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Red Clay Council Ground

Oct 17 1835

To the chiefs head men & Warriors
of the Cherokee Indians in Genl
Council assembled

Friends

I received a communica-
tion yesterday signed by John Ross Principal chief George
Lowry apt- Principal chief George M. Waters & Lewis Ross
Executive Council; enclosing a Resolution signed by
R Taylor Pres, and Wm Rogers Secy of Natl Committee,
and Going ^{his} ~~Small~~ ^{mark} Speaker and Moses Daniel Secy of
National Council; purporting to be an answer to my
communication of the 14th Inst. After receiving this
communication, I sent a verbal message to
these gentlemen by the Hon Wm Underwood requesting
a personal interview with them. He called on the
Principal chief for that purpose, who I understand
declined the interview. It was my intention to have
had a free and full conversation with them, on the
subject of a Treaty, and satisfied them, as to my au-
thority to act, as a Commissioner & to arrange with their
chiefs the most acceptable manner of bringing our bus-
iness before the people since this opportunity has not
been afforded me, I take the liberty to address you again
in answer to this communication.

The Independent State Government organized
by the Cherokees, within the Territorial limits of the States

of Georgia North Carolina Tennessee & Alabama; under the constitution adopted by them, in 1827; and by which the Executive, & National Council, & National Committee are constituted, and the persons now composing these Councils & Committee hold office, has never been recognized by these States; as is evident by their extension of their laws over the Indians. Neither has it ever been recognized by the United States, but on the contrary, the Cherokee have been repeatedly informed, at the time of this organization, by the late President of the United States. The Hon. John Q. Adams, that this act of theirs was contrary to the constitution & laws of the United States; and therefore it could not be done. Moreover it is believed a majority of those, who composed the convention that formed the Cherokee constitution were citizens of the United States, as is evident from the accompanying documents marked.

At some of the officers of this Cherokee Government, at present, are persons who, as citizens of the United States, have been chosen and acted as magistrates, Military officers Legislators within the States; & have exercised the elective franchise within the last year.

The Commissioners are therefore instructed as follows

As the application will be made to the Cherokee people assembled for that purpose, the Commissioners will not recognize any other authority. There can be no objection however to a free interchange of opinion and to a conditional arrangement on all the disputed points between them and a committee fairly and publicly chosen should the Cherokee think proper to commit the details in the first instance, to such a committee. But the final action upon the subject must be had by the people themselves.

in open council - Although the mode of authenticating
the fact, either by the signature of some of their people, selected
for that purpose or any other manner, is left for the commis-
sioners to determine." "From this you will perceive the
commissioners cannot treat with any Executive Council
and ~~the~~ National Councils and committee, but
only with the Cherokee people, assembled in General Council,
according to their ancient usages and customs as chiefs,
head men and warriors. You will now perceive to
whom the communications of the Commissioners are
addressed for their consideration and action. And if the
General Council, are now prepared to enter into negotiations
to settle the details of a Treaty, on the basis of the five
millions they may if they please, and they are hereby re-
quested to appoint a committee of their own number to
confer with the commissioners and agree upon terms to be
submitted to them, in full council assembled for their
concurrence and ratification

The commissioners has also to observe, for the
information of the General Council, that the Cherokee
Delegation, who visited Washington last winter, consisting
of Messrs John Ross Richard Taylor Wm Rogers & McCoy
& Saul Hunter who were authorized by a full power
of Atty, as your agents to settle all your difficulties
with the United States; and enter into a Treaty for the
cession of your whole country, did agree to sell the same
to the United States for such a sum, as the Senate of
the United States should ~~award~~ The Senate fixed
the price at five millions, and when the President
called upon them, through the Secy of War; to submit
propositions, as to the manner in which, they wished
this amount paid, and disposed of, for the purpose
of embracing the same in a Treaty, they declined;
& proposed that this matter should be referred to the

Cherokee Nation in General Council to deliberate & determine on the subject; in order to produce harmony & good feeling among themselves & to prevent any unjust imputations or prejudices, against themselves or theirs;

In accordance with these views the President of the United States has sent Commissioners to the Cherokee Nation; with full powers & authority to enter into negotiations & conclude a Treaty on the basis of the five millions and therefore he will not receive another delegation of Washington on this subject. Should there be any important points of difference, between the Cherokees & Commissioners, in regard to the award of the Senate; they can be included in a separate & conditional article, by which they will again be brought before the President, & Senate, for their final determination.

The Commissioners has only to add, that if a settlement of the Cherokee difficulties is not effected, at this present Council that then the Commissioners will call another Council; at such time and place as they think best; and submit; the propositions for a Treaty, already explained to the people, at the Council at Running Waters in July last; and should these be rejected the President of the United States will offer them no other terms during his administration. The Commissioners, therefore, wish to know distinctly, whether the people of the Cherokee Nation, at this General Council, will enter into negotiations for a Treaty on the basis of the \$5,000,000 - awarded by the Senate; and which your Delegation, duly authorized, with a full power of attorney, agreed for themselves to accept; and urge upon their people to close their difficulties with the United States by a Treaty; or whether they are determined to do nothing on the subject.

With Respect

Your very obedient

J. F. Schermerhorn
Comr. to treat with the
Cherokees & act

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of the Cherokee Indians in Gen^l.
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