

## ARTICLES OF A TREATY,

Oct. 2, 1798. *Between the United States of America, and the Cherokee Indians*

Preamble.

Ante, p. 39.

Ante, p. 43.

WHEREAS, the treaty made and concluded on Holston River, on the second day of July, in the year one thousand seven hundred and ninety-one, between the United States of America, and the Cherokee nation of Indians, had not been carried into execution, for some time thereafter, by reason of some misunderstandings which had arisen:—*And whereas*, in order to remove such misunderstandings, and to provide for carrying the said treaty into effect, and for re-establishing more fully the peace and friendship between the parties, another treaty was held, made and concluded by and between them, at Philadelphia, the twenty-sixth day of June, in the year one thousand seven hundred and ninety-four: In which, among other things, it was stipulated, that the boundaries mentioned in the fourth article of the said treaty of Holston, should be actually ascertained and marked, in the manner prescribed by the said article, whenever the Cherokee nation should have ninety days' notice of the time and place at which the commissioners of the United States intended to commence their operation: *And whereas* further delays in carrying the said fourth article into complete effect did take place, so that the boundaries mentioned and described therein, were not regularly ascertained and marked, until the latter part of the year, one thousand seven hundred and ninety-seven: before which time, and for want of knowing the direct course of the said boundary, divers settlements were made, by divers citizens of the United States, upon the Indian lands over and beyond the boundaries so mentioned and described in the said article, and contrary to the intention of the said treaties: but which settlers were removed from the said Indian lands, by authority of the United States, as soon after the boundaries had been so lawfully ascertained and marked as the nature of the case had admitted: *And whereas*, for the purpose of doing justice to the Cherokee nation of Indians, and remedying inconveniencies arising to citizens of the United States from the adjustment of the boundary line between the lands of the Cherokees and those of the United States, or the citizens thereof, or from any other cause in relation to the Cherokees; and in order to promote the interests and safety of the said states, and the citizens thereof, the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed George Walton, of Georgia, and the President of the United States hath also appointed Lieutenant-Colonel Thomas Butler, commanding the troops of the United States, in the state of Tennessee, to be commissioners for the purpose aforesaid: And who, on the part of the United States, and the Cherokee nation, by the undersigned chiefs and warriors, representing the said nation, have agreed to the following articles, namely:

### ARTICLE I.

Peace and  
friendship per-  
petual.

The peace and friendship subsisting between the United States and the Cherokee people, are hereby renewed, continued, and declared perpetual.

### ARTICLE II.

Subsisting  
treaties to ope-  
rate.

The treaties subsisting between the present contracting parties, are acknowledged to be of full and operating force; together with the construction and usage under their respective articles, and so to continue.

## ARTICLE III.

The limits and boundaries of the Cherokee nation, as stipulated and marked by the existing treaties between the parties, shall be and remain the same, where not altered by the present treaty.

Limits to remain the same, &c.

## ARTICLE IV.

In acknowledgement for the protection of the United States, and for the considerations hereinafter expressed and contained, the Cherokee nation agree, and do hereby relinquish and cede to the United States, all the lands within the following points and lines, viz. From a point on the Tennessee river, below Tellico block-house, called the Wild-cat Rock, in a direct line to the Militia spring, near the Mary-ville road leading from Tellico. From the said spring to the Chill-howie mountain, by a line so to be run, as will leave all the farms on Nine-mile Creek to the northward and eastward of it; and to be continued along Chill-howie mountain, until it strikes Hawkins's line. Thence along the said line to the great Iron mountain; and from the top of which a line to be continued in a southeastwardly course to where the most southwardly branch of Little river crosses the divisional line to Tuggaloe river: From the place of beginning, the Wild-cat Rock, down the northeast margin of the Tennessee river (not including islands) to a point or place one mile above the junction of that river with the Clinch, and from thence by a line to be drawn in a right angle, until it intersects Hawkins's line leading from Clinch. Thence down the said line to the river Clinch; thence up the said river to its junction with Emmerly's river; and thence up Emmerly's river to the foot of Cumberland mountain. From thence a line to be drawn, northeastwardly, along the foot of the mountain, until it intersects with Campbell's line.

Cession of territory.

## ARTICLE V.

To prevent all future misunderstanding about the line described in the foregoing article, two commissioners shall be appointed to superintend the running and marking the same, where not ascertained by the rivers, immediately after signing this treaty; one to be appointed by the commissioners of the United States, and the other by the Cherokee nation; and who shall cause three maps or charts thereof to be made out; one whereof shall be transmitted and deposited in the war office of the United States; another with the executive of the state of Tennessee, and the third with the Cherokee nation, which said line shall form a part of the boundary between the United States and the Cherokee nation.

Commissioners for running the line of the cession.

## ARTICLE VI.

In consideration of the relinquishment and cession hereby made, the United States upon signing the present treaty, shall cause to be delivered to the Cherokees, goods, wares and merchandize, to the amount of five thousand dollars, and shall cause to be delivered, annually, other goods, to the amount of one thousand dollars, in addition to the annuity already provided for; and will continue the guarantee of the remainder of their country for ever, as made and contained in former treaties.

Consideration for the treaty.

## ARTICLE VII.

The Cherokee nation agree, that the Kentucky road, running between the Cumberland mountain and the Cumberland river, where the same shall pass through the Indian land, shall be an open and free road for the use of the citizens of the United States in like manner as the road from Southwest point to Cumberland river. In consideration of which it is hereby agreed on the part of the United States, that until settle-

Kentucky road to be kept open.

Indians may hunt on lands relinquished.

ments shall make it improper, the Cherokee hunters shall be at liberty to hunt and take game upon the lands relinquished and ceded by this treaty.

#### ARTICLE VIII.

Notice of time for delivering annuities, &c.

