RATIFIED TREATY NO. 53

DOCUMENTS RELATING TO THE NEGOTIATION OF THE

TREATY OF JANUARY 7, 1806, WITH THE CHEROKEE INDIANS

A talk to the Cherokee
Chiefs at Washington
17th Decemr. 1805.

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1-7-06 TREATY FILE

Brothers.

To the Cherokee Deputation at City Washington.

December 1st. 1805.

The Cherokee Nation have selected you with much care & have sent you to the seat of the Great Council of the Nation to transact their national concerns with the Executive - Confidence is placed in you by your whole nation. Whatever you do will be considered as the act of your nation. The most important & interesting thing you have to do is to bring to a just decision the conflicting claims subsisting between Your Nation & the Chickasaws relating to certain lands, part of which they the Chickasaws have sold to the United States. a part of which You have also sold. At an early period after the War between the United States & the English - The United States sent Commissioners to ascertain the boundaries of the respective tribes, the Chiefs were assembled at different times. & when they had obtained the Commissioners the most satisfactory information that could then be had, they proceeded to make the allotments to the tribes for hunting grounds. and if at that early period some small errors took place it cannot be thought strange. & errors unintentionally made are always allowed to be corrected. - This may probably apply to the case between the Cherokees & Chickasaws. The United States make it point in every instance to do Justice to all their Red Brethren & to compose their national differences that all may live in peace & quietly pursue their business of improvement in the plan of civilization.

In order to compose the difference between your nation and the Chickasaws. the United States will act magnanimously if they will give each of Your Nations a valuable compensation for the disputed tract of land: because a very minute & critical investigation of Your original & ancient claims must from the length of time & want of records be attended with great, & probably insurmountable difficulty: because it may

involve in it remotely, or perhaps immediately, Claims from the Creeks and Choctaws ~~with~~ in such case it would still more involve & perplex the question of right. Whereas if the Cherokees & Chickasaws relinquish their respective rights to the United States. they will have ample Justice done to them & the disagreeable dispute between these two nations will be put to an end forever & good neighbourhood & friendship will subsist.

It was suggested to You at Tellico in October last that it would be right & just for the Cherokee nation to follow the example of the Creeks. Choctaws & Chickasaws in taking some measures to pay the debts of their poor people to the fair traders in their Nation. I mean the Cherokee traders Your own flesh & Blood — The poor people of every country have a natural claim on the benevolence of the country where they live. and the fair traders who have helped the families of ~~their~~ poor people to cloathing & the necessaries of life, have a claim founded on the relations of the individuals in society to the whole — I am informed that some of these traders have been obliged to leave the nation & to stay away because they cannot pay their debts at at home, while at the same time they have a great deal due to them amongst the poor people who they have helped to Cloathing &c — It is now in the power of the nation to releive all those people by appropriating a part of the pay they may receive from the United States for the lands on the north side of Tennessee. they will besides have it in their power to have mills erected & Cotton machines & a large Annuity continued to the nation and the dispute with the Chickasaws put asleep forever. —

These things are now in Your power and are very desireable for you & for the United States, who will always feel interested in Your ~~prosperity &~~ improvement & prosperity. — This is submitted to your consideration as men of information who wish well to your own people & to the United States with whom you are every day becoming more & closely connected in friendship & Interest. —

Convention
U. States &
Cherokees. Land
near the M. Shoals
7. January 1806.

Jany 7 - 1806

Convention of the

United States &

the Cherokees. on

the 7th January 1806.

done at Cerly

Washington

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A Convention between the United States and the Cherokee Nation of Indians concluded at the City of Washington on the Seventh day of January in the year of Thousand eight hundred and six.

Articles of a Convention made between Henry Dearborn Secretary of War being specially authorised thereto by the President of the United States and the undersigned Chiefs and Head Men of the Cherokee Nation of Indians duly authorised and empowered by said Nation.

