

## CORRESPONDENCE

Between Commissioners on the part of the United States, and the Council of the Cherokee Nation, in the year 1823.

[CONCLUDED.]

The following is a reply from the Commissioners to the Council.

NEWTOWN, 25th. October 1823.

FRIENDS AND BROTHERS: Your communication of yesterday has been under consideration, and we regret to see the very wide difference which exists between us, as to the material point of negotiation.

The anticipations of success which we had indulged, were founded upon confidence in your judgment. We believed that we were in the right, and hoped that we should succeed in convincing you. Your rejection of our application does not at all impair our views of the propriety of what we have laid before you. We have endeavored, by a reference to the history of this nation, to satisfy you of the nature of your title to the soil which you occupy. The doctrine, to be sure, is not very consoling, but is nevertheless true. You attempt to rebut it, by an article in the treaty of Holston, in 1791. It is true, that the 7th article "guaranties to the Cherokee Nation, all their lands not thereby ceded." And what does this guarantee amount to? You greatly mistake yourselves, if you construe it into a conveyance, or even quit claim on the part of the United States. Notice the terms used in the fourth article of the same treaty, which conveys the lands ceded at that time.—It is there said, "that the chiefs and warriors, for themselves and the whole Cherokee Nation, their heirs and descendants, release, quit claim, relinquish, and cede," the lands therein described. If the word "guaranty" would have expressed all this, then that word would have been used. Your title under this treaty of Holston, is no better than under the treaty of Hopewell, and under neither, does it amount to any thing more than possession at the will of the United States. You acknowledge, that you are "dependent upon the United States for protection." Brothers, such acknowledgement is very empty, unless accompanied by some signs that you feel the obligation. Your father the President has asked you, in terms the most peaceable and reasonable, for what he might have demanded; you might have granted the application, without injury or inconvenience to yourselves.—It will rest with him to judge whether your conduct will comport with your duty. You state, that it is your desire to raise monuments of science with your own hands, upon the soil of your "progenitors." No lover of the human race would controvert the sentiment. No friend of mankind would bring into use the "bow and the quiver," which you say have been laid aside. The "axe, the hoe, plough, and shuttle," were given by the President, and he will never withdraw them.—But it is his desire, and it ought to be your pride, to forward the general interest of all the American people.—This never can be done, by your monopoly of such extent of territory.

Brothers: It would seem, from your pointed and determined rejection of what we have asked, that it would be wholly unnecessary to pursue the investigation further. We commenced with a simple proposition, to purchase your claim to the whole or part of the soil within the limits of Georgia. In the course of the correspondence, we evidenced the grounds of negotiation, and discussed topics, interesting to the Government, and to you. If no good results to either, we must be content with the consciousness of having done our duty.—Your allusion to the proceedings under the treaty of 1819, does not require a detailed answer. Our knowledge upon that subject would not, we presume, rescue the Tennesseans or Georgians from the aspersions which

you have thrown upon them. We take leave, however, to observe, that, wherever the laws have been applied to, they have been righteously enforced, and that vast profits have realized by the persons named in that treaty. As messengers of the United States, it does not become us to indulge local feelings. The General Government is bound to Georgia, and we doubt not but that she will fulfil her engagements.

Brothers: We will not detain the Council, if they are impatient, and wish to rise. We understand that they have sat much longer, upon business of less importance, heretofore.—This is the third visit we have made to the country, and we had a right to expect a patient hearing. We shall say but little more. Justice to our Government, and good wishes to you, require that we should add a few words more; we ask you to receive them as they are intended, in feelings free from excitement.

According to the usage of many years, we exercised the right of appointing the place of meeting you. We selected your agency, and invited you to attend last January, and you refused. We selected another place, more central, and a time more genial, and invited you to come, and you refused. You were then indulged in appointing time and place yourselves.—We attended, and you did not. We have now come to your own time and your own place, and you have rejected a reasonable application. We told you on our arrival, that we were directed to co-operate with the Georgia Commissioners in negotiating the settlement of long standing claims.—We have stood by, and seen you reject a settlement of claims which occurred at a time, and under circumstances, powerfully imposing. When treaties lose their obligation, what shall bind nations? We have stood by, also, and witnessed a correspondence, of serious import, between yourselves and your agent. We have seen his application rejected, and heard his dissatisfaction expressed. Our appointments to meet you were under the President's authority. The application of the Georgia commissioners was under the President's authority. Where is the virtue of calling the President "Father," of acknowledging "his protection," and then refusing obedience to his wishes? We might go further, and remind you of the uniform disposition of the government to attend to your requests, and redress your grievances. Even at this moment, while these things are passing before us, troops are on their march, with the sword and torch, removing intruders from your limits, and burning their dwellings.

