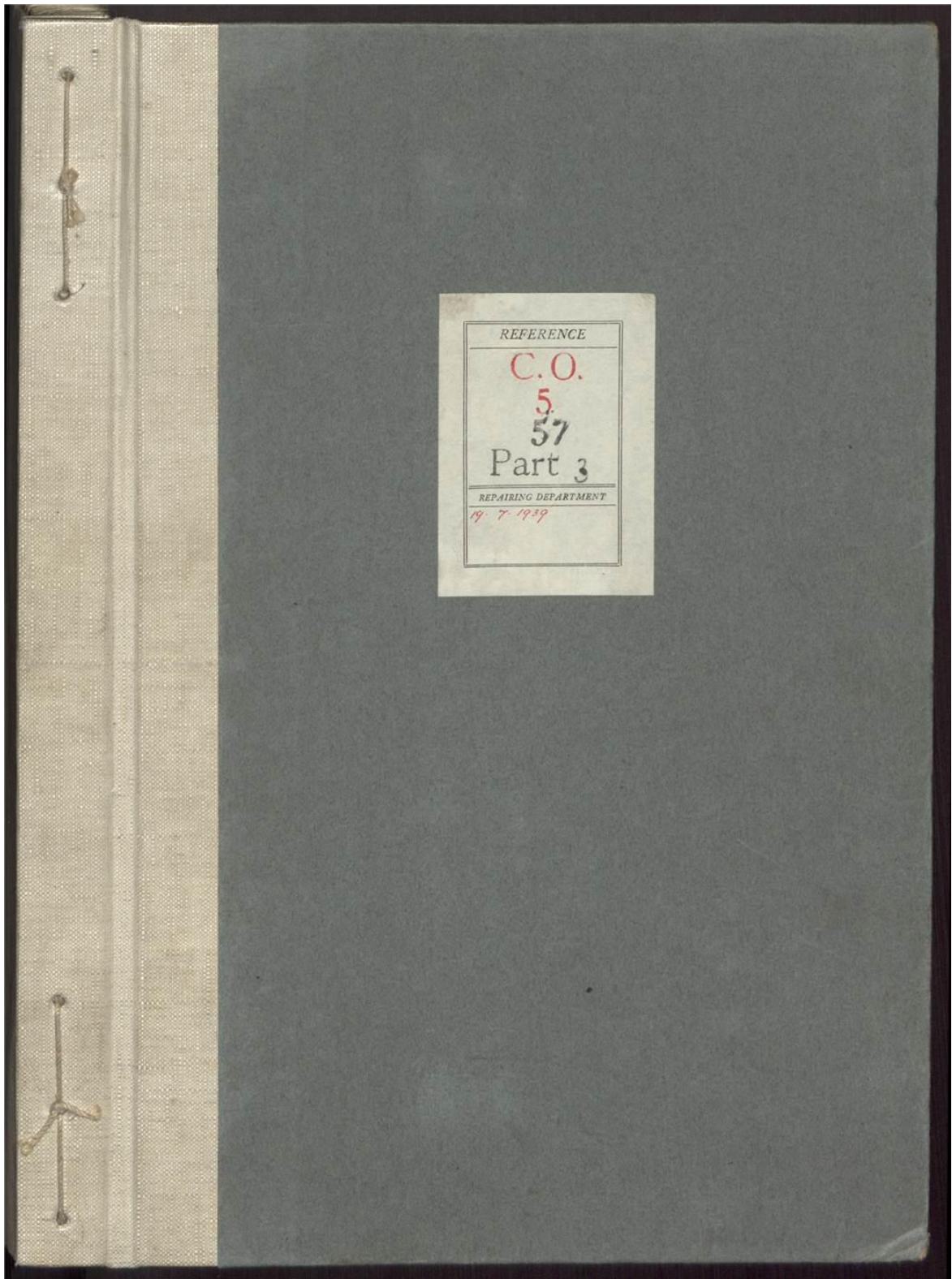


Treaty of 1759



COS
57
p. III

Copy.

Sir,

Fort Prince George 27th of Decem^r 1759.