Due notice shall be given to the principal towns of the Cherokees, of the time proposed for delivering the annual stipends; and sufficient supplies of provisions shall be furnished, by and at the expense of the United States, to subsist such reasonable number that may be sent, or shall attend to receive them during a reasonable time.

#### ARTICLE IX.

Horses stolen to be paid for.

It is mutually agreed between the parties, that horses stolen and not returned within ninety days, shall be paid for at the rate of sixty dollars each; if stolen by a white man, citizen of the United States, the Indian proprietor shall be paid in cash; and if stolen by an Indian from a citizen, to be deducted as expressed in the fourth article of the treaty of Philadelphia.—This article shall have retrospect to the commencement of the first conferences at this place in the present year, and no further. And all animosities, aggressions, thefts and plunderings, prior to that day shall cease, and be no longer remembered or demanded on either side.

Oblivion of past aggressions.

#### ARTICLE X.

The Cherokee agent to have a piece of ground.

The Cherokee nation agree, that the agent who shall be appointed to reside among them from time to time, shall have a sufficient piece of ground allotted for his temporary use.

And lastly, This treaty, and the several articles it contains, shall be considered as additional to, and forming a part of, treaties already subsisting between the United States and the Cherokee nation, and shall be carried into effect on both sides, with all good faith as soon as the same shall be approved and ratified by the President of the United States, and the Senate thereof.

IN WITNESS of all and every thing herein determined between the United States of America, and the whole Cherokee nation, the parties hereunto set their hands and seals, in the Council-House, near Tellico, on Cherokee ground, and within the United States, this second day of October, in the year one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence and Sovereignty of the United States.

THOS. BUTLER,  
GEO. WALTON.

Ne-ne-tu-ah, or Bloody Fellow,  
Ostaiah,  
Jaunne, or John,  
Oortlokecteh,  
Chokonnistaller, or Stallion,  
Noot-hoietah,  
Kunnateetah, or Rising Fawn,  
Utturah, or Skin Worn,  
Wee-lee, or Will,  
Oolasoteh,  
Tlorene,  
Jonnurteekee, or Little John,  
Oonatakoteehee,  
Kanowsurkee, or Broom,  
Yonah Oolah, Bear at Home,  
Tunksalenee, or Thick Legs,  
Oorkullaukee  
Kumamah, or Butterfly  
Chattakuteehee  
Kanitta, or Little Turkey

Kettegiskie  
Tauquotihee, or the Glass  
Chuquilatague  
Salleekookoo-olah  
Tallo tuskee  
Chellokee  
Tuskeegatee, or Long Fellow  
Neeka-anneah, or Woman Holder  
Kulsateehee  
Keetakeuskah, or Prince  
Charley  
Akooh  
Sawanookeh  
Yonah Equah, or Big Bear  
Keenahkunnah  
Ka-wee-soola-skee  
Teekakalohenah  
Ookouseteh, or John Taylor  
Chochu Chee

WITNESSES:—Elisha I. Hall, Sec. of the Commission. Silas Dinsmoor, I. agent to the Cherokees. John W. Hooker, U. S. Factor. Edw. Butler, Capt. commanding at Tellico. Robt. Purdy, Lieut. 4th U. S. Regt. Ludwell Grymes. Jno. M. Donald. Daniel Ross. Mattw. Wallace, Esquire. Saml. Hanly. Michael M. Kinsey. Chs. Hicks, interpreter. James Cazey, interpreter. John Thompson.

To the Indian names are subjoined a mark and seal.

## A TREATY,

*Of reciprocal advantages and mutual convenience between the United States of America and the Chickasaws.*

Oct. 24, 1801.

Proclamation,  
May 4, 1802.

Consent of  
Senate, May  
1, 1802.

THE President of the United States of America, by James Wilkinson brigadier general in the service of the United States, Benjamin Hawkins of North Carolina, and Andrew Pickens of South Carolina, commissioners of the United States, who are vested with full powers, and the Mingco, principal men and warriors of the Chickasaw nation, representing the said nation, have agreed to the following articles.

ART. I. The Mingco, principal men and warriors of the Chickasaw nation of Indians, give leave and permission to the President of the United States of America, to lay out, open and make a convenient waggon road through their land between the settlements of Mero District in the state of Tennessee, and those of Natchez in the Mississippi Territory, in such way and manner as he may deem proper; and the same shall be a high way for the citizens of the United States, and the Chickasaws. The Chickasaws shall appoint two discreet men to serve as assistants, guides or pilots, during the time of laying out and opening the road, under the direction of the officer charged with that duty, who shall have a reasonable compensation for their service: Provided always, that the necessary ferries over the water courses crossed by the said road shall be held and deemed to be the property of the Chickasaw nation.

Right to make  
a road, &c.  
granted to U.S.

ART. II. The commissioners of the United States give to the Mingco of the Chickasaws, and the deputation of that nation, goods to the value of seven hundred dollars, to compensate him and them and their attendants for the expense and inconvenience they may have sustained by their respectful and friendly attention to the President of the United States of America, and to the request made to them in his name to permit the opening of the road. And as the persons, towns, villages, lands, hunting grounds, and other rights and property of the Chickasaws, as set forth in the treaties or stipulations heretofore entered into between the contracting parties, more especially in and by a certificate of the President of the United States of America, under their seal of the first of July 1794, are in the peace and under the protection of the United States, the commissioners of the United States do hereby further agree, that the President of the United States of America, shall take such measures from time to time, as he may deem proper, to assist the Chickasaws to preserve entire all their rights against the encroachments of unjust neighbours, of which he shall be the judge, and also to preserve and perpetuate friendship and brotherhood between the white people and the Chickasaws.

Present of  
goods to In-  
dians.