Brothers: Ingratitude approaches to crime; a grateful return for a favor is the best evidence that the favor is felt. You cannot suppose that all these things, taken together, are to pass away, and produce no effect.—What the effect may be, we are not exactly prepared to say. Time will disclose it.

Brothers: We had rather see and feel a different prospect. In the sincerity of our hearts, we wish this nation well. We should be happy to see the ties, which bind you to the Government, drawn closer. We should like to see the chain grow brighter and stronger. We fear that the very reverse is the fact. The ties are loosening, and the chain is becoming weaker. There is a danger of your losing connection with the Government, and having the agency abolished. We might enumerate other consequences which are not improbable, but which should be prevented if possible. The course is plain by which the evils may be averted. It is no mark of manliness and magnanimity to persist, merely for the sake of consistency, after the judgement is convinced.—It is often better to yield, than to resist even a doubtful right.

Brothers: We shall now close.—We are not conscious of having said

any thing, not warranted by the authority of our Government, and the rules of fair and open negotiation. We cannot take leave without submitting a further and distinct proposition. So well are we satisfied of its just tendency, that it would be criminal in us to withhold it. We submit the following:

The United States proposes to purchase of the Cherokee Nation, their claim to all the land east and north of the following boundaries: Beginning at a marked corner, at the head of Chetatee; thence along the ridge, to the mouth of Long Swamp creek; thence, down the Etowah river, to the line which is to be run between Alabama and Georgia; thence, with said line, to the dividing line between the Creeks & Cherokees; thence, with said line, to the Chatahochee. In consideration of said cession, the United States will pay to the Cherokee Nation the sum of two hundred thousand dollars, in suitable instalments, and will also indemnify the Nation against the Georgia claims; and as a gratuity to the Nation, the Commissioners will pay into their Treasury, at this time, for the use of the Nation, the further sum of ten thousand dollars.

We are, as usual, your friends and brothers.

DUNCAN G. CAMPBELL.  
JAMES MERIWETHER.

United States Commissioners.

The Council to the Commissioners.  
NEWTOWN, CHEROKEE NATION,

October 27th, 1823.

IN GENERAL COUNCIL.

FRIENDS AND BROTHERS: You say that your anticipation of success was founded upon confidence in our judgment, and that you believed and hoped you would have succeeded in convincing us that you were right, and would also satisfy us of the nature of our title to the soil which we now occupy. The doctrine which you have laid for a foundation, can never convince our judgment that you are correct. We did not refer to the 7th article of Holston treaty, 1791, as a foundation to our title to the soil upon which we stand. Our title has emanated from a supreme source, which cannot be impaired by the mere circumstance of discovery by foreigners; neither has this title been impaired by conquest or by treaty. If it was intended that our original title should be forever lost, why did not the treaties of peace declare it in plain terms, and why should the United States purchase, time after time, by treaties, lands to which you would wish to convince us we have no title? And when such purchases were made, why did they require such a right and title of conveyance as given in the 4th article of Holston treaty, 1791, to which you have had occasion to refer? We had noticed the 7th article of the treaty, to shew that the United States do acknowledge our right and title, and have guaranteed to respect the same. This being the case, and the Cherokees possessing the right and title, it would have been superfluous and useless for the United States to convey to the Cherokees a right and title which was already vested in the Cherokees themselves, and not in the United States. You say our possession is at the will of the United States, and that our rejections to the propositions which have been made, cannot be expected to pass away and produce no effect, and that the ties which bind us with the United States are loosening, and the chain is becoming weaker.—What, Brothers, do you wish to impair the high confidence which we entertain of the magnanimity of your Government? and to harbor an opinion that, because the United States are great and powerful, and the Cherokees small, and dependant upon her for protection, that she will trample justice under foot, and compel us to yield what we have peaceably and respectfully refused to let the United States have, for the benefit of the state of