never be safely pofsefsed by any of the tribes until their condition becomes so improved that they can mingle with white men without inconvenience.

In the present condition of the tribes this subject is guarded by laws of Congrefs, but if the right to the

soil be conveyed to the Indians by patent without reserving in the same instrument their right to connect white men with them in the occupancy of the land, the power of Congress subsequently to forbid it by law may well be doubted.

This subject acquires importance from the following facts, which I hope will apologize for the earnestness with which I respectfully press its consideration, namely, the case of the Cherokees now under consideration is the first that has occurred of issuing a patent to an Indian tribe. The whole, or portions of twenty three tribes are already within this Indian Territory. In all probability the number of tribes will soon exceed thirty. The patent now to be issued will be quoted as a precedent for the future, and no tribe will be content with less authority than is granted to the Cherokees. But, irrespective of other tribes, the introduction of white men into the Cherokee country alone, would frustrate the designs of the government to render the Indians secure in their possessions, for the Cherokee lands, embracing in the whole more than fourteen millions of acres, extend from the east to the west of the country designed for Indian settlement, and divide it in two.

We cannot consistently plead in this case that if the Indians choose to introduce white men into their country to their own destruction, the fault will be theirs and not ours. The same might have been pleaded heretofore in relation to laws for the preservation and welfare of the Indian

tribes. Justice towards a very large majority of them who are incompetent either to understand or to take care of their own interests, and humanity towards the whole require that our government continue its guardianship.

By the prohibition above alluded to no inconvenience could arise to any Indian whose circumstances required the assistance of white men. The matter being under the control of the government of the U. States, its laws regulating intercourse with the Indian tribes could always be such as to provide for the emergency. Laws providing for the temporary residence of white men in the Indian country, either for the benefit of the Indians or the government of the U. States can be amended or repealed whenever their provisions are found to be exceptionable. But the patent under consideration will be unalterable. Of this I presume the government will be fully aware, and will guard against evils which afterwards it would be unable to remedy, and which would produce a failure of the experiment so auspiciously entered upon by the government for the improvement of the condition of this hitherto unfortunate race of men.

Sir, I have the honor to be, with great respect

Your Obt. Servt. Isaac M^cCoy

(OIA: Surveys File. M-233-265-267. Westport. 1837. M-233.)

Cherokee Agency, Fort Gibson, Octo. 4th 1837.

William Armstrong Esq

Superintendent of Indian Affairs S. W. Ter.

Sir

I herewith enclose my return of persons connected with the Cherokee Agency: - And the Estimate of funds required at said Agency for the year 1838. - The other returns mentioned in your last letter shall be sent at an early day.

I have the honor to be, with great respect, your obed^t

Servant

M Stokes Agent

for Cherokees

(OIA: Cherokee File. Fort Gibson, 8/20, 1837. Stokes, Gov. Montfort to Wm. Armstrong. Report of the agent of the Cherokee Nation. Inclosures indicated above not in this file.)

Fort Gibson 3rd. Jan^y. 1838

Sir

I enclose statement of letters received during December I also enclose a roll of Cherokees who were brought out by M^r. Cannon Conducting Agent, shewing the alterations on the way, from 365 to 350.

M^r. Cannon pointed out to me George Rofs & Rich^d Timberlake, who were brought with the party from the Mifsissippi river, where he says they joined it. As Geo. Rofs belongs to Andrew Rofs's family, I presume all the allowances for transportation & subsistence due the former were paid his father, who received their allowance east of the Mifs.

Many of this party are sick. They refused to come here, and having stopped on the border 50 miles east of this, an exprefs was despatched for me. Foreseeing this; and knowing that it would be uselefs and injurious to bring them here; I had repaired to the spot, and remustered the party soon after the exprefs was despatched. I have commuted the subsistence for most of them for three or six months, giving a preference to the most needy. I am now discharging the dues to the others.

Some of this party also, such as W^m. Petit, seven in family; & widow Dougherty, with family; have been before removed and subsisted a year by the U. States. The first in 1829 the last in 1834.

Joshua Roach, (white man) with a family of 4, George Harlan 4 in family, Catharine Wolford 1, James M^cCracken 2, who bring certificates of the Suptdt. that they have received \$20 p. head for commuted transportation, have also emigrated before,

and received all the allowances from the U. States. The two first families emigrated first in 1835, the others previous to that. M^CCracken is a white man who formed a liason with a sister of Catharine Wofford shortly before their second emigration. Roach importunes me for the allowances for the years subsistence, & Gratuity of \$50 to every five emigrants from Georgia. The first I shall not pay without your direction I submit to you whether the last should not also be withheld.

I have at last, this day received some of the muster rolls. Through an unfortunate channel however; - and I here respectfully suggest that the commifsioners &C east should send their requisitions &C upon me, by the mail; - never by an indian. I this day received a letter by an indian, from the commifsioners enclosing a list of balances which they require me to pay, also the roll above referred to of emigrants who have commuted their transportation up to 16 Oct. This letter gives me information of several errors made in their former requisition on me, and provided the payments have not been made, they desire me to deduct from the amount I was first directed to pay \$653 from Benjⁿ. F. Thompson's claim, \$473 from Young Puppy, \$308.07½ from Sam^l. M^CCammon, \$852.99 from Archy Rowe, \$35.88½ from E-ta-con-na, \$13.37 from Dirt-thrower or Black-fox & \$563 from Big Coon. As might have been anticipated, Benjⁿ. F. Thompson, by whom these papers were sent, leaves them about 50 or 100 miles from this post; comes here and demands the \$8221.25, the amount of the requisition in his favour; which was of course paid to him; and to day, - some two weeks after, he sends in the above named papers to me, which direct a stoppage from himself & the

others. Besides this, these papers have been thus detained until all the above mentioned claims had been paid, whereas had they been sent by the mail they would probably have reached me near a month earlier, and all the stopages could have been made, and the claims of emigrants for improvements subsistence &C could have been paid. Should the practice of sending these requisitions &C by indians be continued, greater impositions may be practiced, for as they are necessarily all strangers to me, false papers may be presented.

Notwithstanding you had on the 22 Nov. received "two rolls, and a register of all Cherokees who have been permitted to remove themselves up to 16 Oct. 1837," from the Suptdt.; and notwithstanding "you take it for granted that he has furnished me with duplicates according to regulations." you are now informed that I have not until to day received the last mentioned register, and now only through the courtesy of the commissioners, and the caprice of an indian. The second roll named, I received with the party just arrived. These rolls however do not comprehend all the emigrants.

I have in no case delayed liquidating the claims of emigrants when any authority whatever was supplied me by the superintendent. Whenever I had simply a certificate without a roll, or roll without a certificate, or any official evidence whatever; unless the statements were contradictory or incorrect, when I have referred them to you.

Very respectfully Your obt servt.

C. A. Harris Esq^r

J. Van Horne Lieut U.S.A.

Com. Ind. Af.

Disb^g Agent Cherokees

(OIA: (Cherokee (Emigr.) File V75-87. Ft. Gibson. V-75.)

Waterloo Jan^y 19th 1838.

Gen^l Nathaniel Smith.

Dear Sir,

I have to report myself at this place in command of the Steam Boat Smelter, with her Barges prepared to fulfil Col^d Williamson Smith.s contract for the removal of Cherokee Indians.

Very Respectfully yours

Daniel Deshields,

(OIA: Cherokee (Emigr.) File S 810-922. Columbia, Tenn.
1838. S-810.)

Columbia Tennessee

23rd Feb.r 1838.M^r C A. Harris.

Dear Sir.

I enclose you my supplemental contract with the names of my securities according to promise though not quite so soon as was expected. The reason for not attending to it at an earlier date, is that I have been confined almost ever since my return home by a severe spell of sicknefs -

I have just had an interview with James Walker who informs he has wrote on the subject of authoring me to draw on the department for \$6.000. which is the amount of my first payment for the Steam Boat which I purchased for transporting the Cherokees I hope you will comply with the request of Eng^r in this matter, This I have but little doubt you will do, if my recollection serves right you told when I was in Washington City. when I was prepared to commence service my Boats all ready &c- you would then ^{give} me such authority as is ^{been} asked for, I am now prepared & have ^{since} the 19th of January. I herewith enclose you a copy of the notice given to Gen^l Nath^l Smith superindeant of Cherokee Emmigration by Cap^t Daniel Deshieles who commands the Steamer Smelter which I purchased for Trasportation of the Cherokees. The Keel Boats ^{set of} are also ready. I have bought a much better ^{Boats} than any contract required, they are fitted up in the best stile. The ^{Boat} Steam^{Boat} has only run about 8 months and will carry 225 Tons. they have cost me a great deal of money, and in consequence of the emmigration, not commencing as was expected have made no money of any consequence. is the reason I am now asking

the favour of you of drawing on you.

The Boat has made one trip to Louisville since she was reported which will save some expence to the Goverment, but was not profitable to me, I hope there will be a detachment of Indians on very soon, as I am inclined to think M^r. John Rofs has fired his last shot in the matter,

should you give authority to me to draw as requested please forward it to Tho^s. J. Reed & Son at Louisville as Eng^r. Walker has suggested.

Yours very Respectfully &C.

Williamson Smith

(OIA: Cherokee (Emigr.) File S 810-922. Columbia, Tenn. 1838. S-810.)

Cherokee Agency East,

March 22, 1838.

Hon. C. A. Harris,

Com^r. Ind. Affairs

Sir,

Since my letter to you of the inst., enclosing the Copy of White Path's letter, I have been informed by the Enrolling and Collecting Agents, who have been travelling through all parts of the Cherokee Country, that it is made known to the Cherokees generally that Mr. Rofs and Edward Gunter had written to their Overseers to plant their Crops as usual. These letters with those heretofore written have and will prevent the Cherokees from emigrating, and have caused them to come to a settled determination not to leave the Country until the time allowed them by the treaty expires, believing that the delegation will yet effect something. A large majority of them are making early preparations for planting their Crops, notwithstanding they have been notified by the Agents that they will have to leave immediately after the 23^d of May.

To morrow I shall start what few will go to their new homes. I fear however that not over three hundred, out of Fifteen hundred enrolled, can be got off.

I am about suspending operations, discharging my Agents (excepting such as are necessary to keep in charge of the public property) until further instructions, for I find it entirely unnecessary to make further efforts at present. It is exceedingly mortifying to me to be

thus situated, but I do assure you that I have used every means to get them off, of which I am master. The only means left to convince them that the Agents have told them the truth and that they must remove, is, the application of the Military Force. When that comes in order, I will start a Thousand at least every fifteen days.

Very Respectfully

Yr Mo Ob^t Ser^t.

Nat Smith

Sup^t. Ch. Remov^l.

P.S. By the last mail I received the first letter from Lieut. Van Horne, dated Jan^y. 16, 1838.

Nat Smith

Sup^t.

(OIA: Cherokee (Emigr) File S 918-881
Cherokee Agency S 881)

No date given in first line of letter.

Cherokee Nation East

April 20, 1838.

Hon. C. A. Harris,
Com^r. Ind. Affairs,

Sir,

As the time will very soon arrive when the Cherokees must remove, I deem it my duty to inform you that there are very many of them extremely poor and bare of clothing particularly in the mountainous part of the nation. The influence exercised to prevent them coming into the measures of the Government, has also prevented them from coming forward and receiving their part of the Clothing &c out of the fund set apart for that purpose by the late Treaty. I am informed that there is not more than \$10.000 in cash of that fund now on hand, that the balance has been expended in Subsistence, Blankets, Shoes &c. and that there are but few over 2000 blankets, and not exceeding 3000 pair of shoes not on hand.

As there are thousands of the poor that have not a second suit of Clothes to wear, I would respectfully suggest to you the propriety of having the \$10,000 now on hand laid out in Clothing exclusively for the destitute of the Nation, and to be furnished to them when on the eve of emigrating.

