

Treaties and Land Cessions Involving the Cherokee

Nation

Class # 3

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1. The Treaty of Lochabar:

The 1770 Treaty of Lochabar secured for Britain, more specifically for its Virginia colony, Cherokee rights to the region of Western Virginia. The British settlers' appetite for land was not quenched with the large territory made available by the Hard Labor treaty. Their demands placed a heavy burden on the government to provide more safe western land, free from attacks by Indians seeking to protect their territory. The two sides gathered at Lochabar, South Carolina, in October 1770. The new Cherokee land cession extended the western border of British North America to the Kentucky River in eastern Kentucky and the Holston River in eastern Tennessee. Included in this cession was most of the region of present West Virginia southwest of the line established by the Treaty of Hard Labor, which ran somewhat west of and generally parallel to modern Interstate 77. While the treaties of Hard Labor and Lochabar extinguished Iroquois and Cherokee claims to the regions involved, they did not address the strong Shawnee claims. The Shawnees, not surprisingly, disputed the treaties. They continued a running guerrilla war for many years, first with Britain and then the United States.

2. The 1775 Treaty of Sycamore Shoals:

In 1775 the Overhill Cherokee were persuaded at the Treaty of Sycamore Shoals to sell an enormous tract of land in central Kentucky. Although this agreement with the Transylvania Land Company violated British law, it nevertheless became the basis for the white takeover of that area. Threatened by colonial encroachment upon their hunting grounds, the Cherokee announced at the beginning of the American Revolution their determination to support the crown. Despite British attempts to restrain them, in July 1776 a force of 700 Cherokee under Chief Dragging-canoe attacked two U.S.-held forts in North Carolina: Eaton's Station and Ft. Watauga. Both assaults failed, and the tribe retreated in disgrace. These raids set off a series of attacks by Cherokee, Creek, and Choctaw on frontier towns, eliciting a vigorous response by militia and regulars of the Southern states during September and October. At the end of this time, Cherokee power was broken, crops and villages destroyed, and warriors dispersed.

3. The 1777 Treaty of Long Island of Holston:

In the Treaty of Long Island in July 1777, the Indians relinquished their claims to the land occupied by whites in east Tennessee. As the official government diplomat to a foreign nation, Joseph Martin established his headquarters on Long Island. He negotiated with the Cherokee to keep peace between the Commonwealth of Virginia and the Indians living in Virginia, Tennessee and North Carolina. Because of its strategic location, Long Island quickly became the base for the settlement of

central Tennessee and Kentucky. Daniel Boone began carving out his Wilderness Trail at Long Island of the Holston.

4. The 1785 Treaty of New Hopewell:

First there is the promise to "give peace to all the Cherokees, and receive them into the favor and protection of the United States of America," then it was stated that the Indians return all "prisoners, citizens of the United States, or subjects of their allies, to their entire liberty" and all "negroes" and "all other property taken during the late war" (emphasis mine). A reciprocation on the part of the US was promised and the Cherokee had to "acknowledge" to be "under the protection of the United States of America, and of no other sovereign whosoever" placing them under American control.

Boundaries for land were set (while no cession is stated, given the way Indian land was "held," loss of territory is an obvious conclusion) for Cherokee "hunting grounds." The United States then promised not to allow white settlement within the boundary. Any prior settlement would have to be vacated within six months of ratification or the people would "forfeit the protection of the United States, and the Indians may punish him or not as they please" (there was a portion of the land exempt and left for Congress to determine a course of action which the Indians had to accept). A reciprocal agreement was promised wherein anyone (Indian or white) who committed a crime on the other's territory would be turned over to that territory for punishment. No innocents could be punished "in retaliation" unless there was a "manifest violation of this treaty."

"For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper." Again, the government assumes its control over the Indians, not just in power and influence, but economically. The Indians were allowed to send a "deputy" to Congress to "repect their interests" and had to promise to inform the United States of any other tribe with "designs...against the peace, trade or interest of the United States."

Finally, this "definitive treaty" stated that "the hatchet shall be forever buried, and the peace given by the United States, and friendship re-established between the said states on the one part, and all the Cherokees on the other, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established." As noted, this is the set pattern for what followed.