301

~~1273~~ 1

I Have the honour to transmit to Your Excellency the Copy of a Treaty which I Concluded Yesterday with the Cherokees, in Consequence whereof they have left two and twenty of their principal Warriors in my hands, as Hostages for the delivery of an Equal Number of those who have been Guilty of Murdering His Majesty's Subjects, in addition to two Others which have already been delivered up to me, to be put to Death, or otherwise disposed of, as I shall think proper; The whole Number of the Murderers demanded by me, was four & twenty, it appearing that the Cherokees had slain that Number of the King's Subjects (including those killed in Rowan Country) since the 19th Day of Novem^r 1758, at which time they received Satisfaction from me by their deputies in Charles Town for the death of their countrymen in Virginia.

Your Excellency will perceive, by the first Article of the enclosed Treaty, the Cherokees engage to preserve Peace with all His Majesty's Subjects whatsoever, so that the Benefit of it will extend to all the Provinces.

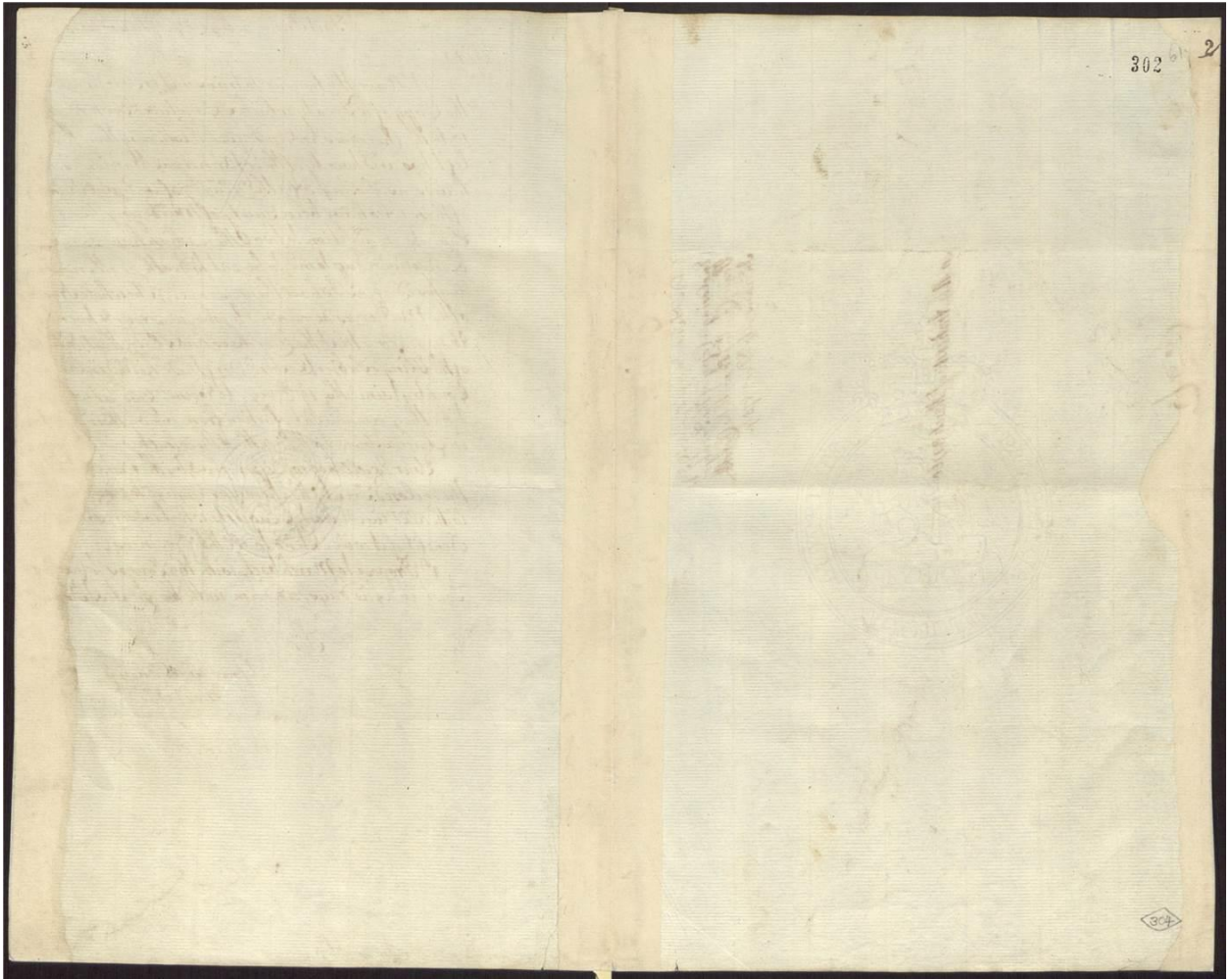
I Propose to March back with the Troops to Charles Town in a few days, and am, with the greatest Regard