Very Respectfully

Yr. Mo. Obt. Ser^t

Nat Smith

Supt^t

We concur in the suggestions contained in the within Letter

Most respectfully Yr Ob^t. Ser^{vts}

John Kennedy

James Liddell Commifisioners

Cherokee Agency

30th April 1838

Hon. C. A. Harris

Com^r In^d Affairs

Sir

Since the receipt of your letter of the 11th Ins^t a very Great (& I think permanent) Change has taken place in favour of Emigration. Many of the (heretofore) most Stubborn Cherokees, have Come in, and are now making preparations to leave Speedily for their new homes - The Idea of being Caught up by the military is very appalling to them -

Very Respectfully

Nat Smith

Sup^t Ch. Rem^l

(OIA: Cherokee (Emigr.) File S 947-951. Cherokee Agency.
1838. S-951.)

Fort Gibson, 3rd May 1838

Sir

I have the honour to enclose a muster roll of a party of 248 Cherokee emigrants who arrived in their new country West on the 1st inst. Also statement of letters received during April.

My anxiety to meet and remuster the party before it should be dispersed, was so great, that I rode down to Van Buren, (60 miles) no less than three times before I met them, as Genl. Smith had notified me they would start on the 10th afterwards on the /blurred/ Feb^y. I commuted their subsistence for 3 & six months at the Salisaw, where the party were discharged on the 2nd inst.

Many of the emigrants would prefer treasury notes to silver in payment for improvements east. As I have no safer means of keeping silver, & run considerable risque; I suggest whether in making the next remittance to me, it would not be well to send a part at least in Treasury notes. I should have on hand a portion of cash as some will prefer silver. It would be well I think that they be similar to those already issued here, payable twelve months after date, with two per cent interest.

It seems to me that instead of removing troops from here as proposed, it is the policy of government to increase the regular force in this neighbourhood.

Very respectfully

Your obt Servt.

J. Van Horne Lieut U.S.A.

C. A. Harris Esq^r

Disb^g Agent I. D.

Com^r Ind. Af.

(OIA: Cherokee (Emigr.) File V97-102-106. Ft. Gibson. V-102.)

/Printed/

MAJOR GENERAL SCOTT, of the United States Army, sends to the Cherokee people, remaining in North Carolina, Georgia, Tennessee, and Alabama, this

A D D R E S S.

Cherokees! The President of the United States has sent me, with a powerful army, to cause you, in obedience to the Treaty of 1835, to join that part of your people who are already established in prosperity, on the other side of the Mississippi. Unhappily, the two years which were allowed for the purpose, you have suffered to pass away without following, and without making any preparation to follow, and now, or by the time that this solemn address shall reach your distant settlements, the emigration must be commenced in haste, but, I hope, without disorder. I have no power, by granting a farther delay, to correct the error that you have committed. The full moon of May is already on the wane, and before another shall have passed away, every Cherokee man, woman and child, in those States, must be in motion to join their brethren in the far West.

My Friends! This is no sudden determination on the part of the President, whom you and I must now obey. By the Treaty, the emigration was to have been completed on, or or before, the 23rd of this month, and the President has constantly kept you warned, during the two years allowed,

through all his officers and agents in this country, that the Treaty would be enforced.

I have come to carry out that determination. My troops already occupy many positions in the country that you are to abandon, and thousands, and thousands are approaching, from every quarter, to render resistance and escape alike hopeless. All those troops, regular and militia, are your friends. Receive them and confide in them as such. Obey them when they tell you that you can remain no longer in this country. Soldiers are as kind hearted as brave, and the desire of every one of us is to execute our painful duty in mercy. We are commanded by the President to act towards you in that spirit, and such is also the wish of the whole people of America.

Chiefs, head-men and warriors! Will you, then, by resistance, compel us to resort to arms? God forbid! Or will you, by flight, seek to hide yourselves in mountains and forests, and thus oblige us to hunt you down? Remember that, in pursuit, it may be impossible to avoid conflicts. The blood of the white man, or the blood of the red man, may be spilt, and if spilt, however accidentally, it may be impossible for the discreet and humane among you, or among us to prevent a general war and carnage. Think of this, my Cherokee brethren! I am an old warrior, and have been present at many a scene of slaughter; but spare me, I beseech you, the horror of witnessing the destruction of the Cherokees.

Do not, I invite you, even wait for the close approach of the troops; but make such preparations for emigration as you can, and hasten to this place, to Ross' Landing, or to Gunter's Landing, where you all will be received in kindness by officers selected for the purpose. You will find food for all, and clothing for the destitute, at either of those places, and thence at your ease, and in comfort, be transported to your new homes according to the terms of the Treaty.

This is the address of a warrior to warriors. May his entreaties be kindly received, and may the God of both prosper the Americans and Cherokees, and preserve them long in peace and friendship with each other!

WINFIELD SCOTT.

Cherokee Agency,
May 10, 1838.

(OIA: Cherokee (Emigr.) File. Agency. 5/18, 1838.)

Cherokee Agency East

May 15, 1838.

Hon. C. A. Harris,

Com^r Ind. Affairs,

Sir

I have the honor to inform you that I recently appointed James C. Martin, William Thompson and Theod. P. Johnson Collecting Agents in the Cherokee Emigration, and sent them to the Georgia part of the Cherokee Nation for the purpose of Collecting a few hundred Cherokees who I lately understand were in a destitute condition and willing to remove.

The Cherokees are now becoming serious in reality, and there is a general stir in the nation. Many who never made their appearance at this place before, are now swarming in daily to settle their business and prepare for removal. After the 23^d there will, I apprehend, be no difficulty in bringing them in as fast as I can send them off. I have about 400 Collected now, and if I can get 200 more I will start a Detachment on the 21st or 22nd Inst

Very Respectfully

Yr. Mo. Obt. Sert

Nat Smith

Supt^t Ch. Removal

O R D E R S. No. 25.

Head Quarters, Eastern Division,
Cherokee Agency, Ten. May 17, 1838.

MAJOR GENERAL SCOTT, of the United States' Army, announces to the troops assembled and assembling in this country, that, with them, he has been charged by the President to cause the Cherokee Indians yet remaining in North Carolina, Georgia, Tennessee and Alabama, to remove to the West, according to the terms of the Treaty of 1835. His Staff will be as follows:

LIEUTENANT COLONEL W. J. WORTH, acting Adjutant General, Chief of the Staff.

MAJOR M. M. PAYNE, acting Inspector General.

LIEUTENANTS R. ANDERSON, & E. D. KEYES, regular Aids-de-camp.

COLONEL A. H. KENAN & LIEUTENANT H. B. SHAW, volunteer Aids-de-camp.

Any order given orally, or in writing, by either of those officers, in the name of the Major General, will be respected and obeyed as if given by himself.

The Chiefs of Ordnance, of the Quarter-Master's Department and of the Commissariat, as also the Medical Director of this Army, will, as soon as they can be ascertained, be announced in orders.

To carry out the general object with the greatest promptitude and certainty, and with the least possible distress to the Indians, the country they are to evacuate is divided into three principal Military Districts, under as many officers of high rank, to command the troops serving therein, subject to the instructions of the Major General.

Eastern District, to be commanded by BRIGADIER GENERAL EUSTIS, of the United States' Army, or the highest officer in rank, serving therein:-- North Carolina, the part of Tennessee lying north of Gilmer County, Georgia, and the counties of Gilmer, Union, and Lumpkin, in Georgia. Head Quarters, in the first instance, say, at Fort Butler.

Western District, to be commanded by COLONEL LINDSAY, of the United States' Army, or the highest officer in rank serving therein: -- Alabama, the residue of Tennessee and Dade county, in Georgia. Head quarters, in the first instance, say, at Ross' Landing.

Middle District, to be commanded by BRIGADIER GENERAL ARMISTEAD of the United States' Army, or the highest officer in rank, serving therein: -- All that part of the Cherokee country, lying within the State of Georgia, and which is not comprised in the two other districts. Head Quarters, in the first instance, say, at New Echota.

It is not intended that the foregoing boundaries between the principal commanders shall be strictly observed.

Either, when carried near the district of another, will not hesitate to extend his operations, according to the necessities of the case, but with all practicable harmony, into the adjoining district. And, among his principal objects, in case of actual or apprehended hostilities, will be that of affording adequate protection to our white people in and around the Cherokee country.

The senior officer actually present in each district will receive instructions from the Major General as to the time of commencing the removal, and every thing that may occur interesting to the service, in the district, will be promptly reported to the same source. The Major General will endeavour to visit in a short time all parts of the Cherokee country occupied by the troops.

The duties devolved on the army, through the orders of the Major General & those of the commanders of districts, under him, are of a highly important and critical nature.

The Cherokees, by the advances which they have made in christianity and civilization, are by far the most interesting tribe of Indians in the territorial limits of the United States. Of the 15,000 of those people who are now to be removed -- (and the time within which a voluntary emigration was stipulated, will expire on the 23rd instant--) it is understood that about four fifths are opposed, or have become averse to a distant emigration; and altho' none are in actual hostilities with the United

States, or threaten a resistance by arms, yet the troops will probably be obliged to cover the whole country they inhabit, in order to make prisoners and to march or to transport the prisoners, by families, either to this place, to Ross' Landing or Gunter's Landing, where they are to be finally delivered over to the Superintendant of Cherokee Emigration.

Considering the number and temper of the mass to be removed, together with the extent and fastnesses of the country occupied, it will readily occur, that simple indiscretions -- acts of harshness and cruelty, on the part of our troops, may lead, step by step, to delays, to impatience and exasperations, and in the end, to a general war and carnage -- a result, in the case of those particular Indians, utterly abhorrent to the generous sympathies of the whole American people. Every possible kindness, compatible with the necessity of removal, must, therefore, be shown by the troops, and, if, in the ranks, a despicable individual should be found, capable of inflicting a wanton injury or insult on any Cherokee man, woman or child, it is hereby made the special duty of the nearest good officer or man, instantly to interpose, and to seize and consign the guilty wretch to the severest penalty of the laws. The Major General is fully persuaded that this injunction will not be neglected by the brave men under his command, who cannot be otherwise than jealous of their own honor and that of their country.

By early and persevering acts of kindness and humanity, it is impossible to doubt that the Indians may soon be induced to confide in the Army, and instead of fleeing to mountains and forests, flock to us for food and clothing. If, however, through false apprehensions, individuals, or a party, here and there, should seek to hide themselves, they must be pursued and invited to surrender, but not fired upon unless they should make a stand to resist. Even in such cases, mild remedies may sometimes better succeed than violence; and it cannot be doubted that if we get possession of the women and children, first, or first capture the men, that, in either case, the outstanding members of the same families will readily come in on the assurance of forgiveness and kind treatment.

Every captured man, as well as all who surrender themselves, must be disarmed, with the assurance that their weapons will be carefully preserved and restored at, or beyond the Mississippi. In either case, the men will be guarded and escorted, except it may be, where their women and children are safely secured as hostages; but, in general, families, in our possession, will not be separated, unless it be to send men, as runners, to invite others to come in.

It may happen that Indians will be found too sick, in the opinion of the nearest Surgeon, to be removed to one of the depots indicated above. In every such case, one or more of the family, or the friends of the sick person,

will be left in attendance, with ample subsistence and remedies, and the remainder of the family removed by the troops. Infants, superannuated persons, lunatics and women in a helpless condition, will all, in the removal, require peculiar attention, which the brave and humane will seek to adapt to the necessities of the several cases.

All strong men, women, boys & girls, will be made to march under proper escorts. For the feeble, Indian horses and ponies will furnish a ready resource, as well as for bedding and light cooking utensils -- all of which, as intimated in the Treaty, will be necessary to the emigrants both in going to, and after arrival at, their new homes. Such, and all other light articles of property, the Indians will be allowed to collect and to take with them, as also their slaves, who will be treated in like manner with the Indians themselves.