5. The 1791 Treaty of the Holston:

As many subsequent treaties do, the second treaty reaffirmed the conditions of the first, then modified or added new ones. It opened with the usual mention of being "desirous of establishing permanent peace and friendship" and "to remove the causes of war, by ascertaining their limits and making other necessary, just and friendly arrangements." In other words, one of the important aspects would again revolve around the boundary issue.

This time "peace and friendship" would be "perpetual." It added that, besides being under US "protection," they could make no treaty with "any foreign power, individual state, or with individuals of any state." The prisoner issue and "informant" issue were reiterated and boundaries redrawn. In order to "extinguish forever all claims" to the land, the US promised to deliver "valuable goods" and a yearly sum of \$1000 (increased to \$1500 the following year). The sole control of trade was reaffirmed as was the settlement prohibition. It added that no citizen can "hunt or destroy game" on Cherokee land or any citizen travel there without a pass from the government (meaning that they can be allowed at the discretion of the "powers that be").

For the first time, the American desire for Indians to become farmers ("herdsmen and cultivators, instead of remaining in a state of hunters") as a means to attain "civilization" occurs. It promised to provide "useful implements of husbandry." The idea that if Indians could be made to "settle down" to an agricultural existence, they could be "civilized" and become part of the white world, was something of an unofficial (later official) policy that lasted into the twentieth century. The US also promised to "solemnly guarantee to the Cherokee Nation, all their lands not hereby ceded" and that "all animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

6. The 1798 Treaty of Tellico (one of four treaties at Tellico)

"The marking of boundaries in the 1791 Treaty did not take place until 1797. Peace and friendship was again claimed to be "perpetual" and prior treaties in force. Boundaries were to remain the same—except where they were changed in the present treaty where the Cherokee "in acknowledgment for the protection of the United States" were told of more land they must cede. This time, two commissioners (one American, one Cherokee) would make sure the boundaries are marked and mapped. "Paying" for this land, the government promised to provide "goods, wares and merchandise, 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 forever."

The US also claimed the right to build a road through Indian Territory and the Indians would have to allow free travel of American citizens (apparently the "pass" was no longer needed). In a bit of generosity, the government would allow hunting on the ceded land "until settlements shall make it improper." The horse-stealing penalty was raised by \$10 and an agent who would receive land to reside in Cherokee Territory was provided for. "And all animosities, aggressions, thefts and plundering's, prior to that day shall cease, and be no longer remembered or demanded on either side."

7. Treaty with the Cherokee, 1804 (one of four treaties at Tellico)

A short and simple land cession treaty. The government promised to provide "useful goods, wares, and merchandise, to the amount of the five thousand dollars, or that sum in money, at the option (timely signified) of the Cherokees, and shall, also, cause to be delivered, annually, to them, other useful goods to the amount of one thousand dollars, or money to that amount, at the option of the Cherokees." This was in addition to the already stipulated annuity.

8. Treaty with the Cherokee, 1805 (one of four treaties at Tellico)

More cession (more land than in the previous). The Cherokee were paid off rather handsomely (relatively speaking). Three thousand dollars in "valuable merchandise" (paid "immediately") and \$11,000 within 90 days of ratification. Further, an annuity of \$3000. On the other hand—again pushing agricultural pursuits—the US offered "useful articles of, and machines for, agriculture and manufactures" instead of all or part of the \$11,000 at the option of the Indians. By then, more roads had been built on Indian land and the government insisted its citizens would have "free and unmolested use and enjoyment" of them.

9. Treaty with the Cherokee, 1805 (one of four treaties at Tellico)

Since a parcel of Cherokee land was "desirable" for a site of the "assembly of the state of Tennessee to convene," the Indians "being possessed of a spirit of conciliation" (according to the treaty) were to cede that land to the government (feeling it justified because it was for "public purposes" instead of "individual advantages"). Another road which citizens could use "free and unmolested" was to be constructed, partly to facilitate transportation of the mail. Compensation would be \$1600 or "useful merchandise" at the option of the tribe.

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12. The 1806 Treaty of Washington: (one of six)

Again, land was ceded and "paid" for. Two thousand dollars upon ratification and \$2000 each year for four years (total of \$10,000). Additionally, a grist mill and a machine for cleaning cotton would be built for the nation (more pressure to conform to the American definition of "civilized"). Also, an "old" chief named Black Fox would be paid \$100 a year for life. The US promised to use its "influence and best endeavors" to get the Chickasaw Indians to agree to the boundary but only to "endeavor to prevail on the Chickasaw nation to consent to such a line. There was a discrepancy over territory that was claimed by both Cherokee and Chickasaw that required a further agreement the following year. For participation in it, the Cherokee received \$2000 and hunting privileges on ceded land until settlement made it "improper."