Article 1st

The undersigned Chiefs and Head Men of the Cherokee Nation of Indians for themselves and in behalf of their Nation relinquish to the United States, all right title interest and Claim, which they or their nation have never had to all that tract of Country which lies to the Northward of the River Tennessee and Westward of a Line to be run from the upper part of the Chickasaw Old Fields, at the upper point of an Island Called Chickasaw Island, in said River to the most easterly head waters of that branch of said Tennessee River, Called Duck River. Excepting the two following described tracts. Viz. One tract bounded southerly on the said Tennessee River, at a place called the Muscle shoals, Westerly by a Creek Called Yeka ta no eh or Cyprus Creek and easterly by Chuwa lee or Elk River or Creek, and Northerly by a line to be drawn from a point on said Elk River ten miles on a direct line from its mouth or junction with Tennessee River to a point on the said Cyprus Creek ten miles on a direct line from its junction with the said Tennessee River: The other tract is to be two miles in width on the North side of Tennessee River and to extend Northerly from that River three miles, and bounded as follows: Viz. Beginning at the mouth of Spring Creek and running up said Creek three miles on a straight line, thence westerly two miles at right angles with the general course of said Creek, thence Southerly on a line parallel with the general course of said Creek to the River Tennessee and thence up said River by its Waters to the Beginning. Which first reserved Tract is to be considered the Common property of the Cherokees who now live on the same including John D. Chesholm, autowee and Chehchuh, and the other reserved tract on which Elk Melton now lives is to be considered the property of said Melton and of Charles Hicks in equal Shares. and the said Chiefs and Head Men also agree to relinquish

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to the United States, all right or claim, which they or their Nation have to what is called the Long Island in Holstein River.

Article 2nd

The said Henry Dearborn on the part of the United States hereby stipulates and agrees that, in consideration of the relinquishments of titles by the Cherokees as stated in the preceding article the United States will pay to the Cherokee Nation Two thousand dollars in money as soon as this Convention shall be duly ratified by the government of the United States, and Two thousand dollars in each of the four succeeding years amounting in the whole to ten thousand dollars; and that a Grist Mill shall within one year from the date hereof be built in the Cherokee Country for the use of the Nation, at such place as may be considered most convenient; that the said Cherokees shall be furnished with a machine for cleaning Cotton; and also that the Old Cherokee Chief called the Black Fox, shall be paid annually one hundred dollars by the United States during his life.

Article 3rd

It is also agreed on the part of the United States, that the Government [illegible] and [illegible] to prevail on the Chickasaw Nation of Indians to agree to the following Boundary between that Nation and the Cherokees to the Southward of the Tennessee River, Viz. Beginning at the mouth of Caney Creek near the lower part of the Muscle shoals and to run up said creek to it head and in a direct line from thence to the Flat stone or rock the old corner boundary. But it is understood by the contracting parties that the United States do not engage to have the aforesaid line or boundary established, but only to endeavor to prevail on the Chickasaw Nation to consent to such a line as the boundary between the two nations.

Article 4th

It is further agreed on the part of the United States that the claims which the Chickasaws may have to the two tracts reserved by the first Article of this convention on the North side of the Tennessee River shall be settled by the United States in such manner as will be equitable, and will secure to the Cherokees the title to the said Reservations.

Done at the place and on the day and year first above written

In presence of

1st Convention
U. States & Cherokee
Nation entered into
at Washington City
on the 7th Day of
January 1806.

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Copy of a conversation with the Cherokees.

Convention 7th Jany 1806.

A Convention between the United States and the Cherokee Nation of Indians concluded at the City of Washington on the Seventh day of January in the Year One thousand eight hundred and six.

Articles of a Convention made between Henry Dearborn Secretary of war, being specially authorised thereto by the President of the United States and the undersigned Chiefs and Head Men of the Cherokee Nation of Indians duly authorised and empowered by said Nation.

Article 1st

The undersigned Chiefs and Head men of the Cherokee nation of Indians for themselves and in behalf of their nation relinquish to the United States, all right title, interest and claim, which they or their nation have or ever had to all that Tract of Country which lies to the Northward of the River Tennessee and Westward of a Line to be run from the upper part of the Chickasaw Old Fields to said River to the most easterly head waters of that Branch of said Tennessee River called Duck River: Excepting the two following described Tracts: viz. One Tract bounded southerly on the said Tennessee River, at a place called the Muscle Shoals, Westerly by a Creek called Cypress Creek and easterly by Elk river or Creek, and Northerly by a line to be drawn from a point on said Elk river Ten miles on a direct line from its mouth or junction with Tennessee River to a point on the said Cypress Creek ten miles on a direct line from its junction with the said Tennessee River: The other Tract is to be Two miles in width on the North side of Tennessee River and to extend northerly from that River three miles: and bounded as follows: viz. Beginning at the mouth of Spring Creek Creek and running up said Creek three miles on a straight line, thence westerly two miles at right angles with the general course of said Creek; thence Southerly on a line parallel with the general course of said Creek to the River Tennessee and thence up said river by its waters to the Beginning;- which First reserved Tract is to be con-

-sidered the common property of the Cherokees who now live on the same including John D. Chesholm, Au tow we, and Cheh Chuh and the other reserved Tract, on which Moses Melton now lives, is to be considered the property of said Melton and of Charles Hicks in equal shares.