If the horses and ponies be not adequate to the above purposes, wagons must be supplied.

Corn, oats, fodder and other forage, also beef cattle, belonging to the Indians to be removed, will be taken possession of by the proper departments of the Staff, as wanted, for the regular consumption of the Army, and certificates given to the owners, specifying in every case, the amount of forage and the weight of beef, so taken, in order that the owners may be paid for the same on their arrival at one of the depots mentioned above.

All other moveable or personal property, left or abandoned by the Indians, will be collected by agents appointed for the purpose, by the Superintendant of Cherokee Emigration, under a system of accountability, for the benefit of the Indian owners, which he will devise. The Army will give to those agents, in their operations, all reasonable countenance, aid and support.

White men and widows, citizens of the United States, who are, or have been intermarried with Indians, and thence commonly termed, Indian countrymen; also such Indians as have been made denizens of particular States by special legislation, together with the families and property of all such persons, will not be molested or removed by the troops until a decision, on the principles involved, can be obtained from the War Department.

A like indulgence, but only for a limited time, and until further orders, is extended to the families and property of certain Chiefs and head-men of the two great Indian parties, (on the subject of emigration) now understood to be absent in the direction of Washington on the business of their respective parties.

This order will be carefully read at the head of every company in the Army.

By Command:

Winfield Scott.

W J Worth Lt Colo

Chief of the Staff

(OIA: Cherokee (Emigr.) File. Agency. 5/18, 1838.)

Head Qrs. Eastern Division

Cherokee Agency, May 18, 1838.

Sir:

I arrived here on the 8th instant, but have not before reported, because nothing of particular interest has since occurred. My time has been fully occupied in studying the topography of the country, collecting general information & making preliminary arrangements, with a view to an early & vigorous system of operations. I enclose herewith copies of an Address to the Indians, & of my order N^o 25. The former paper has already produced some effect - about 60 Indians having come in & enrolled themselves, for emigration, in the last three or four days.

Colonel Lindsay had collected a considerable amount of subsistence in depots, & established, very judiciously, in different parts of ^{the} Cherokee country, twenty three different military posts, seventeen of which are enclosed, & I was astonished to find that he had twice the militia force under him, & generally, for a much longer period of service, than was known or communicated to me at Washington. Besides one company of the U.S. 4th Infantry, he had thirty-one companies of militia, of which twenty-one were mounted. This is an excess of mounted men far beyond what I deem necessary & I shall immediately begin to cut it down; but in this operation I shall be trammelled by an understanding, amounting almost to a compact, which had been entered into with the Governor of Georgia, in respect

to eleven Such companies.

The quotas of militia (all on foot.) called for by me from North Carolina, Georgia & Tennessee are assembling at the several depots appointed for them, but up to the 14th, not a company of the Alabama regiment had arrived or been heard of at its depot (Bellefont.)

In my second letter to the Governors of the four States (dated the 12th ultimo) & founded on information at the moment received that Colonel Lindsay had made recent calls on them for detachments of militia - I requested that the amount of force indicated in those calls might be deducted from the force specifically required by me. This request I have reason to hope has been attended to by the Governors of N^o. Carolina & Tennessee. But should the whole of the four States make such deductions, I shall still have, particularly after the arrival of the regulars, a much larger force in the field than I now think will be necessary & shall, therefore, from time to time make discharges of portions of the militia, beginning with the mounted companies.

I have nothing but uncertain rumours respecting the movements of the regular troops ordered hither from Florida.

The Ordnance & ordnance stores ordered by Colonel Bomford, on the 5th of February last, on the requisition of Colonel Lindsay, from the Mount Vernon Arsenal to this place, have not arrived. A part, or the whole of that requisition, we heard a few days since, was detained some

where on the Tennessee river below. An officer was despatched by Colonel Lindsay to hasten its arrival.

Whilst writing the foregoing, a letter has been brought to me, by an officer, from one of the Cherokee delegation at Washington to a Cherokee here, dated the 7th instant, which confidently asserts that preliminaries had just been agreed upon between the War Department & that delegation by which the compulsory emigration is to be substituted by the voluntary evacuation of this country, in the next two years - beginning on the 23^d instant. The letter is substantially credited by almost every body here, but myself. However solicitous I may be for the welfare of the poor Indians, the letter writer is discredited on two grounds. 1. I have no official communication on the subject; 2. I cannot suppose, considering the instructions without which I am clothed, that the Department would ^{without} reference to me, or offence on my part, so far, take the whole Subject out of my hands.

I have the honour to be, Sir,

Very respectfully Yr most Ob^t. Ser^t.

Winfield Scott.

P.S. If an amicable settlement of all the difficulties connected with the emigration of the Cherokees has been made at Washington, I believe I may soon be permitted to charge some officer with the minor details & return myself to the usual head quarters of this division. W.S.

Hon. J. R. Poinsett

Dec. of War.

(OIA: Cherokee (Emigr.) File. Agency. 5/18, 1838.)

Head Qrs. Eastern Division

Cherokee Agency May 22, 1838.

Sir:

(Postmarked "Athens, Tenn.")

I had the honour to report to the Secretary of War on the 18th instant. No communication has reached me from Washington since that time.

The Tennefseans are assembling at this place, & so are the Georgians at New Echota. It ~~is~~ is believed that the whole N^o. Carolina quota has arrived at its depot, & not a word has been heard of the approach of the Alabamians. From his Excellency, Governor Bagby, I have not received a line, & have just caused a letter to be written to him to say, that, if he have not detached the regiment called for, from Alabama, he need not now do so, as it will not be required.

I am just about to proceed to New Echota, where, I learn my presence is much wanted.

I have heard of the approach of a few companies of regulars as near as Savannah & Charleston. Brigadier General Eustis will probably be up in a day or two. Of Brigadier general Armistead I have heard nothing.

In a few days I shall commence operations in Georgia, & in the other States a little later. Instructions to that effect will be immediately given to the commanders of the three districts.

I will ask that I may be addressed as if at Athens Tennefsee, for altho' I shall not often be there, communications thence can most conveniently & certainly fol-

low me by exprefses.

I expect to be back at this place (within a half mile of Calhoun) in seven or eight days.

The letter received four days ago from one of the Cherokee delegation at Washington, has destroyed the effect of my printed Addrefs, which had begun to operate most beneficially.

I remain, with great respect,

Yr most Ob. Ser^t

Winfield Scott.

Brig. Gen^l R. Jones

Adjutant General

U- S. A.

(CIA: Cherokee (Emigr.) File. Agency. 5/18, 1838.)

(Copy)

Headquarters, Eastern Division, U.S.A.

Cherokee Agency, May 22nd 1838

Sir:

If no modification of the Treaty be made, it is my hope & expectation to collect & send in to one of the depots for emigration, all the Cherokee Indians residing in that part of the nation which lies in Georgia, by the end of the next month, & to collect & send into the same depots by the first of August, the remainder of the Indians residing within the three adjoining states,

I give you this notice that you may be duly prepared to transport those Indians to their new homes West of the Mississippi.

It is presumed that you or the Commissioners are already prepared to issue necessary clothing to such destitute Indians as may come or be brought to this place for emigration, agreeable to an assurance I have heretofore received to that effect. The fund remaining in the hands of Col Lindsay, will be applied to a like purpose at Ross's Landing & Gunter's Landing

(Signed) Winfield Scott

Genl N. Smith

Sup^t Cher.^{ee} Emⁿ

(OIA: Cherokee (Emigr.) File S991. Agency, 5/22, 1838.)

Cherokee Agency East

May 25, 1838.

Hon. C. A. Harris

Com^r Ind. Affairs

Sir

I regret to inform you that I have just received intelligence from Paduca, stating that the Ware House of Mefsr^s Smedley & Co, in which the provisions designed for Cherokee Emigrants were stored by Mr. Van Antwerp, recently took fire, burned to the ground; and all the provisions were destroyed.

I have been notified by Gen^l Scott that he expected to have all the Cherokees in Georgia collected at one of the Depots by the last of June, in the event of no modification being made in the treaty. I have all necessary preparations made, having upwards of 600.000 Rations on hand, and Boats and Waggon^s sufficient at my command to carry them off comfortably. There is another check to emigration now in consequence of reports from the Delegation that they had entered into an arrangement with the Department by which they would be permitted to continue some time longer &c.

Very Respectfully

Yr. Mo. Obt. Sert.

Nat Smith

Sup^t Ch. Emg

Head Qrs. Eastern Division

N. Echota, Geo. May 29, 1838.

Sir:

My last report bore date the 22nd instant, & I arrived here the next day.

The muster of the two regiments of Georgia foot was completed on the 25th, & as soon as they had elected the field officers, the companies were ordered to their respective stations - many of which were previously occupied by mounted men.

Without waiting for all the new levies to reach their stations, operations were commenced on the 26th. Of the fifteen stations, in Georgia, we have already heard from twelve, up to different dates, & estimate the number of prisoners secured to be not less than 2,500. It is probable, I think, that in eight or ten days more all the Georgia Indians will have been collected, with the exception of stragglers, & the greater number put in march for the emigrating depots. Several parties are already known to be under escort from Rofs's Landing.

It will be seen by my order, N^o 34, that the troops will begin at all points to collect the Indians in N^o Carolina, Tennessee & Alabama on the 5th proximo.

So far, I am happy to report, that not an act of violence has been committed. The Georgians are seized with the spirit of my order, N^o 25, & have acted admirably, and the Indians finding that they have been approached

kindly, begin to come in voluntarily. If my Addrefs had not been counteracted by many letters from the Cherokee delagation at Washington, saying that a new Treaty was about to be signed between the War Department & them, we should not have had one third of the nation at the principal depots as voluntary emigrants.

Four companies of the U. S. 2nd Artillery, under Lieut. Col. Crane, with prisoners taken up at the posts on the route, pafsed, North of this place, yesterday, for Rofs's Landing. The first & fourth artillery have, probably, under Brig. Gen.^l Eustis, reached Fort Butler. I do not learn that the 6 troops of U. S. Dragoons have ever been put in motion from Florida. The same remark is applicable to the Marines, & I have just officially learned, ~~effieially~~, that 4 companies of the 2nd artillery, the 3rd artillery & 4th Infantry, are to come via the ocean, the Mifsifsippi, Ohio & Tennefsee. These troops, like the Dagoons & Marines, may not be up in time to render any service in the collection of the Indians, unlefs a stand should be made in the mountains of N.^o Carolina. Under this delay, & considering the great extent of country to be scoured, I now do not think that I have too many Militia in the field.

It seems that Brigadier Gen.^l Armistead is to take post at Baton Rouge, to superintend the movement of the troops, which are to come up by the way of N. Orleans. Probably

before he can reach this place all the Indians in the Middle District will have been collected by Brig. Gen^l Floyd, of the Georgia Militia -- an intelligent, active & zealous commander.

We are much in want of surgeons, & the regulars will be, I learn, very deficient in company officers.

The day after tomorrow, I shall return to the Cherokee Agency (near Calhoun, Tenn.) & thence proceed to Fort Butler, N. C. or wherever else my presence may be required.

I have received but one letter from Washington (yours of the 15th instant) since I left that place.

Please continue to address me as if I were at Athens, Tenn.

With great respect,

I remain Sir,

Yr most Ob^t Serv^t

Winfield Scott.

Brig. Gen^l Jones

Adj^t Gen^l U.S.A.

(OIA: Cherokee (Emigr.) File. Agency 5/18, 1838.)

Copy

Head Quarters Eastern Division

Cherokee Agency, June 4, 1838.

Sir;

Under the advice given in my printed Addrefs, and stimulated by the application of force in Georgia, & the arrangements for its application every where, after the 11th instant, many Indians are coming in, and thousands may be expected to present themselves for voluntary emigration in the course of the next eight days. Captures by the troops will commence and rapidly proceed, after this day week, in N^o Carolina, Tennessee & Alabama, and by that time but few will remain to be collected in Georgia.