13. Chickasaw Land Cessions in Tennessee / Area of dual land claims in Tennessee, by the Chickasaw & Cherokee: The Cherokee relinquished their claims January 1806 under Treaty.

14. The 1817 Jackson & McMinn Treaty:

Because there were disagreements within the nation, a "dividing line" was proposed between what were referred to as the "upper" and "lower" towns (often referred to as the Eastern and Western bands, respectively). The upper towns wished to remain and "begin the establishment of fixed laws and a regular government" (which they did to great effect, as shown by the very "civilized" capitol of New Echota), while the lower towns wished to retain their "hunter" lifestyle and would "remove" (though the term was not yet in fashion) west of the Mississippi River (they went to land primarily in Arkansas and Texas). At the time, this was desirable as it was deemed far away and/or unwanted by settlers. The band only needed to find area unsettled by other Indians (something not accommodated for when "official" Indian removal began). When they were established and accompanied by agents, the land would be theirs and annuities dealt out based on population. The land they left would become United States property.

A census was proposed to determine the proportion for annuity allotment. Compensation for the self-removers was to be "one rifle gun and ammunition, one blanket, and one brass kettle, or, in lieu of the brass kettle, a beaver trap, which is to be considered as a full compensation for the improvements which they may leave. Those remaining east of the Mississippi, could cede lands and receive 640 acres of "reservation" for their "improvements," if they desired to become a citizen. This is an interesting development, as giving Indians even nominal citizenship was not "seriously" put into place until the days of the General Allotment Act ("Dawes Act") decades later (again, in order to get them to parcel up and give up land; that time reservation land). The treaty then promised to keep settlers from intruding into the ceded lands before ratification took place.

15. The 1818 Jackson Purchase:

The Jackson Purchase included the area of West Tennessee and southwestern Kentucky between the Tennessee and Mississippi Rivers. The Chickasaws had historically occupied this large tract, which they ceded in the Treaty of Tecumseh, negotiated by Andrew Jackson and Isaac Shelby in 1818.

After statehood Tennessee continued to be troubled by conflicting land claims by Native Americans and settlers. Governors John Sevier, Archibald Roane, Willie Blount, and Joseph McMinn looked to the federal government for help, and a series of treaties forged between 1798 and 1819 reduced the land occupied by Native Americans to a small Cherokee claim in the southeast corner of the state. In 1818 Andrew Jackson and former Kentucky governor Isaac Shelby were appointed to oversee negotiations for an agreement with the Chickasaws. In 1783 the tribe had established a boundary at the watershed between the Tennessee and Cumberland Rivers, but in the intervening years they had dropped claims to territory in Middle Tennessee that conflicted with Cherokee cessions. Their claim to land west of the Tennessee River was unopposed, however, and the state government had a flood of North Carolina land warrants to honor. Jackson and Shelby argued that the land warrants prevented federal action to deter settlement. In 1819 the region opened for settlement, and the general assembly created Hardin County that same year. Speculators John Overton, James Winchester, and Jackson quickly established the town of Memphis. Within six years of its opening, the Jackson Purchase contained sixteen counties. The United States paid the Chickasaws \$300,000, to be paid over 20 years, for 10,700 square miles of land between the Mississippi River and the Tennessee River (West Tennessee).

16. The 1819 Calhoun Treaty:

The Calhoun Treaty purchased land between the Little Tennessee and the Hiwassee Rivers from the Cherokees. After this treaty, the only area left in the state that belonged to the Cherokees was the southeastern corner of the state that now makes up Monroe, Polk, and Bradley and Hamilton counties.

17. The 1835 Treaty of New Echota:

Signed by Cherokee leaders who represented only 10 percent of the tribe who were later considered traitors by the tribal majority became known as the Treaty Party, some of which were systematically executed in Oklahoma. It gave up all remaining Cherokee lands in Tennessee in exchange for land in Oklahoma. The treaty gave a two-year time limit for the Cherokees to move. The resistance to this move by the rest of the Cherokees led by John Ross resulted in the forced removal of Cherokees from Tennessee, called the Trail of Tears.