Sir,

Your Excellency's
Most Obed^t. and
most Humble Serv^t.
William Henry Lyttelton

Your Excellency General Amherst,

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Copy. Letter from
Governor Lyttelton to General Amherst,
Dated Fort Prince George 27th Dec. 1759.
Inclosing a copy of the Treaty of
Peace concluded with the Six Nations
Indians 26th Dec. 1754.

in M^{rs}. Amherst's of March 21/60.

N^o 26.

Copy

Treaty of Peace and Friendship, concluded by His
Excellency William Henry Drayton, Esq. Captain
General and Governor in Chief of His Majesty's Province
of South Carolina, with Attakulla Kulla (or the Little
Carpenter) Deputy of the whole Cherokee Nation, and
other headmen & Warriors thereof, at Fort. Prince George
the 26th day of December 1763. — 303

Article 1st. There shall be a firm Peace and Friendship
between His Majesty's Subjects of this Province and the
Nation of Indians call'd Cherokees, & the said Cherokees shall
preserve Peace with all His Majesty's Subjects whosoever.
2^d. The Articles of Friendship & Commerce concluded by
the Lords Commissioners for Trade and Plantations with the
Deputies of the Cherokee Nation, by His Majesty's Command
at Whitehall the 7th day of Septem^r. 1730, shall be strictly
observed for the time to come.

3^d. Whereas the Cherokee Indians have, at sundry
times and places since the 19th day of November 1758,
slain Divers of His Majesty's good Subjects, of this Province
and His Excellency the Governor, having demanded that
satisfaction should be given for the same, according to the
tenor of the said Articles of Friendship & Commerce above
mentioned, in consequence whereof two Cherokee Indians
of the Number of those who have been guilty of perpetrating
the said Murders, have already been delivered up to be
put to Death, or otherwise disposed of as His Excellency
shall direct. It is hereby stipulated and agreed that
Twenty two other Cherokee Indians guilty of the said
Murders, shall as soon as possible, after the Conclusion of
this present Treaty, in like manner be delivered up to such
Persons as His Excellency the Governor, or Commander in
Chief of this Province for the time being, shall appoint to
Receive them, to be put to Death or otherwise disposed of, as
the said Governor or Commander in Chief shall direct.

4th The Cherchee Indians, whose names are hereinafter mentioned viz^t. Cherchee, Ousanah, Tallichama, Tallitah, Quorassah, Gonnasorah, Katakoi, Unisee, Wopaga, Ouanedah of Woe, Ouanedah of Gonnasche, Wopaga, Ucah, Chichanah, Nicholeh, Tony, Tschah, Ioi, Shatleh, Chichee, that remain as hostages for the due performance of the foregoing Article in the custody of such Persons as the Gallantry the Governor shall please to nominate for that purpose and when any of the Cherchee Indians, guilty of the said Murder shall have been delivered up as is expressed in the said Article An equal Number of the said Hostages shall be forthwith set at Liberty.

3. Immediately after the conclusion of this present Treaty, the stationed Indians from this Government, and all persons employed by them shall have leave from their Excellency the Governor to return to their respective Places of Abode in the Cherokee Nation, and to carry on their Trade with the Cherokee Indians, in the usual manner according to Law. —

6th During the Continuance of the Present War, between His Most Sacred Majesty and the French King, if any French man shall come, or come into the Cherokee Nation, the Cherokees shall use their utmost endeavors to put him to death, as one of His Majesty's Enemies, or if taken alive, they shall deliver him up to His Excellency the Governor, or the Commanders in Chief of this Province for the time being, to be disposed of, as shall be thought fit, and if any Person whatsoever either Whiteman or Indian shall at any time bring any Treasures from the French, into the Cherokee Nation, or hold any Discourses there in favour of the French, or tending to set the English and Cherokees at Variance & interrupt the Peace & Friendship established by the present Treaty, the Cherokees shall

use their utmost Endeavours to Apprehend Such Person or
Persons, and detain him or them, until they shall have given
Notice thereof to His Excellency the Governor or Commander in
Chief of this Provincia for the time being, and have received
his Directions therein. — 304