I give you this information in order that you may make corresponding arrangements for receiving and transporting the emigrants by land & water. Humanity will require that there be no delays at the emigrating depôts or on the routes.

The Tennessee river, I learn, is again rising, & the Arkansas may be expected to be found navigable perhaps, throughout this month. I have, however, great doubts as to the number and goodness of your Steamboats. I will therefore urge you to supply any deficiency in your means of water transportation as speedily as possible - adding, that, in my opinion, it will be too late in the season in respect to health, to start parties of emigrants to go up the Arkansas, after the 20th instant, even in the best

Steamboats. The same objection applies to either of the lower land routes. After that date it appears to me that you can have the choice of but two other lines: - 1. By water and land to Florence or Tuscumbia, thence in Steamboats to Cape Girardeau on the Mifsissippi or Booneville on the Mifsouri, and thence by land to the Cherokee country west; 2. By land, crofssing the Ohio at Golconda, and the Mifsissippi at Cape Girardeau; thence by the ridge which divides the waters of white river from those which fall into the Mifsissippi above and into the Missouri. In my judgement the latter route ought to be preferred after an early day in July.

I have no wish to interfere with your duties except in the way of advice, or on your own solicitation. Should it however, become necessary, I will, to aid you send, after their arrival, three or four officers of the regular Army, to purchase provisions on account of the Indian Department, & to establish depôts at convenient distances, all along the second route indicated above. That number of officers I may be able to detach upon the arrival of the remainder of the troops expected from Florida, but I recommend that you do not wait for them.

Hoping soon to learn that your means of transporting and subsisting the emigrants, in comfort, to their new country in the West are fully adequate.

I remain with much respect,

Your obd^t serv^t

(Signed) Winfield Scott.

Genl. N. Smith,

Superintendent of Cherokee Emigration,

Rofs' Landing.

(OIA: Cherokee (Emigr.) File. S-1022-1077. Agency. 1838.)

Head Quarters East Division

Cherokee Agency. June 8. 1838

Genl. N. Smith

Superintendent

Cher^o Emigration -

Sir - I have received your two letters respectively the 6th & 7th instant.

I am glad to hear that you have already despatched a party of emigrants & expect to send off another by the 12th instant.

Lieut Whitely or some other Officer now at Rofs' Landing will be ordered to report to you to accompany the second detachment, & Cap. Drane, from this place, the third. Other Officers shall be supplied for the same service before the 20th.

I am pleased that you have detained for a time, certain Indians whose families are broken to await the arrival of absent members.

The distrefs caused the emigrants by the want of their bedding, cooking utensils, clothes & ponies, I much regret, as also the loss of their property consequent upon the hurry of capture & removal. All this I am sorry for, and much of it, I am persuaded, was unavoidable, so far as the troops were concerned. The fault was mainly in the Indians themselves, who believed in Mr John Rofs's assurances & gave the lie to my Address. Hence they waited for the arrival of the troops, & were even then wholly

unprepared for removal. I am not angry with them, but infinitely regret their infatuation. I endeavoured in my printed Order, N^o 25, to guard against that infatuation, by directing that the troops should allow the Indians to gather up whatever could be used in the route to the West & desiring you to devise the means of securing for their benefit all other articles of property left or abandoned. I recall all this to show that I have done ~~all~~ every thing in my power to save the unfortunate Indians from loss & distress.

I give it as my belief that nearly all the Indians from Georgia, will be at the emigrating depots by the 15th instant, & that the greater part of those in the three adjoining States will be at the same places by the 30th ~~instant~~ if not the 25th of this month. And on the part of humanity I must protest against sending off a single party of emigrants to ascend the Arkansas River, seventeen days after this date. In the mean time, as subsequently, I hope you will be able to despatch parties weekly at least by the land route heretofore indicated. To this effect it will give me pleasure to learn that you have engaged the wagons & made the depots of subsistence which are already required.

I shall set out to morrow morning for Fort Butler & expect to be back before the 18th instant, when it will give me pleasure to meet & confer with you on all matters

interesting to the service --

I remain &c

(Signed, Winfield Scott

(OIA: Cherokee (Emigr.) File. Athens. 6/15, 1838.)

Copy.

Head Quarters, Eastern Division. U.S.A.

Athens, Tenn. June 9th 1838.

Sir:

Your report of the 2nd inst. from Tuscumbia was received a few days since.

By my printed order N^o 25. you will perceive that you were assigned to the command of the Middle District of the Cherokee country. The collection of the Indians within that District will probably be nearly completed before you can reach it. Under this circumstance I think it probable that it may not be agreeable to you to supersede the commander (Brig Genl Floyd) who has, so far, conducted the operations entrusted to him with much zeal & judgment & much success.

If such should be your feelings on the subject, you are requested to proceed to Washington & report for other duty to the Adjutant General.

It is not intended to express the slightest dissatisfaction with your not having earlier arrived in this country. On the contrary no doubt is entertained that you have approached as soon as it was practicable under your orders

I am &c &c

Signed Winfield Scott

Brig Genl Armistead

U. S. Army &c

(OIA: Cherokee (Emigr.) File Athens, 6/15, 1838.)

Copy.

Calhoun.

June 11th 1838.

Sir,

I have the honor to acknowledge the receipt of your communications dated the 9th inst, in which you have given me the privilege of either assuming the command of the District to which I have been assigned in Order No 25. or to proceed to Washington & report to the Adjutant General for other duty: under all the circumstances of the case I shall prefer the former, & shall leave this tomorrow morning for New Echota, where on my arrival I shall assume command. Should you not consider that my services are required in the Middle District I should be pleased to be assigned to another command in this army.

Respectfully

Your obt Serv^t

(Signed) W. K. Armistead

Brig. Gen^l U. S. Army

Maj^r Genl. W Scott.

Com^dg E. Divⁿ.

(OIA: Cherokee (Emigr.) File. Athens. 6/15, 1838.)

Copy,

Head Quarters, Eastern Division U.S.A.

Mouth of Valley River, N.C. June 15th 1838

Sir:

I have received your note of the day before yesterday, written at Calhoun. I can hardly think that on your arrival at the head quarters of the Middle District, you will think yourself at liberty, upon military principles, to supersed Brig. Gen^l Floyd in the command, considering that there is not in the District, a single regular soldier, & only the troops constituting that officers brigade. Besides the collection of the Indians within the District must, by the time of your arrival be completed or very nearly so.

I must therefore interms, desire that you will not assume the command of the Middle District, or if you have assumed it, that you immediately restore Brig Gen^l Floyd to the command, and report yourself to the Adjutant General at Washington for other duty.

You suggest your readinefs, to take any other command in the Cherokee country.

There are two other Districts commanded by experienced regular officers, who have made all their arrangements & actually made much progrefs in collecting the Indians for emigration. I should therefore deem it highly unjust to those commanders & injurious to the public service, to supersede either of them at this late hour by placing any

senior officer over the one or the other.

I am &c &c

(Signed) Winfield Scott.

Brig Genl Armistead.

U. S. Army

(OIA: Cherokee (Emigr.) File. Athens. 6/15, 1838.)

Head Qrs. Eastern Division,
Athens, Tenn. June 15, 1838

Sir:

I am just from the mouth of Valley river, Brigadier General Eustis's head quarters, Eastern District, Cherokee country. He began the collection of Indians on the 12th instant. About 1500 had been brought in, or reported, when I left him yesterday morning, & he had not heard from many of his distant posts. One large party, from that district, I know to be now on the way to the Agency, voluntarily - that is, without capture & without escort, & I think it probable, that a thousand more will, in like manner, proceed to the same place. No resistance had been offered, or was apprehended. Indeed the posts occupied by the troops were so numerous & judiciously chosen - (by Colonel Lindsay, before & after my arrival - in all the districts) that resistance, on the part of the Indians, has, every where, been rendered hopeless. A few families & individuals have, however, it is known, taken refuge in the mountainous parts of three districts. With Such exceptions, Georgia may be said to be cleared of Cherokees, & in three or five days, as much will have been done in Tennessee, N^o. Carolina & Alabama. This, however, is, in great part, conjectural; for I have no very late report from Brigadier General Floyd of the Middle District, or from Colonel Lindsay of the Western. I shall probably

find reports from them both tomorrow at the Agency.

Brigadier General Armistead arrived at the Agency since my departure thence for N^o. Carolina. To my note, tendering him an order to report, for other duty, to the Adjutant General, he replied that he preferred assuming the command of the Middle District, according to my order (May 17th) N^o. 25. As there was not a regular soldier in that District (the 4th U.S. Infantry having been stopped at Rofs's Landing in the Western;-) & nearly the whole of the Indians in the Middle already collected by Brigadier General Floyd with his own brigade of militia, I rejoined & directed Brigadier General Armistead to report at Washington. Please see the three notes which have passed between us, herewith enclosed & marked N^{os} 1, 2 & 3. His offer to supersede his juniors - Brigadier General Eustis & Colonel Lindsay, I thought equally unseasonable, as each of those officers had made all the arrangements, & had actually entered upon the duty of removing the Indians.

I do not make this statement in the way of complaint against Brigadier Gen^l. Armistead. On the contrary, I consider his desire to have a command, in the field, as doing him honour.

had
I have no report, within a week, from the Superintendent of Cherokee Emigration. My last note to him (copy) is enclosed. As was, from the first, confidently expected by ~~from~~ Colonel Lindsay, one of the two steamers he had contracted with, to take Indian emigrants to the head of the

Muscle Shoals, has been thrown out of service, & it is feared that the other is of but little value. I have the same authority for apprehending that the boats below the Muscle Shoals, ~~are-ef-the~~ engaged for the emigrants, will be found equally indifferent, & before the 20th instant, it is understood that the Superintendant will not begin to enrol wagons - his plan being to use steamboats wholly before, & principally after that date. Now besides the universal repugnance of the Indians to steamboats, the subsidence of the waters in the Tennefsee, above the Muscle Shoals, & in the Arkansaw, must soon make ~~pender~~ those waters too low for steam navigation. From the great obstruction, in the former river, it is true, boats may continue to run for some time longer, & land emigrants at Cape Girardeau on the Mifsifsiippi, or Boonesville on the Mif-souri. But, regarding the preference of the Indians to land routes as something, & their safety as every thing, I am for transporting all now at the Agency, & all who may arrive there - together, say, seven or eight thousand, by land & wagons - through Nashville, Golconda & Cape Girardeau. And, if, tomorrow, I shall not learn, by letter or by his presence, that the Superintendant can, ~~net~~ in the next two weeks, execute this movement, I shall immediately charge the necefsary number of military officers with its execution. Considerations of humanity will, in that event, leave me no alternative. My greatest difficulty will consist in the want of officers. Of the

twenty-six
~~thirty-four~~ regular companies which have arrived in the late Cherokee country, there~~s~~ are but thirty-four Company officers reported - instead of one hundred - deficiency, precisely sixty-six. It is in vain, it would seem, to demand some twenty or forty of those absentees, & at least, twenty Captains & lieutenants will be required for the Indian department.

Quarter-masters & commissaries are also much wanted for disbursements. Of the former, altho' five were promised, we have only Lieut. Hetzel of the regular army, who employs, at much risk to himself & Government, militia officers & hired agents. - No surgeon has arrived since I last reported.

I have the honour to acknowledge the receipt of your letter of the 1st instant. It will give me great pleasure to complete, in a few weeks more, & to the satisfaction of the Department, the service in which I am again engaged. Then, or a short time before all the details have been carried into execution, I hope to be permitted to return to the North East.

With high respect,

I have the honour to be, Sir,

Hon. J. R. Poinsett

Yr most Ob.^t Serv.^t

Sec. of War.

Winfield Scott.

(CIA: Cherokee (Emigr.) File. Athens. 6/15, 1838.)

