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Memorial of the Cherokee Indians who have become citizens of the State of North Carolina, for the value of their property unlawfully sold by agents in the employment of the United States.

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MEMORIAL

OF THE

CHEROKEE INDIANS WHO HAVE BECOME CITIZENS OF
THE STATE OF NORTH CAROLINA,

FOR

*The value of their property unlawfully sold by agents in the employ-
ment of the United States.*

FEBRUARY 10, 1845.

Referred to the Committee on Indian Affairs, and ordered to be printed.

MEMORIAL OF THE CHEROKEE INDIANS OF NORTH CAROLINA.

*To the Senate and House of Representatives of the Congress of the
United States:*

The undersigned, chiefs of the towns of Qualla and Buffalo, or Che-o-ih towns, for themselves and their people, beg leave respectfully to represent to your honorable bodies :

That, under the promises made in favor of the upper towns (which division embraced the towns in which they now reside) by their great father the President of the United States in the year 1809, they have engaged in the "pursuits of agriculture and civilized life." As an encouragement to do so, they were promised the "patronage" and "aid" of the Government of the United States; which promise was again recited in the preamble of the treaty concluded with their tribe by General Jackson, commissioner on the part of the United States, in the year 1817. Up to the conclusion of the treaty of December, 1835, made with their brethren belonging to the lower towns, who had passed under the dominion of the authorities of the States in which they were situated, your memorialists had made considerable improvements in the mechanic arts, agriculture, and civilization, and, thereby, being prepared to make useful citizens, made known to the Government of the United States, while the treaty was pending before the Senate for approval, their desire to continue where they now reside, and become subject to the laws of the State, agreeably to the provisions of the 12th' article of the treaty. This request, was assented to by the chiefs representing the Cherokees who had concluded the treaty, and also the chiefs representing that portion of the Cherokee nation then west of the Mississippi river. This agreement was then submitted to the War Department, and received the sanction of the Secretary of War. Your memorialists subsequently made known to the Governor and General Assembly of the State of North Carolina their intention of remaining citizens of the State, and requested the passage of such laws as, in their opinion, were necessary

for their protection. This led to the passage of the law, at the session of 1836-'37, to protect the Cherokees remaining in that State, but not to be in force until in May, 1838—the time provided in the treaty for such as remained within her limits to become subject to her laws.

A short time previous to the emigration, which was conducted under a contract made with John Ross and other Cherokees, agents were sent, under the direction of the War Department, to your memorialists, to ascertain if any of their people desired to remove west, with a portion of their people who were then about to emigrate. A council was convened at Che-o-ih, for the purpose of informing the agents of the Government, who attended, of the desire of their people. Colonel Joseph McMillian, of Tennessee, and Colonel William Welch, of North Carolina, attended, to whom the council, after mature deliberation, made known that none of their people, belonging to the towns embraced in the agreement referred to, desired to emigrate at that time. That many of their people were old and infirm, and thereby rendered incapable of removing, and their young people would not consent to leave them; they therefore preferred remaining in the land of their fathers. The agents replied, that they were only required to ascertain their choice, which, under the provisions of the treaty they had a right to make, that it might be reported to those charged with the emigration of the tribe.

Thus your memorialists, believing that they would be permitted to remain without molestation, made improvements; planted their crops of corn and potatoes for the support of their families, and continued to cultivate them until the last of May, 1838, when, owing to a change of the policy of the Government, which was probably caused by a change of the officers, and new ones coming in, who were unacquainted with their rights, the agents appointed to collect and sell the property of the emigrants (which was a measure, when confined to them, as was no doubt the intention of the officer in command, calculated to promote their interest, by securing to them a small compensation for their property that they were compelled to leave scattered over the country they removed from) also sold the property of the Cherokees belonging to a part of the towns embraced in the agreement referred to, who were to be permitted to remain and become citizens of the State without molestation, which was attended with the most ruinous consequences to them. Your memorialists, who then resided in the towns of Stekoih, Alarka, Aquona, Che-o-ih or Buffalo, were by those agents deprived of all their property, consisting of horses, neat cattle, hogs, sheep, and goats, as well as their farming tools, spinning whels, household and kitchen furniture, and, owing in part to those towns being situated remote from the white settlements, and to the agents failing to give notice of the time of sale, most of the property sold for a mere nominal price. Our crops of standing corn, including our gardens of vegetables, did not sell for more than six cents per acre. Our hogs were sold, as they run by a watercourse, at a time, for about six cents per head; and much of our other property sold at the same rate. Our corn was taken by the agents, a part of it sold, and a part turned over for the support of the United States troops, for which it seems no appropriation has been made to pay us. Thus your memorialists were deprived of all their property, and the means of subsisting themselves and families. The consequence was, that, during the ensuing summer of 1838, they were compelled, measurably, to subsist upon the sap of trees and roots, which brought on diseases that relieved a large portion of their children and aged

and infirm people of their suffering. Their graves, and the barked trees on which they subsisted before they died, on the tops of the mountains of our native forests, are all that now remain to prove the truth of our assertions, and to mark the places of our suffering. We are aware that what has been done cannot be recalled; our people who were brought to untimely graves cannot be brought back, and our property which was taken from us without the authority of either laws or treaties cannot be restored; but we may be indemnified for our losses. By the aid of friends, and the interference of the Government in our favor, a part of our people have been saved from starvation, and permitted to remain in peace. We have purchased the lands on which we reside, to avoid the conflicting claims of the whites, which are endeared to us by all the ties of nature. At the place where we now reside were the homes of our forefathers, from time immemorial. Our children, fathers, and mothers, who have passed to the land of spirits, were buried here; their bones lie beneath the large heaps of stones raised by their friends to mark the places where they lie, and as a token of their respect for the dead. We cannot consent to leave them. The State in which we live has continued to treat us with kindness. The ægis of her laws has been extended over us. Under the influence of temperance and religious societies, we again are improving in agriculture and civilization, and hope, with the emigrants from all the nations of the earth, to be permitted to enjoy in peace the rights of American citizens.

Claims for the property referred to in the preceding, prepared by justices of the peace for the counties of Haywood and Cherokee, North Carolina, are herewith submitted, for the purpose of enabling you to know the amounts claimed by each individual for the property set forth therein. As additional evidence in support of those claims, the memorialists beg leave to refer you to the books of the agents who sold the property, now on file in the office of Indian Affairs; and, in conclusion, to request that you will grant them such relief as in your opinion justice entitles them to.

And your memorialists, as in duty bound, will ever pray.

(Memorial prepared at the request of the council, by one of the people of Qualla town.)

Qualla town.

FLYING SQUIRREL, *Principal Chief.*
 OO-CHEL-LA, *Second Chief.*
 ARONEACH, *Third Chief.*
 AH-QUOTTAGA.
 OOH-SOWIH.
 WAGGULA.

Buffalo town.

DICK-A-GEES-KA, *Principal Chief.*
 CHUTON-NI-IH, *Second Chief.*
 LAW-LO, *Third Chief.*
 DAVID TAYLOR;

(A white man, whose family is part Cherokee.)

JANUARY 1, 1845.