And the said Chiefs and Head Men also agree to relinquish to the United States, all right or claim which they or their Nation have to what is called the Long Island in Holston River.

Article 2d

The said Henry Dearborn on the part of the United States, hereby stipulates and agrees that, in consideration of the relinquishments of Title by the Cherokees, as stated in the preceding Article, the United States will pay to the Cherokee Nation, Two thousand dollars, in money, as soon as this Convention shall be duly ratified by the Government of the United States; and Two thousand dolls in each of the Four succeeding years, amounting in the whole to Ten thousand dollars: And that a Grist mill shall within one year from the date hereof, be built in the Cherokee Country for the use of the Nation, at such place as may be considered most convenient; that the said Cherokees shall be furnished with a Machine for cleaning Cotton; and also that the Old Cherokee Chief, called the Black Fox, shall be paid annually One hundred dollars by the United States during his life.

Article 3d

It is also agreed on the part of the United States, that the Government thereof will use its influence and best endeavors to prevail on the Chickasaw Nation of Indians to agree to the following Boundary between that Nation and the Cherokees to the Southward of the Tennessee River, viz. Beginning at the mouth of Caney Creek near the lower part of the Muscle Shoals and to run up said creek to its head in a direct line from thence to the Flat Stone or Rock, the old corner boundary.

But it is understood by the contracting parties, that the United States do not engage to have the aforesaid line or Boundary established, but only to endeavor to prevail on the Chickasaw Nation to consent to such a line as the Boundary between the two Nations.

Article 4th

It is further agreed on the part of the United States, that the claims

which the Chickasaws may have to the two Tracts reserved by the First article of this Convention, on the North side of the Tennessee River, shall be settled by the United States in such manner as will be equitable, and will secure to the Cherokees the title to the said Reservations.

In Presence of,

Done at the Place and on the Day and Year first above written

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Elucidation

Whereas by the 1st Article of a convention between the United States & the Cherokee Nation entered into at city Washington on the 7th day of January 1806. it was intended on the part of the Cherokee Nation & understood by the Secretary of war the Commissioner on the part of the United States. to cede to the United States, all the right, title & interest which the said Cherokee nation ever had to a tract of country contained between the Tennessee River & the Tennessee ridge (so called) which tract of country had since the year 1794 been claimed by the Cherokees & the Chickasaws: the eastern boundary whereof is intended by a line so to be run from the upper part of the Chickasaw Old Fields as to include all the waters of Elk River any thing expressed in said convention to the contrary notwithstanding. It is therefore now declared by James Robertson & Return J Meigs acting under the authority of the Executive of the United States & by a delegation of Cherokee Chiefs of whom Ennolee or Black Fox the King or head Chief of said Cherokee Nation, acting on the part of & in behalf of said Nation is one. that the eastern limits of said ceded tract shall be bounded by a line so to be run from the upper end of the Chickasaw Old Fields a little above the upper part of an Island called Chickasaw Island, as will most directly intersect the first waters of Elk River. thence carried to the great Cumberland Mountain on which the waters of Elk River have their source: then along the Margin of said mountain untill it shall intersect lands heretofore ceded to the United States at the said Tennessee ridge.— And in consideration of the readiness shown by the Cherokees to explain & to place the limits of the land ceded by the said convention out of all doubt, & in consideration of their expences in attending Council — The Executive of the United States will direct that the Cherokee nation shall receive the sum of two thousand dollars to be paid to them by their Agent

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at such time as the said Executive shall direct, that the Cherokee hunters as hath been their custom in such cases may hunt on said ceded Tract untill by the fullness of Settlers it shall become improper, And it is hereby declared by the parties that this explanation ought to be considered as a just Elucidation of the Clause made by the past article of said Treaty convention.

Done at the point of departure of the Line, at the upper end of the Island opposite to the upper part of the said Chickasaw Old Fields the Eleventh day of September in the year of our Lord one Thousand eight hundred and Seven.

Witnesses present

Thos. Freeman.
Thomas Orme.

Explication of the Convention between the United States & the Cherokees of the 7th September 1807

James Robertson
Return J. Meigs
Tanoles or Black Fox X
Tarquite or Glass X
Tatarquiskoka or Turtle at Home X
Richard Brown X
Jean Baptiste Rings Brother X