Head Quarters Eastern Division

Cherokee Agency. June 17, 38

Order)
)
 N^o 46.)

The removal of the Indians, for emigration, from the Middle District, late Cherokee country, being nearly or quite completed, arrangements will be commenced at once for the honorable discharge and payment of the volunteers & Militia, in the service of the U. States within that District.

For those purposes, Brig. Gen. Floyd will, as fast as the state of the service will permit, cause those troops to be afsembled at one or more points, as, after consulting with Major Payne, the Acting Inspector General, may be deemed suitable & convenient.

The latter, in mustering out of service, will call to his aid Major Fauntleroy of the U.S.Army, & give all orders for securing the public property of every description, as well, as, (after consulting with Brig Genl. Floyd) the arms & accoutrements belonging to the State of Georgia. Major Payne may also cause to be sold & accounted for such property in the Quarter Master's & Commifsary's Departments, as it may be advantageous to the U. States to sell.

Acting Pay Masters Bennett & Buck will immediately repair to the Middle District to pay off the troops as fast as they are discharged, in the best money they may be able to command.

The Commander of the Eastern District will, as soon as he can dispense with their services, order the Georgia Companies at Chastain's & Fort Newnan to report to Brig. Genl. Floyd for discharge with the other Georgia troops. Captain Cleaveland's Company at Dahlonega will be discharged at the discretion of Brig Genl. Eustis, giving notice to the pay master above mentioned, & he will retain Captⁿ Derricks Company of Georgians for further orders.

Brig. Genl. Floyd, it is hoped, will remain in service until the business of his District shall be entirely completed. He, his Staff, the Officers & men of the Georgia line will please accept the thanks of the U. States for the promptitude, zeal & humanity they have almost universally displayed in the discharge of their critical & painful duties. The only exception to this just commendation is the Department at Chastain's, & in its case, the delays & disorders committed are no doubt mainly to be attributed to the misconduct of the Lieut Colonel who has since resigned. The Brig. General himself, has exhibited a degree of intelligence, decision & method which would do credit to any service.

By Command of Major Genl. Scott

W. J. Worth L^t Colo

Chief of the Staff

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

(Copy)

Head Quarters Eastern Division

Cherokee Agency. June 18, 1838

Mefs^{rs} Bennett & Buck

Acting Paymasters -

Gentlemen: I am about to discharge the greater part or the whole of the Georgia line of troops, & it is important that the companies be paid off as fast as they are discharged.

An Officer of a Georgia bank is here with a large amount of bank bills, who is, I understand, willing to make any advances which may be needed for the payment of those troops. This is to authorize you to receive from him, upon the best arrangement you can make for the pay department, such sum or sums as may be needed for the above purpose, on condition of repaying the bank the amount received out of the first remittance that may be made to you by the Pay Department for the payment of the Georgia Militia, & further, on the condition that the Officers of the bank, M^r Horne, receive back from you any amount of the money which the troops may refuse to receive or which may remain in your hands.

No officer or company will be forced to receive the money in question. Its receipt must be voluntary on the part of the Officers & men, and unless whole companies shall be willing to receive the notes, it will be useless to pay a part of a Company and not the other part of the

same, the object of this arrangement being to accomodate
the Government & the troops. --

(Signed) Winfield Scott.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

Copy,

Head Quarters Mid: Mil. Dist.

New Echota, 19, June, 1838.

General -

Your orders No. 46, are received, and shall be obeyed.-

I have the honour to report that my scouting parties have recently scoured the country within the limits of my command, in every direction, without seeing any Indians, or late Indian signs. -- and I feel convinced that there are now no Indians in the Middle Military District, except a few sick in possession of the troops. -- If there are others they must be very few in number, and completely concealed.

I am, with high respect General,

Your Obed^t. Serv^t.

(Signed) W. Floyd,

Brig. Gen^l G. M.

Commg Mid. Mil. Dist.

Major Gen^l

Winfield Scott -

U. S. Army, Com^g

Eastⁿ. Divⁿ.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

(Copy)

Cherokee Agency, June 19th, 1838

To Major General Scott

Army U. States Commanding

Sir --

We have the honor to acknowledging the reception of your communication of the present instant in answer to our petition of the 9th, & 11th, of the present month. Sir, we shall ever feel under much obligation to you for the indulgence which you seem disposed to allow us upon the conditions specified in your communication. Without specifying particulars we respectfully accept those conditions and hereby pledge ourselves to use our best efforts to have them strictly complied with.

Sir

We have the honor to be ~~yo~~ your friends --

(Signed) George Lowrey

(") Lewis Rofs

(") Tho^s. Foreman

(") Old Fields

(") George Still

(") Hair Conrad

(") Chee noo las kee

(") Going Snake

(") Tahquo

(") Raccoon

(") John Watts

(") John Beamer

(Signed) John Keys
(Signed) John Otterlifter
(") Charles
(") Coo lar chee
(") Thomas Pettit
(") Thomas Woodward
(") Walla neta
(") Ketcher
(") Bridge Maker
(") L W Hilderbrand
(") Stephen Foreman
(") Jefsee Bushyhead
(") James Spears

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838)

(Copy)

Head Quarters Eastern Division

Cherokee Agency. June 19. 1838.

Brig. Genl. Eustis

U.S.A.

Comd^G &c &c

Sir:

Thinking it highly probable that you will, in a week or ten days more, have collected all the Indians for emigration within your District, and have sent them off, under escorts, to this depot, it is time to indicate in advance, certain dispositions to be made of the troops and public property of the District, and at the close of your operations.

The two Companies of Tennessee mounted men, as you suggested, it will be best to send down with prisoners, at the proper time to this place, where they can be discharged.

The remaining Companies of Militia I wish you to discharge as fast as you can safely dispense with their services, and if before I can send you a Pay Master, with funds, ascertain and report the central point where each Company may be paid most conveniently, say, in the next three or five weeks. Money has been appropriated by Congress, for the purpose, no doubt, before this time; but I know now when I shall have a sufficient number of paymasters to enable me to send you one.

As soon, or as fast as escorts may require, I wish the Companies of the 1st & 4th regiments of U.S. Artillery to be sent here, where the two regiments are likely to remain on duty, until late in September. Hence, if not needed by you, for further collections of Indians, within your District, no companies of those Regiments will be sent back. (The object of this concentration I shall presently explain.) I give you this information, so that you may the better regulate the sending off of Detachments with Indian prisoners and the purchase or haling of supplies for the quartermaster's department and the commissariat. It may also enable you to stop at favorable positions for sale, on account of the U. States, any supplies now approaching the District which may be likely to exceed the consumption of your troops.

Of course, it is not intended that you should cease to scout the country with your troops until you are satisfied that all the Indians within ~~your~~ the Eastern District, or near its borders, have been secured.

Considerations of humanity, after the fullest enquiries & reflection, have induced me to stop the emigration of the Indians, from the depots, until the first of September. Even the route via Nashville, Golconda, Cape Girardeau and the ridge road through Missouri, the least unfavorable to emigration in the hot season, presents too many chances of serious mortality to allow me to adopt it before the return of Frost. In the mean time I shall hold the Indians encamped, and guarded by the Regulars around this place,

and Rofs' Landings. For this purpose, the troops will be divided into two unequal brigades.

Your note of the 17th, instant is received. A Senior Medical Officer shall be sent to you in a few days, as several Surgeons or Afsistants/ Surgeons are soon expected.

(Signed) Winfield Scott.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838)

Copy

Head Quarters Eastern Division,
Cherokee Agency, June 19. 1838.

To

Mefsr G. Lowery, T. Foreman, L. W. Hildebrand, J. Bushy-head, L. Rofs, Goingsnake & other Chiefs and head men of the Cherokee people.

Gentlemen;

I have received two memorials, numerously signed, by yourselves and other Cherokees, dated respectively the 9th & 11th of this month, praying - 1. That the collection of the Cherokees by the troops, for emigration, may be delayed or relaxed, &c 2. That the families and individuals so collected, or who have voluntarily come in, may not be sent off to the West of the Mifsissippi before the next autumn.

Under my instructions from the President, no delay or relaxation can be permitted in the collection of the whole Cherokee people East, preparatory to their early emigration West.

In respect to the second proposition, I am disposed to grant indulgence, if the chiefs and head men present will give me a written pledge, for themselves and the other chiefs & head men, absent, to the following conditions:

1. That each will discountenance and suppress among the Cherokee people, the idea that there is the slightest intention on the part of the U. States, to suspend the emi-

gration beyond the first of September next; for, in all that month, it is my solemn expectation and purpose to put in motion from the emigrating depots, every Cherokee East, for the Cherokee Country west of the Mifsissippi.

2. That the chiefs and head men will, in good faith, exert their authority, to prevent their people from excaping or straggling from the camps which may be afsigned, or leaving the latter beyond the limits which will be prescribed, except on special written permission to be signed by the nearest commander of troops, or by the superintendent of Cherokee Emigration.

3. The same authority will be employed to preserve good order among the Indians in their respective camps; to prevent drinking; to prevent any injury to the citizens or their property, & to aid the emigrating officers and agents in obtaining an exact list or register, by names, families, ages and sexes, of all the Cherokees who are to be emigrated.

Expecting a prompt acceptance of the foregoing conditions,

I remain your friend,

z(Signed) Winfield Scott

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

Copy,

Head Quarters Eastern Division,
Cherokee Agency, June 20. 1838.

Sir;-

As it is possible during the operation of collecting the Indians in the Eastern, some may seek refuge by passing into the middle District, the commanding general directs me to suggest the propriety of ordering the Horse companies before being called in, to make a general search and sweep of the country - the same remark may apply in collecting the Indians in the Western District; - Should you deem such an operation expedient you are not to regard the district lines.

I have the honour to be,

Sir, your most ob^t. svt.

(Signed) W. J Worth

Lt. Col & Chf. of Staff.

Brig. Genl. Floyd, Geo. Vol.

Comm^d. Mid Mil. Dist.

&c, &c.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

Copy

Head Quarters Eastern Division

Cherokee Agency, June 20. 1838

Colo. W^m Lindsay

Comd^g. &c &c

Sir:

I wish you immediately to make arrangements for mustering out of service, the nine companies, the names of which you gave me in your note of the 18th, instant, & to continue to muster out all the other Companies of Militia, in your District, as fast as the service may permit.

The Pay Master may not receive a remittance for the payment of the Militia in several weeks. The procefs of mustering out must, neverthelefs, proceed uninterruptedly.

Major Larned informs me that if the Tennefsee and Alabama troops should be willing to receive Tennefsee bank notes at the rate of 108 for 100, he can, at once, obtain money sufficient for those companies, and I shall, to save time, order him, with two afsistants, to set out to join you the day after to morrow. You may, therefore, await his arrival before beginning to discharge.

If the militia refuse to receive such money as the Paymaster may immediately command, ascertain & report the most convenient point for the payment of each discharged Company, say, in three or four weeks from this time.

To guard the Indians ~~to~~ at, and around Rofs' Landing, I expect to send you, in the next eight or ten days,

either the 1st, or 4th, Regiment of Artillery. *

I am anxious to hear that you have all, or nearly all the Indians of your district in possession.

Since writing the above, I learn ~~that~~ from Brig. Gen., Eustis that many of the North Carolina Indians have taken refuge in the mountains --

(Signed) Winfield Scott.

* Eight companies of the 2^d artillery were, at the date of this letter, already at Rofs's Landing,

W- S.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

Copy

Head Quarters Eastern Division

Cherokee Agency, June 21. 1838.

Sir:

The bearer of this note, the Rev. Mr. Bushyhead, a Cherokee & minister of the Gospel, will call upon you, and if you think he can do good, I wish you to permit him to visit his people in the mountains, or to send runners to them. He is, and has been, most strenuously opposed to the Treaty of 1835; but I believe him to be perfectly trustworthy in all his promises and engagements.