Given under my Hand & Seal, at Fort, Pinckney
in the Province of South Carolina this 24th day of Decem:
1769, & in the thirty third Year of the Majesty's reign
William Henry Lyttleton

By His Excellency's Command.
Wm. Grayson Secy.

We whose Names are underwritten do Agree
to all and every of these Articles, and do engage for
ourselves and for our Nation that the same shall be well
and faithfully performed. In Testimony whereof
We have hereunto set our Hands & seals the day and Years
above mentioned.

Allakulia Kulla (Ld) Kabagusta (Ld)
 Oonosteta. - (Ld) Oonika (Ld)
 Otafist. . . (Ld) Kildannoskeh. (Ld)

Witness

H. Rymer, Adjut. Genl.

Joseph Acsony }
Thomas Koster } sworn interpreters

A true Copy

Wm. Mayhew Secy

Copy of the Treaty of Peace
concluded between Gov^r Sullivan &
the Cherokee bearing Date at
Fort Prince George 24th Decem^r 1759
Enclosed to the General in the Gov^r's
of 24th Decem^r 1759.

in N.Y. Amherst 4th of March 1760

N^o 27.

Fork Prince George near
Keweenaw Dec^r 29th 1759.

Sir,



The Cherokee Indians having
without provocation made incursions
into, & slain many of His Majesty's
Subjects of this Province & in
the month of September last endeavored
to cut off the Communication between
this Fork & Fork Loudoun & driven
the Licensed Traders of this
Government dwelling in their
Towns, to take Refuge here; I
did in October following raise
a Part of the Militia amounting
to a thousand Men, & with them
in conjunction with one hundred
& fifty Regulars & Provincials
marched hither, where I arrived
on the 9th Instant: I have since
been reinforced by four hundred
more of the Militia, & on the
26th Instant I concluded a Treaty
of which I have the Honour to
transmit you a Copy, in consequence
whereof they have left one & twenty

The R^t Hon^{ble} Mr Secretary Pitt &c. &c. &c. 197

of their principal Warriors in my hands
as Hostages for the Delivery of an equal
number of those who have been guilty
of murdering His Majesty's Subjects, in
addition to three others which have
already been delivered up to me to
be put to death or otherwise disposed
of as I shall think proper. The
whole number of Murderers demanded
by me was four & twenty, it appearing
that the Cherokees had slain that
number of His Majesty's Subjects
(including those killed in Roanoke
County in North Carolina) since the
19th day of November 1758. at which
time they received Satisfaction from
me by their Deputies in Charles Town
for the death of their countrymen in
Virginia. If this Treaty is productive
of the good effects I hope for from it,
I shall think myself the more
fortunate in having concluded it.
When I did, as yesterday the
Small Pox broke out in the Army;
in consequence of which, as few of
the Troops have had the distemper, &
the dread of it is very great amongst
them, I am threatened with a very
general desertion. I shall begin
my march to Charles Town in a day
or two & recover the three Murderers.

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I have now in custody & such others
as shall hereafter be delivered up, untill
I shall be made acquainted with
His Majesty's Pleasure concerning
them; I trust The Peace now
concluded be faithfully observed
by the Cherokees, it may tend to
confirm it. If His Majesty shall
graciously think fit to pardon such
of the four & twenty Delinquents as
are or shall be delivered up agreeable
to the Treaty & permit me to send
them back to their own Country as
Examples of His Royal Clemency;
but if not, they may be sold as
Slaves in the Islands, or such
other severe course be pursued, as
His Majesty shall be pleased to order.
I am with the greatest respect

Sir

Your most Obedient &
most faithful humble
Servant

William Henry Lyttelton

6th March 1779
Dec 29 1779
J. M. H. H.



