ARTICLES OF AGREEMENT AND CONVENTION

Feb. 14, 1833. Made and concluded at Fort Gibson, on the Arkansas river on the fourteenth day of February one thousand eight hundred and thirty-three, by and between Montfort Stokes, Henry L. Ellsworth and John P. Schermerhorn duly appointed Commissioners on the part of the United States and the undersigned Chiefs and Head-men of the Cherokee nation of Indians west of the Mississippi, they being duly authorized and empowered by their nation.

Preamble. Whereas articles of convention were concluded at the city of Washington, on the sixth day of May one thousand eight hundred and twenty-eight, between James Barbour Secretary of War, being specially authorized therefor by the President of the United States, and the chiefs and head men of the Cheerokee nation of Indians west of the Mississippi, which articles of convention were duly ratified. And whereas it was agreed by the second article of said convention as follows "That the United States agree to possess the Cheerokees, and to guarantee it to them forever, and that guarantee is solemnly pledged, of seven millions of acres of land, said land to be bounded as follows; viz, commencing at a point on Arkansas river, where the eastern Choctaw boundary line strikes said river, and running thence with the western line of Arkansas Territory to the southwest corner of Missouri, and thence with the western boundary line of Missouri till it crosses the waters of Neasho, generally called Grand river, thence due west, to a point from which a due south course will strike the present northwest corner of Arkansas Territory, thence continuing due south on and with the present boundary line on the west of said Territory, to the main branch of Arkansas river, thence down said river to its junction with the Canadian, and thence up, and between said rivers Arkansas and Canadian to a point at which a line, running north and south, from river to river, will give the aforesaid seven millions of acres, thus provided for and bounded. The United States further guarantee to the Cherokee nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of the above-described limits; and as far west, as the sovereignty of the United States and their right of soil extend. And whereas there was to said articles of convention and agreement, the following proviso viz. "Provided nevertheless, that said convention, shall not be so construed, as to extend the northern boundary of said perpetual outlet west, provided for and guarantied in the second article of said convention, north of the thirty-sixth degree of north latitude, or so as to interfere with the lands assigned, or to be assigned, west of the Mississippi river, to the Creek Indians who have emigrated, or may emigrate, from the States of Georgia and Alabama, under the provision of any treaty, or treaties, heretofore concluded, between the United States, and the Creek tribe of Indians—and provided further, that nothing in said convention, shall be construed, to cede, or assign, to the Cheerokees any lands heretofore ceded, or assigned, to any tribe, or tribes of Indians, by any treaty now existing and in force, with any such tribe or tribes."—And whereas, it appears from the Creek treaty, made with the United States, by the Creek nation, dated twenty-fourth day of January eighteen hundred and twenty-six, at the city of Washington;

(414)
TREATY WITH THE CHEROKEES. 1833.

that they had the right to select, and did select, a part of the country described within the boundaries mentioned above in said Cherokee articles of agreement—and whereas, both the Cheerokee and Creek nations of Indians west of the Mississippi, anxious to have their boundaries settled in an amicable manner, have met each other in council, and, after full deliberation mutually agreed upon the boundary lines between them—Now therefore, the United States on one part, and the chiefs and head-men of the Cherokee nation of Indians west of the Mississippi on the other part, agree as follows:

ARTICLE I. The United States agree to possess the CHEROKEES, and to guarantee it to them forever, and that guarantee, is hereby pledged, of seven millions of acres of land, to be bounded as follows viz: Beginning at a point on the old western territorial line of Arkansas Territory, being twenty-five miles north from the point, where the Territorial line crosses Arkansas river—thence running from said north point, south, on the said Territorial line, to the place where said Territorial line crosses the Verdigris river—thence down said Verdigris river, to the Arkansas river—thence down said Arkansas to a point, where a stone is placed opposite to the east or lower bank of Grand river at its junction with the Arkansas—thence running south, forty-four degrees west, one mile—thence in a straight line to a point four miles northerly from the mouth of the north fork of the Canadian—thence along the said four miles line to the Canadian—thence down the Canadian to the Arkansas—thence, down the Arkansas, to that point on the Arkansas, where the eastern Choctaw boundary strikes, said river; and running thence with the western line of Arkansas Territory as now defined, to the southwest corner of Missouri—thence along the western Missouri line, to the land assigned the Senecas; thence, on the south line of the Senecas to Grand river; thence, up said Grand river, as far as the south line of the Osage reservation, extended if necessary—thence up and between said south Osage line, extended west if necessary and a line drawn due west, from the point of beginning, to a certain distance west, at which, a line running north and south, from said Osage line, to said due west line, will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land, thus provided for, and bounded, the United States, further guarantee to the Cherokee nation, a perpetual outlet west and a free and unmolested use of all the country lying west, of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extend—Provided however, that if the saline, or salt plain, on the great western prairie, shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men, to get salt on said plain in common with the CHEROKEES—and letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed.

ARTICLE II. The Cherokee nation hereby relinquish and quit claim to the United States all the right interest and title which the CHEROKEES have, or claim to have in and to all the land ceded, or claimed to have been ceded to said Cherokee nation by said treaty of sixth of May one thousand eight hundred and twenty-eight, and not embraced within the limits or boundaries fixed in this present supplementary treaty or articles of convention and agreement.

ARTICLE III. The Cherokee nation, having particularly requested the United States to annul and cancel the sixth article of said treaty of sixth May, one thousand eight hundred and twenty-eight, the United States, agree to cancel the same, and the same is hereby annulled—Said sixth article referred to, is in the following words—“It is moreover

Land granted to CHEROKEES.

Further guarantee.

Quit-claim to the U. S. of former grant. Ante, p. 311.