Mr. Bushyhead is now fully persuaded, with me, that it is best, under all the circumstances, for the remaining Cherokees, in the mountains and other hiding places, to come in at once and join the body of their people already at the emigrating depots, or on their way to those places; and such has become the opinion of many, if not all the chiefs and head men who are in this neighbourhood. If he will freely express his convictions to that effect (and I do not doubt that he will) he cannot, I think, from his great influence among the Cherokees, fail to induce the outstanding families and individuals to come in voluntarily. I send him to you (on a public horse) for that purpose.

He is also desirous to unite the Cherokees, understood to be in the employment of Mr. Thomas, in Macon & Heywood Counties, N. Carolina, with the body of the Nation, and it is my opinion that they ought to be so^{re-} united. Mr. Bushy-

head may, perhaps be able to effect this object without giving you the trouble to send for them.

I remain, very respectfully,

Sir, Your obed^t. Serv^t.

(Signed) Winfield Scott.

P.S. I have given Mr. Bushyhead an order permitting him to take Hog (a chief,) back with him to you, in case he meets the latter on the route. Hog, it is thought, will be of great service in getting in the out standing Indians.

(Signed) W. S.

Brig. Genl. Eustis

U.S.A.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

Head Qrs. Eastern Division,

Cherokee Agency, June 22, 1838.

Sir.

In the hasty note I had the honour to address to you, the 18th instant (in duplicate) I said, that I had found myself compelled, by a regard to the safety of the Indians, to suspend further distant emigration until the first of September next. The accumulation of evidence against even the least objectionable of all the routes - the land route, via Nashville Golconda & Cape Girardeau, fully satisfied me, that the Indians could not, so late in the Summer, be transported to their new country, without very general sickness & serious mortality. My decision has given to all who are in our possession, at least great temporary satisfaction. I hope to keep up their cheerfulness by continued attention & humanity.

I will not trouble you with the evidence alluded to. It shall be furnished in abundance if my judgment should require support.

Whilst the point was under consideration, I held a conversation with the assembled chiefs & head men at & around this place, on the subject - wishing to turn any indulgence that I might grant to the benefit of the service in which I am engaged. The next morning I addressed to them the note marked N^o 1, & received the reply, N^o 2. I have no doubt that the pledge will be observed in good faith.

In the mean time, the collection of the Indians for emigration & their arrival at the depots, with & without ^{on} escorts, will go ^{on} uninterruptedly, until the whole are collected. Georgia is cleared (see enclosures, N^{os} 3 & 4;) & the three other States must soon be cleared of their red-population.

The great body of the Indians will be held under guard or surveillance, here, & at Rofs's Landing: a few, lower down, at Gunter's Landing. The regular troops alone will be employed, at those depots, after Brigadier General ^{Eustis} can dispense with the services of the 1st & 4th artillery now with him in N^o. Carolina. By that time all the militia ~~The~~ will have been discharged, & if the Delagation should ever arrive from Washington & sign the pledge alluded to above, I think I might venture to send two or three regiments to the Canadier frontier without waiting for the completion or even commencement of the emigration in the autumn.

About 3000 Indians have already been sent off to the West by the Superintendant. About 2,500 remain at Rofs's Landing; 3,000 at this place; 1250, in two camps, between those depots; 1500 are known to be under escort to the one or other (making 11,250,) & it is believed that 2,000, or 3,000 more are at the interior posts, getting ready to follow. What number of fugitives remain to be collected, can only be conjectured; probably less than 2,000. These

can not long escape us, & all the commanders will continue to employ Indian runners, whom, from the beginning, we have found highly useful. Pursuing this System, I have just despatched Mr. Jefsee Bushyhead to Brigadier Gen^l Eustis, in whose District, I learn, many Indians have sought refuge in the mountains. (See enclosure, N^o 5.) I anticipate much Success from the advice & assurances he will communicate to the fugitives. The simple fact that I have postponed further emigration until the return of the cool season will effect much.

I have commenced (today) discharging the militia in this neighborhood, & have given orders to begin as soon, & to proceed as rapidly, as practicable, throughout the three Districts. (See enclosures, N^{os} 6, 7, 8 & 9.

One company of the 1.st & one of the second artillery have not arrived. Lieut. Colonel Gates, with four & a half companies of the 3^d artillery, came up the day before yesterday. The other four & c half companies of this regiment were left in Florida, & have not been since heard of. Four companies of the 4th Infantry, under Major Riley, we daily expected. These fragments will complete the five regiments of regulars. A detachment of about 145 Marines, under Captain Dulany arrived about a week ago.

I have been advised that the six troops of the U.S. Dragoons were permitted to remain in Florida. The horses for those Dragoons purchased here (not by my order) six weeks ago, remain idle,

at a great expense to the U. States. I think of using about a hundred of the three hundred as mounts for two companies of foot, to be employed, as patrols, around the emigrating depots.

Paymaster Larned & assistant quartermasters Dusenbury & Collins have arrived since my last report.

I beg that it be borne in mind that, when the emigration recommences, we shall require many of the absent company officers as conductors of parties.

After ^{le}pacing the service here on a safe footing, with a view to renewed emigration, I hope to be permitted to return to the North.

With high respect,

I have the honour to be,

Sir,

Yr most Ob. Serv^t

Winfield Scott.

Brig. Gen^l Armistead, as I^{had} expected, declined taking the command of the Middle District, before he had received, my letter of the 13th instant. See- enclosure N^o. 10.

W. S.

Hon. J. R. Poinsett

Sec. of War

(OIA: Cherokee (Emigr.) S1059. Agency. 6/22, 1838.)

Copy

New Echota Georgia

Maj^r Gen^l W. Scott,

Commanding

Eastern Division

Sir.

I have the honor to report that I arrived at this Post on yesterday and from information received from Genl. Floyd there are but few (if any) Indians within the limits of this District. Genl. Floyd is now concentrating his command at this place - I shall decline assuming the command, and should my services not be required at any other point in this Nation I have respectfully to request orders to proceed to Washington and report to the Adj^t. General of the Army for other duty.

I am very respectfully

Y^r ob: servant

(Signed) W. R. Armistead

Brig. Genl.

U. S. Army.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

Copy

Head Quarters East. District. C.N.

Fort Butler 24th June 1838.

Lieut Colo. Worth

Chief of Staff &c &c

Sir--

Capⁿ Washington, with companies B & I 4th Regiment Artillery under his command, left here yesterday afternoon for the Cherokee Agency, having under his charge about 1100 Indians -- 300 Indians will arrive here to day from Cheowah, and in two or three days about the same number from Fort Lindsay & Camp Scott. The whole number of Indians, which have been collected at the several posts in North Carolina, is something more than 3000- A few are still hiding in the recesses of the mountains, & a number of families have obtained permission from the Superintendent of Emigration, or his Agents, to remain & become citizens of N. C--.

It is my belief that in four or five days every thing will have been done, which can be accomplished, by the troops in this district, & I hope by the 1st July to have discharged from service the N. C. Militia. -- I shall order the several Companies to march to Franklin; to be mustered at that place, & as soon as I hear from Col. Bynum I will inform you of the points most convenient for their payment.

I am respectfully

Your humble Ser^{vt},

(Signed) Ab^m. Eustis Brig. Genl.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

Head Qrs. Eastern Division

Cherokee Agency, June 26, 1838.

Sir,

I beg leave to refer you to a letter of this date, addresed by me to the Adjutant General, accompanied by the copy of one which I have just written to his Excellency, Governor Bagby.

The collection of the Indians in N^o Carolina, Tennessee & Alabama, goes on well, & may ~~almost~~ be considered as almost completed. Late reports from Brigadier General Eustis & Colonel Lindsay are to that effect. The few families & individuals in the N^o Carolina & other mountains, will, I have no doubt, soon be induced to come in by the Indian runners sent or to be sent out for the purpose. M^r Bushyhead one of the runners alluded to, had not reached Valley river at the date of Brig. Gen^l Eustis's last note, a copy of which is enclosed.

For the accommodation of the Indians with wood, shade & good water, I have greatly extended the limits of this emigrating depot. It is now about three miles & a half long, & three in width. Families & individuals, with very few exceptions, have become cheerful. I have ordered all, who require it, to be vaccinated. The operation has commenced, & the supplies of every sort ~~are~~ abundant.

I am extremely anxious to send off two, or three regiments, of regulars for the Canada frontier, & to follow myself. But M^r Rofs & his delegation have not arrived, &

an arrangement with them, I consider almost indispensable to justify the diminution of the regular force here.

If I had three more paymasters^{with money,} all the militia, under my command, should be discharged in the next five days. As it is, the procefs will be a little slower, & many Companies unavoidably discharged without payment.

I have no late communications, except copies of orders, from Washington.

With great respect,

I have the honour to be,

Sir,

Yr most Ob^t Serv^t

Winfield Scott.

Hon. J. R. Poinsett,

Sec- of War.

(OIA: Cherokee (Emigr.) File S1059. Agency. 6/22, 1838.)

COPY.

Articles of agreement entered into this tenth day of August, one thousand eight hundred & thirty eight, between John Rofs, Principal Chief & Superintendent of Removal & Subsistence, & Edward Gunter, Richard Taylor, James Brown, Elijah Hicks, Situakee & White Path, on behalf of the Cherokee Nation, East of the river Mifsissippi of the first part, & Lewis Rofs of said nation of the second part, WITNEFSETH, That the aforesaid John Rofs, Edward Gunter, Richard Taylor, James Brown, Elijah Hicks, Situakee & White Path do by these presents, covenant & agree with said Lewis Rofs as hereinafter specified, That is to say, the said Lewis Rofs will furnish supplies to the Emigrating Cherokees on their journey to the West, to be delivered at such points as may be required at the rate of sixteen cents pr ration which shall consist of the following items, viz: One pound of fresh beef or pork, or three quarters of a pound of salt pork or bacon, three half pints of Corn meal, or one pound of wheat flour, (& if at any point on the route it should be impracticable to procure either flour or meal, the said Lewis Rofs is permitted to furnish in lieu of the ration of flour or meal, three half pints of corn.) also four pounds of coffee, eight pounds of sugar, & four quarts of salt, to every hundred rations, all of which shall be of good & merchantable quality - Also the said Lewis Rofs engages to furnish Forage for the teams & horses employed in said emigration, at the rate of forty cents per day for each horse, ox or mule, the ration to

consist of one peck of corn, or twelve quarts of oats, & eight pounds of hay or fodder. And the said Lewis Rofs further engages to supply three pounds of good hard soap for every hundred rations, at the rate of fifteen cents pr. pound. And the said John Rofs, Edward Gunter, Richard Taylor, James Brown, Elijah Hicks, Situakee & White Path, for & in consideration of the faithful performance of the foregoing engagement on the part of the said Lewis Rofs, do hereby covenant & agree to make payments to him from time to time, on account, provided the means for so doing be furnished by the United States, & finally to make faithful payment of the balance of the whole account agreeably to the receipts of the authorized agents of the nation, accompanying the several Detachments.

In testimony whereof the parties aforesaid have hereunto set their hands & affixed their seals at the Cherokee Agency, East, on the day & date above written.

Signed, sealed & acknowledged) Triplicates signed) Jn^oRofs (SEAL)

in presence of	Edward Gunter	(SEAL)
Thomas C. Hindman	R. Taylor	(SEAL)
Geo. M. Murrell	James Brown	(SEAL)
Evan Jones.	Elijah Hicks	(SEAL)
	White Path	his x (SEAL) mark
	Lewis Rofs	(SEAL)

It is also understood & agreed by the parties to the foregoing agreement that the Creek Indians who are now within the

Cherokee nation East, & who are to be removed with the Cherokees are to be included under this contract. Witness our hands & seals this tenth day of August. 1838.

(Signed) John Rofs (SEAL)

Witnefs.

Lewis Rofs (SEAL)

Thomas C. Hindman.