Treaty of Peace & Friendship concluded by His Excellency William Henry Lyttelton Esq. Captain General & Governor in Chief of his Majesty's Province of South Carolina with Attakulla Shellee, (or the Settlement Carpenter) Deputy of the Whole Cherokee Nation & other Headmen & Warriors thereof at Fort Prince George the 26th Day of Dec^r 1763.

Article 1. There shall be a firm Peace & Friendship between his Majesty's Subjects of this Province & the Nation of Indians called Cherokee, and the said Cherokee shall forever peace with all his Majesty's Subjects & others.

II. The Article of Friendship & Commerce concluded by the Lords Commissioners for Trade & Plantations With the Deputies of the Cherokee Nation, by his Majesty's Command, at Whitehall the 7th Day of September 1763 shall be strictly observed for the Time to come.

III. Whereas the Cherokee Indians upon at London since the 19th Day of November 1763, Claimed of his Majesty's good Subjects of this Province, & his Excellency the Governor having considered that Satisfaction should be given for the same according to the Tenor of the said Article of Friendship & Commerce above mentioned, in consequence of those who have been guilty of perpetrating the said Murders have already been delivered up to be put to Death, or otherwise disposed of, as his Excellency shall Direct. It is hereby stipulated and agreed, that twenty five other Cherokee Indians guilty of the said Murders, shall as soon as possible after the Conclusion of this present Treaty in like Manner be delivered up to such Persons as his Excellency the Governor or the Commander in Chief of this Province for the Time being, shall appoint to receive them, to be put to Death or otherwise disposed of, as the said Governor or Commander in Chief shall Direct.

IV. The Cherokee Indians whose Names are herein after mentioned Ogi, Chonche, Ocanatoh, Sallikama, 19 Sallikama,

Quawwasallah, Gonnasonatab, Kosta'oi, Otagite of Wataga, Owanalabab of Tere, Owanalabab of Cowatache Chingwahilone, Shingita of Kicee, Lannowli, Whokatche, Wocoyah, Owanah, Chabonah, Nicholke, Tany, Totaiach-hoi, Chaliloke, Chisla, shall remain as Hostages for the Due Performance of the foregoing Article in the Custody of such Persons as his Excellency the Governor shall please to Nominate for that Purpose, and when any of the Cherokee Indians, guilty of the said Murders shall have been delivered up, as is expressed in the said Article, an equal Number of the said Hostages shall be forthwith set at liberty.

V. Immediately after the Conclusion of this present Treaty, the said Prisoners from this Government, and all Persons employed by them shall have leave from his Excellency the Governor to return to their respective Places of Abode in the Cherokee Nation, & to carry on their Trade with the Cherokee Indians in the usual Manner according to Law.

VI. During the Continuance of the present War between His Majesty and the French King, if any Frenchman shall presume to come into the Cherokee Nation, the Cherokees shall use their utmost Endeavours to put him to Death, as one of his Majesty's Enemies; or if taken alive they shall deliver him up to his Excellency the Governor, or the Commander in Chief of this Province for the Time being, to be Ransomed of, as he shall direct, and if any Person whatsoever, either Whiteman or Indian, shall at any Time bring away Prisoners from the French into the Cherokee Nation, or hold any Discourse with or favour of the French, or tend to interrupt the Peace & Friendship established by this present Treaty, the Cherokees shall use their utmost Endeavour to apprehend such Person or Persons, & detain him or them, until they shall have given Notice thereof to his Excellency the Governor, or the Commander in Chief of this Province for

for the Time being, & have received his Directions thereon.

Given Under my hand & Seal at Fort Prince George in the Province of South Carolina this 26 Day of December 1759. and in the thirty third Year of his Majesty's Reign.

William Henry Lyttleton

By his Excellency's Command

Wm. Drayton Secy.



We whose Names are underwritten do agree to all and every of these Articles, & do engage for ourselves & for our Nation, that the same shall be well & faithfully performed. In Testimony whereof we have hereunto set our hands & Seals the Day and Year above mentioned.

Atahalla Kulla	(L)	Chabagusta	(L)
Owanotaba	(L)	Oconeca	(L)
Otagite	(L)	Kilcanahokah	(L)

Witness

W. H. Payne, Adjut. Genl.

Joseph Asom } Crown Interpreters
Thomas Foster }

A True Copy

Wm. Drayton, Secy.