Sixth article of treaty of May 6, 1828, annulled. Ante, p. 313.
agreed by the United States, when the Cherokees may desire it, to give
them a plain set of laws, suited to their condition—also when they may
wish to lay off their lands and own them individually, a surveyor shall
be sent to survey them at the expense of the United States.

**Article IV.** In consideration of the establishment of new bounda-
ries in part, for the lands ceded to said Cherokee nation, and in view
of the improvement of said nation, the United States will cause to be
erected, on land now guaranteed to the said nation, four blacksmith
shops, one wagon maker shop, one wheelwright shop, and necessary
tools and implements furnished for the same; together with one ton of
iron, and two hundred and fifty pounds of steel, for each of said black-
smith shops, to be worked up, for the benefit of the poorer class of red
men, belonging to the Cherokee nation—And the United States, will
employ four blacksmiths, one wagon-maker, and one wheelwright, to
work in said shops respectively, for the benefit of said Cherokee nation;
and said materials shall be furnished annually, and said services con-
tinued, so long as the President may deem proper—And said United
States, will cause to be erected on said lands, for the benefit of said
Cherokees, eight patent railway corn mills, in lieu of the mills to be
erected according to the stipulation of the fourth article of said treaty,
of sixth of May, one thousand eight hundred twenty-eight, from the
avails of the sale of the old agency.

**Article V.** These articles of agreement and convention are to be
considered supplementary, to the treaty before mentioned between the
United States, and the Cherokee nation west of the Mississippi dated
sixth of May one thousand eight hundred and twenty-eight, and not to
vary the rights of the parties to said treaty, any further, than said treaty
is inconsistent with the provisions of this treaty, now concluded, or these
articles of convention and agreement.

**Article VI.** It is further agreed by the Cherokee nation, that one
mile square shall be reserved and set apart from the lands hereby gua-
ranteed, for the accommodation of the Cherokee agency; and the
location of the same shall be designated by the Cherokee nation, in
conjunction with the agent of the Government of the United States.

**Article VII.** This treaty, or articles of convention, after the same
have been ratified, by the President and Senate shall be obligatory on
the United States and said Cherokee nation.

In testimony whereof, the said Montfort Stokes, Henry L. Ellsworth
and John F. Schermerhorn, commissioners as aforesaid, and the
chiefs and head-men of the Cherokee nation aforesaid have here-
unto set their hands, at Fort Gibson on the Arkansas river, on the
14th day of February one thousand eight hundred and thirty-three.

**MONTFORT STOKES,**
**HENRY L. ELLSWORTH,**
**J. F. SCHERMERHORN.**

**John Jolly,**
**Black Coat,**
**Walter Weller.**

**Principal Chiefs.**
**John Rogers, Pres't Com.**
**Glass, Pres't Council.**

Signed, sealed and delivered in our presence: S. C. Staumbaugh, Sect'y Commrs.
Seawell, Lieut. 7th Infy. Wm. Thornton, Clk Committee. Charles Webber, Clk

To the Indian names are subjoined marks.
ARTICLES OF AGREEMENT AND CONVENTION,

Made and concluded at Fort Gibson, between Montfort Stokes, Henry L. Ellsworth and John F. Schermerhorn, Commissioners on the part of the United States, and the undersigned Chiefs and Head-men of the Muskogee or Creek nation of Indians, this 14th day of February, A. D. 1833.

Whereas, certain articles of a treaty were concluded at the City of Washington, on the 24th day of January one thousand eight hundred and twenty-six, by and between James Barbour, Secretary of War, on behalf of the United States, and the Chiefs and head-men of the Creek nation of Indians; by which it is agreed that the said Indians shall remove to a country west of the Mississippi river: and whereas the sixth article of said treaty provides as follows:—"that a deputation of five persons shall be sent by them, (the Creek nation) at the expense of the United States, immediately after the ratification of the treaty, to examine the country west of the Mississippi, not within the limits of the States or Territories, and not possessed by the Choctaws or Cherokees. And the United States agree to purchase for them, if the same can conveniently be done upon reasonable terms, wherever they may select, a country, whose extent shall in the opinion of the President, be proportioned to their numbers. And if such purchase cannot be thus made, it is then agreed that the selection shall be made where the President may think proper, just reference being had to the wishes of the emigrating party." And whereas, the Creek Indians aforesaid, did send five persons as delegates, to explore the country pointed out to them by their treaty; which delegates selected a country west of the Territory of Arkansas, lying and being along and between the Verdigris, Arkansas, and Canadian rivers: and, to the country thus selected, a party of the Creek Indians emigrated the following year. And whereas certain articles of treaty or convention, were concluded at the city of Washington on the 6th day of May, A. D. one thousand eight hundred and twenty-eight, by and between James Barbour Secretary of War, on behalf of the United States, and certain chiefs and head-men of the Cherokee nation of Indians; by the second article of which convention, a country was assigned to the Cherokee Indians aforesaid, including within its boundaries some of the lands previously selected and claimed by the Creek Indians, under their treaty aforesaid. And whereas, the President and Senate of the United States, for the purpose of protecting the rights secured to the Creek Indians, by their treaty stipulations, and with a view to prevent collision and misunderstanding between the two nations, ratified and confirmed the Cherokee treaty, on the 28th day of May, 1828, with the following proviso: viz.—"Provided, nevertheless, that the said convention shall not be so construed as to extend the northern boundary of the perpetual outlet west, provided for and guaranteed in the second article of said convention, north of the 36th deg. of north latitude, or so as to interfere with the lands assigned, or to be assigned, west of the Mississippi river to the Creek Indians, who have emigrated or may emigrate from the States of Georgia and Alabama, under the provisions of any treaty or treaties heretofore concluded between the United States and the Creek tribe of Indians: And provided further, that nothing in the said convention shall be construed