Head Quarters, Eastern Division

True Copy

H B Shaw A.D.C.

(OIA: Cherokee (Emigr.) File S 1110-1084. Waterloo, Ala.
1838. Cherokee Agency. S-1110.)

Cherokee Agency East

16th Aug^t 1838.

Hon. C. A. Harris,

Com^r Ind. Affairs.

Sir,

At the special request of Gen^l Scott, I herewith enclose to you a Copy of a Contract entered into between Mr. John Rofs and Mr. Lewis Rofs for subsisting the Cherokees and Foraging their horses on their route west, by which you will see that the Gen^l recognizes Mr. John Rofs as Superintendent of Cherokee Removal.

Why it was given me to forward to you, I cannot understand, unless it was intended to inform me that my services were no longer needed as Superintendent. If this inference is correct, I must ask for an investigation of my Official Conduct, as I take it for granted that if it was the intention of the Department to have me superseded, I have have been advised of the fact.

Very respectfully

Yr. Mo. Obt. Sert.

Nat Smith

Sup^t Ch. Em

(OIA: Cherokee(Emigr.) File S 1110-1084. Waterloo, Ala. Cherokee Agency, 1838. S-1110.)

Abstract of Proposals for furnishing Rations of Subsistence
to the Cherokee Indians received by Capt R D C Collins USA
Prin Mil^y Disbg Agent Ind Dpt.

John W. Johnston		14	5
Emzy Wilson		13	7 $\frac{1}{2}$
L. N. Clark)		
	)	13	00
John Titsworth)		
Glasgow & Harrison		12	9

R. D C. Collins Capt. USA.

Prin. Mil. Dis. Agt

Little Rock,

Arks,

Sept 26th 1838

(OIA: Western Supt'y (Emigr.) File C 829-841-864. Little Rock.
C 841.)

Estimate of funds required for the subsistence of Eight thousand Cherokee Emigrants for the Mouths of November December & January next ensuing.

For the subsistence of 8.000 Cherokee Emigrants
for the months of November December & January
next ensuing at 12.9 Cents per Ration \$93.000 00

\$93.000 00

R. D C. Collins

Capt. USA.

Prin. Mil. Dis. Agt

Little Rock Arkansas

September 30th 1838

(OIA: Western Supt'y (Emigr.) File C 829-841-864. Little Rock. C 864.)

Little Rock 8 Oct. 1838

Sir

I have the honour to enclose contracts entered into with Mefs^{rs} Glasgow and Harrison for subsisting eight thousand and Cherokees for three months, and for subsisting the Indigent Indians of various tribes in the S. W. Territory. The bonds corresponding are not yet completed. They will be completed and forwarded in a few days.

I enclose also an abstract of bids received for subsisting eight thousand Cherokees for three months. The facts and circumstances mentioned in mine of 16 Sep^r have operated to increase the price of the ration to a higher rate than has usually been paid on former contracts.

It has been suggested to me by one of the most discreet Indian Agents, and it is also the request of some of the principal tribes of indians that where judged best by the Indian Agents and Issuing Agents stock cattle and hogs be issued to such Indigent indians as are likely to make a wise use of them, in lieu of daily or monthly issues of corn and slaughtered beef. Experience proves that where these poor and wretched creatures are fed with bread and meat rations at stated periods, they are too prone to look forward to the day of issue, without making any effort to accumulate the means of depending on their own resources. Whereas if supplied with a cow or a sow, and taught the advantage of having the milk of the former, and the increase of both, and urged mean time to subsist, each one his family, on the corn part of his ration; and by means of his hoe and gun, and able to provide for themselves.

Coinciding with these views, I very respectfully suggest that where judged expedient the agents be allowed to issue stock cattle and hogs in lieu of the slaughtered beef ration even should a cow so issued to a family ration that family for more than a month.

Very respectfully

Your obt. Servt.

R.D C. Collins

Capt USA

Prin. Mil. Dis Agt

C. A. Harris Esqr..

Comr. Ind. Af.

(OIA: Western Supt'y (Emigr.) File C 829-841-864. Little Rock. C 841.)

Cherokee Agency East

October 18, 1838

Hon. C. A. Harris,

Com^r. Ind. Affairs,

Sir

I have the honor to inform you that in Order to pay the expenses connected with the removal of the Cherokees, and to wind up the business here, an additional sum of not less than \$100.000 will be required. I have therefore to request that you will take into consideration the propriety of immediately forwarding that amount to Capt. Page.

Very Respectfully

Yr. Mo. Ob^t. Sev^t.

Nat Smith

Sup^t. Sh. Em.

(OIA: Cherokee (Emigr) File S 1111-1200
Cherokee Agency S 1200

Encampment of Indians

2 miles west of Pulaski Tenn^e3rd November 1838.

To,

C. A. Harris Esq^{re}Comm^r Ind. Affairs

Sir,

On the 27th ultimo I had the honor to report to you from near Winchester relative to the Emigration of the Party of Cherokees under my charge. Since that time we have pursued the direct road thro Fayetteville & Pulaski leading to Memphis, part of which we found very rough, but our rate of Travelling has averaged between 10 & 12 miles a day.

Nothing of much importance has taken place since I last wrote. Some of the Indians have lost a number of their oxen, from eating poisonous weeds, but the progrefs of the Party was not interrupted on that account. The people have been generally halthy, and every thing relative to our movements is at present going on well.

In my letter from Winchester I enclosed an agreement I had made for furnishing this Party with Subsistence & Forage upon the Route, but before any supplies were furnished under it, I discovered from information I received from the West that it would be better not to let that contract go into effect.

The Terms therein mentioned would probably be reasonably profitable about half the route, but would not be so, in Arkansas As I had required no Bonds to be given to carry the

Contract out the whole distance and as the contractor could not safely give them at the prices mentioned, I have determined to annul the contract, and to continue to furnish the Party by purchasing the provisions on the road, which plan I have thus far found to answer very well, by sending an Agent a little in advance for that purpose.

In this way I have been able by employing a very experienced & efficient purchasing Agent, to procure supplies at the ordinary market price in the country thro' which we have passed, & I will therefore continue to pursue the same plan, so long as I find that economy may thereby be consulted.

I take it for granted that the Department is well informed of the great difference in the circumstances of this Emigration from those which have preceded it, & in which I have been concerned. I have reference to the increase in the allowances of Transportation, Subsistence, and Contingencies, made to the Cherokees, no doubt in consideration of their great advancement in Civilization, and which is undoubtedly in accordance with the humane & liberal policy exercised towards these people. The expense attending their Removal will therefore be much increased over that of the ordinary Indian Tribes, but whilst the Terms of the Treaty are complied with, in removing them comfortably to the new country, where this Party is concerned, I shall continue to see, so far as it is within my power, that a due regard is paid in conducting its Removal to economy & despatch.

I am Sir, Very Respectfully Your Most Obedt Servt

Edw Deas, Lieut U S Army & Disb^d Agent Ind. Depnt

Encampment of Indians

(near) Memphis Tenn^e

24. November 1838.

To,

C. A. Harris Esq^{re},

Commifsioner of Indian Affairs.

Sir,

The Party of Cherokees Emigrating under my superintendence, has just finished the crofsing of the Mifsifsippi, and we shall set out again tomorrow morning in the direction of Little Rock.

Nothing of particular importance has occurred worthy of being mentioned since I last had the honor to addrefs you upon this subject, on the 3rd instant.

Every thing relating to our progrefs has gone on well since that time, excepting some delay in the crofsing of the River at this place, caused by the breaking of the Steam Ferry-Boat.

Yesterday I shipped up the Arkansas River a considerable quantity of the Baggage, Pot-ware &c &c, on very low terms, which I think will result in a good deal of saving in time and expense.

I hear, agreeably to the expectation which I entertained, that the Roads west of this through the Mifsifsippi & White River Bottoms are in very good order for the present season, and I therefore hope we shall be able to proceed on our journey with as much rapidity as we have hitherto been able to travel; and unlefs great changes should take place, we shall

have every cause to congratulate ourselves on having taken the longer Route, for the reasons which I have mentioned in a former communication. I have the honor to be, Sir,

Very respectfully

Yo. Mo. Ob- Serv^t

Edw Deas

Lieut U S Army &

Disb^g Agent

Ind. Dep^t

P. S. It appears to me well to mention at this time, that I have now amongst my Funds, Drafts amounting to \$7,000 - , drawn by Capt- J. P. Simonton Disb^g Ag^t In Dep^t, on yourself, in my favor, for current funds in Philadelphia Mifs^t &c

Edw Deas

(OIA: Cherokee (Emigr.) File D257-259-265. Memphis. D-265.)

Cherokee Agency, March 20th 1839.

T. Hartley Crawford Esq.

Commissioner of Indian Affairs

Sir

Your letter of the 21st December last, to Capt. William Armstrong, Superintendent of Indian Affairs, S^o Western Territory has this day been received; together with an Extract of a letter from the Texian Minister to the Secretary of State, dated 26th November 1838.

The instructions given by the War Department, so far as respects the Cherokee Nation shall be fully carried into effect by me, and a "thorough investigations to ascertain the truth of the allegations therein contained" shall be made: But to put the Texian Minister and the Secretary of War, at ease as to combinations for invading Texas, or committing depredations upon the property of its citizens, there is not a word of truth in the statement, so far as regards the Cherokees of this Country. - Many years ago a party of Cherokees from the East declined settling on the lands allotted to them by the United States, and removed to Texas, where they now remain; but they are not considered as belonging to the Cherokee Nation, nor do they claim or receive any part of the annuities secured to the Cherokees West: Nor has any respectable Cherokee joined them from this Country for twenty years. The only emigrants from the Cherokees West, to Texas consist of thieves and Vagabonds, who abscond from the fear of punishment under the Cherokee Laws. - So much I have felt myself bound to say in regard to the Nation I am concerned with. - As to other Tribes or Nations,

I am not required by the instructions to interfere. But I am of opinion that the cause of alarm to the Texas Government and people originated among the Indians of their own State, and was not promoted by any of the Nations under the controul or patronage of the United States.

I expect that Cap^t. Armstrong will inform you of an affair that caused considerable excitement in the Choctaw Country and else where. Nitack-a-chee who is principal Chief of the Choctaws in the Red River District adjoining Texas, lost his Election on the last choice of Chiefs, and from resentment on account of his disappointment, endeavoured to enlist a party to go into Texas, but whether to aid the Texians or the Mexicans I expect he did not care. Notwithstanding all his efforts, he could not raise twenty Warriors; and the expedition was abandoned.

With respect to many of the Tribes mentioned by the Texian Minister, I think he ought not to make any complaint against the United States; - For instance he mentions the Kickapoos. A small Band of this nation are settled in Texas and have been there twenty years: - The remaining part of the Nation live on the Mifsouri River near Fort Leavenworth, and I do not believe they disturb any nation. - I know of no such Band as Coshattees: There are none such in this Country. The Caddoes near the United States are a small Band that live where they settled many years ago. The Minister mentions the Tawackanees: I know of no such Tribe: If he means the Towack-ka-ros, they are a Band of the Comanches and Kioways

of the great Prairie with whom the United States have a Treaty of Peace and Friendship, made by A. P. Chouteau and myself, on the 26th May 1837, and ratified 1st February 1838. Besides Sir, these last mentioned Tribes are Wandering Indians that follow the Buffaloe wherever they go, and they remain longer in Mexico than they do in the Western Prairies of the United States. - Upon the whole, it is my opinion that if the Texian Government would provide the means to conquer or repel their own Indians, they would meet with no disturbance from the Indians under the controul or patronage of the United States.

I beg pardon for thus travelling out of the record of my instructions; but my object was to assure the Secretary of War that no occurrence has taken place of late, or is likely to take place in this Country, as evidence of a want of good faith in the Government of the United States towards the Indians in the West, or towards the adjoining Republic of Texas or Mexico.

I am, Sir, with great respect, your Obed^t Servant

M. Stokes, Agent for

the Cherokee Nation.

(OIA: Cherokee File S1420. Cherokee Agency. S-1420.)

Washington City 30th April 1839

^{Kurtz}
D. Kints Esqr. Acting

Commifsioner of Indian Affairs,

Sir

The Cherokee Nation & its citizens are friendly to Education, and feel great interest in the selection of Teachers, or the character of such missionaries as may be sent from time to time, by the Benevolent Societies of the U. S. To secure themselves (the Cherokees) from the contaminating influences of any bad missionary, the late treaty provides that the Committee, of the Nation constituted in that Treaty should select such Teachers & missionaries to be removed with them to their new homes from the East to the West. This has been done - But others not selected have gone, promising good character, who will be capable of doing good & to which the Committee does not feel disposed to object while they conduct in a manner worthy of their profession as pious Christians, being zealous to do good & to abstain from intermeddling in the political affairs of the Nation. Having in view the good of the rising youth of the Cherokees, we feel & we have no doubt, that the Government will properly appreciate - that feeling, that no one should be admitted under any pretensions, as a missionary whose character is believed to be tarnished by crime always abhorred by civilized nations. Such is the Character of one Evan Jones, an Englishman who was sent as a minister & superintendent of a missionary station in the chartered limits of North Carolina when our nation existed there. He is now making arrangements to organize a missionary

Station in our Western Country, at the Delaware Old Town on the Spavineau amidst a large population of Cherokees who are settling in that Country. When he arrived as a missionary in our old Nation, he brought there a wife who was considered from information a fine, cultured lady and acted as an exemplary woman until she died. Rev. Evan Jones then married a kind of assistant woman in that mission who is now living with him. She had a sister also living with them named as I believe Miss Cynthia Cunningham and consequently under the immediate protection of the Rev. Evan Jones her brother, living with him in a strange land & nation. She was unsophisticated with the blandishments of ornamental learning, but there is no doubt possessed a good character, without guile until she was seduced and ruined. The great day for her, the time of trial which all women have to pass in fulfilling their destiny on earth to give increase of their species, ~~on earth~~, at last arrived. She had to endure it all in secret, without the aid of female friends & medical counsel, because, she had committed the shameful deed - One man however stood by her side in her agonies - the minister of the Gospel Rev. Evan Jones. She was heard to scream in her enclosed room, and her case was not known until she was dead, & laid out on a Board & Mrs. Sanderson discovered her infant lying between her legs, secreted there with the knowledge of Jones. Jones took her aside and requested her counsel - He said that if this event was known it would injure the mission and asked her whether the child ought not to be buried in private & in secret apart from its mother. Mrs. Sanderson said
no! the child must be washed and buried in the arms of its mother!

The were so buried but no inquest was held over them.

Rev. Mr. Jones was arrested for murder with his wife by the authorities of North Carolina, and Mr. Joseph Wilson was the prosecuting attorney for the State. He is a brother of your late Commifsioner, to execute the treaty - Mr. Jones was acquitted for want of proof, but under the strongest belief of the Circuit Judge that he was guilty - He was discharged with a reprimand from the court - Of course I state things from information of respectable persons - The report is spread abroad in our land & among a large portion of an intelligent people Mr. Jones is Dispised & abhorred. Shall such a man be allowed to preach to the Indians? Shall he teach them rules of charity & virtue, with his face blackened with the darkest crime. I should suppose that all the benevolent societies of the world would say no! I now say it, & I desire you to bring this case before the consideration of the Hon. Secretary of War to the end he may be expelled from the Cherokee Nation, and forever debarred to enter it.

I am your friend

J. A. Bell

Prest. Com. Cherokee Treaty.

(OIA: Cherokee File B725-726. Washington. B-725.)

Cherokee Agency, Bayou Menard June 24th 1839

Cap^t William Armstrong, Superintendent of

Indian Affairs, of Western Territory.

Sir I send you herewith three reports; - two from the Principal Chiefs of the Old Cherokee Nation who first removed to this Country; and one from John Rofs and a portion of the late Emigrants who arrived under his direction.

About the 10th to the 19th June the Cherokees of all parties held a Council at their new Council House at Ta.kat.-tok kuh. The whole Nation was invited and about six thousand attended for the purpose of reconciling all differences and uniting in forming a Government for the whole Choctaw people. - This object was clearly and distinctly expressed in all their letters and messages. Genl. Arbuckle and myself attended two days, by special invitation, and did all in our power as friends and Mediators. We found that the parties did not agree but we saw nothing like hostility. On the 15th and 19th I received of which by express, the two reports, of the Copies are herewith sent Marked N^o 1. and 2. And on the 21st I rec^d by Express the report from the Rofs party Marked N^o 3.

When Gen^l Arbuckle and Myself got to the Council Major John Ridge and his son John Ridge, Elias Boudinot and his brother Stand Watie were all present, but they all left the Council Ground that evening, and (As I ^{have} since understood) apprehensive of danger. It was known before they went away, that most of those concerned in making the late treaty of New Echota had joined the old Cherokee party, who first removed to this Country, and were opposed to John Rofs and his party.

I am exceedingly sorry to inform you that John Ridge was killed on the 18th June Inst. His father Old Major John Ridge on the 19th and Elias Boudinot was killed on the 20th Inst. The murder of Boudinot was treacherous and Cruel. He was assisting some Workmen in building a new house, Three men called upon him and asked for medicine, He went off with them in the direction of Woosters, the Mifsionary, who keeps medicine. About three hundred yards from Boudinot:^s When they got about half way two of the men seized Boudinot and the other stabbed him, after which the three Cut him to peices with their knives and tomahawks --

This Murder taking place within two Miles of John Rofs.^s his friends were apprehensive it might be charged to his Connivance, and at this moment I am writing there are Six hundred armed Cherokees around the dwelling of Rofs, Afsembled for this protection. The murderer of the two Ridges and Boudinot are certainly of the late Cherokee Emigrants and of course adherents of Rofs; but I cannot yet believe that Ross has encouraged the outrage. He is a man of too much good sense to Embroil his Nation at this Critical time, And besides his Character since I have known him which is now twenty five years, has been pacific. Gen^l Arbuckle has invited all the principal men of both parties to meet in Council tomorrow at Fort Gibson to Endeavour to Effect a reconciliation. If it proves successful I will inform you. I have deemed it my duty to make this Communication at this time lest these horrid transactions in the Cherokee Nation should be misrepresented; Ten of Ridges friends Called on me yesterday; They say they know many of the murderers of their friends: but they

would not disclose to me the names of any: Although there were several of My old friends and acquaintances among them: I am glad of one thing. I am on terms of friendship with all parties, and they all agree that there is No intention to injure or disturb any of the white Citizens of the United States.

I am Sir

With great respect

your Ob^t Serv^t

M Stokes. Agent for
Cherokee Nation

(OIA: Cherokee File. Agency. 6/24, 1839. Stokes, Gov. M. to Wm. Armstrong. Forwards 3 reports, etc.)

Choctaw Agency West

September 17th 1839

Sir

Your communication of the 24th July has been received and I have the honor to inform you that I have made the most diligent enquiry and obtained as I beleive correct information, as to the value, and present condition of the reservation of land under the treaty of 1828 with the Cherokees, Claimed by the heirs of Edward DuVal, The tract of land embraces something between twenty nine hundred and three thousand acres, the only portion of it fit for cultivation lays on the Illinois Bayou near where it empties into the Arkansas river, running up both sides of the Bayou, there is between four and five hundred acres of good land, about forty five cleared, and occupied by two tenants, placed there by the heirs, The balance of the land is pine hills, such as is back from the river, and running about two miles to where M^r DuVal built his dwelling, at this place there is a fine spring, which was no doubt the inducement to build so far from the only tilable land on the tract, The fences buildings &C. have gone very much to decay, there is about forty five acres cleared and in cultivation, the bottom land containing between four & five hundred acres, is the only valuable land belonging to the tract, the remainder is not worth paying the Taxes on except that part immediately arround the spring. Capt Vashon advertised the land for sale in the newspaper at Little Rock, The Agent of the heirs protested against the sale, Capt Vashon did not attend on the day of sale, nothing further was done. Lands sell very

low in Arkansas unless located in the Cotton region, this is not. It would be very difficult to find a purchaser for it, Indeed it could only be done by separating the bottom land from the balance of the reservation, by doing this it might be sold, and also the spring with perhaps a half quarter section,

Very respectfully

Your Mo Obt Ser^t

W^m Armstrong

Act Supt W T

T Hartley Crawford Esqr

Comm^r of Indian Affairs,

Washington City

(OIA: Cherokee (Reserve) File A-682. Choctaw Agy.

Washington City

March 19th. 1840.

To the

Hon: H. Crawford,
U. States Commifsioner,
of Indian Affairs,

Sir:

The Western Cherokee Delegation respectfully lay before you the present Claims of our nation & people against the United States, and hope that they may be favorably received, and considered, and arrangements made for their payment as soon as practicable, if it is believed they are entitled to so favorable a result.

Owing to the short notice we had previous to our setting out from home, the necefsary papers relating to most of the Claims are not at present in our pofsefsion, but the most of us are knowing to the Claims, and will endeavor to give as much information upon them as we are enabled to do. -

It is not our desire to prefs upon the United States Govt. any Claims that our nation & people are not Justly entitled to, either by Treaty or by promise from the Agents of the United States -

We hope that the limited information, and the absence of the necefsary papers at present in proof of the Claims herein presented will not impair the Justnefs of them, but receive a candid and fair consideration.

1st A Balance of Claims due the Cherokee people for Stock left & straying back into the Country abandoned under Treaty 1828.

These Claims were made out under instructions from the Agent, and transmitted to the United States Indian Department about the year 1837. Amt about 7 or 8000 dollars. -

2^d. Amount of Services rendered in moving Dutch & party from Red River to his nation, done at the request of Capt Geo: Vashon then United States Agent for the Cherokee nation. March 1833.... Estimated at \$2027. See Documents accompanying this marked A. This claim may want some explanation which the Delegation can give

3^d. Claims for horses taken & property destroyed by the Osages, belonging to the Cherokees, done in violation of Treaty 1833 existing between the Osage & Cherokee Nations.

4th. Claims paid by the nation to its own people out of National funds for spoliations committed upon them by the Osages say \$3000.

This amount is merely mentioned as being about the grofs amt: believing that a part of the Amount was paid out of funds appropriated under Treaty 1828, and only a balance then would have been paid by the Nation - The true amount however can not be ascertained at present, and the Amount is here merely mentioned, - Any amount that might be agreed upon would be satisfactory, if the Claim should be allowed.

These Claims were held by the Cherokee against the Osages for Spoliations committed some time previous to the year 1829, and not included in the Treaty of 1828.

The Claimants were about to make War upon the Osages on account of these Claims, The Chiefs of the Cherokee Nation by the advice of the Agent Maj. Duval, told the Claimants that if

they would not persist in a War upon the Osages, that they would lay their Claims before the National Council for consideration and payment out of the National funds.

The National Council after conferring with Maj: Duval, agreed that it was advisable to satisfy the Claimants, and memorialize the United States Congress to have the same amount refunded to the Nation; accordingly Due Bills on the Nation were Issued to the Claimants to satisfy them, and prevent a war, but the Due Bills were not settled untill Capt Vashons Agency, whose sudden death, and the distracted condition of the Nation since that time to the present, has so deranged the affairs of the Nation, that positive & satisfactory evidence upon this claim, can hardly be produced, - Yet we well recollect that the these were Conditions upon which the Nation paid the Claims. -

Respectfully Submitted
for your Consideration.

Wm. Dutch.

Chief of Western

Cher: Delegation.

Wm. Thornton.

Secty. pro tem.

(OIA: Cherokee File D 436-435. Washington. D-436.)