

The Definitive Treaty of Peace between the South Carolina and Georgia on the one part, and the Cherokee Nation on the other, signed at Fort Mifflin the 20th day of August 1777, and in the presence of the Commissioners of the said States of South Carolina and Georgia, and the Commissioners of the Cherokee Nation.

Be it known unto all Persons, to whom this present may or shall in any manner belong, That the King of Great Britain, in the prosecution of his just design to enslave America, regardless of the means, through his Ministers and Superintendants, by false representations having deceived the Cherokee Nation, and persuaded them to make peace, indiscriminately according to their custom in war, the Men Women and Children, Inhabitants on the Western Frontier of South Carolina and other States, at the time last Summer were by him invaded that State from the Sea, and then having abandoned his Cherokee Allies whom he had deceived into and persuaded into the war, to the just resentment of the People there at the same time, he not only immediately attacked on the Sea Coast all adjacent Frontiers, but has planned the Manner of Treachery to do so the purpose of the war, and the mutual enmity of the contracting Parties, being a consideration of last Summer they were disposed to extend money, and to do Justice, and the Cherokee Nation having during the course of the last Winter sent Deputies to Charles Town, to implore Pardon, and there upon it being determined to bury the Hatchet and to re-establish Peace the contracting Parties, for these purposes named and appointed their respective Commissioners and Deputies, in manner following.

The South Carolina Full Power.

By his Excellency John Rutledge Esq. President and Commander in Chief of South Carolina.

To Colonel Andrew Williamson, Colonel Henry Hammond, George Galphin Esq. The Honourable William Henry Drayton and Daniel Henry Gist Esq.

Whereas in pursuance of an Ordinance of the General Assembly this State, passed on the Thirtieth day of February last, and intitled an Ordinance appointing Commissioners in manner therein mentioned to conclude a Peace with the Cherokee Nation, your said Colonels Williamson, Henry Hammond, George Galphin, William Henry Drayton and Daniel Henry Gist, have been duly selected Commissioners for the purpose therein and therein after mentioned. Now know ye, that I have thought good in compliance with the request of the General Assembly of this State, commissioned your said Colonels Williamson, Henry Hammond, George Galphin, William Henry Drayton and Daniel Henry Gist, or a Majority of you, to visit such Commissioners as have been or may be appointed by the State of Virginia, North Carolina, and Georgia, in the pursuit of settling a Peace or other business at this time and place which you or a Majority of you may judge fit, in concert with the Cherokee Indians or their Deputies, to conclude a Peace with the Cherokee Nation upon such terms and conditions as shall be just and equitable.

LS

Rutledge

GIVEN under my hand and seal at Charlestown in South Carolina, this 24th day of May in the year of our Lord one thousand seven hundred and seventy seven.

The Georgia Full Power.

In Council Resolved, That Jonathan Bryan, Jonathan Cobean, John Mical, John Walton and William Blount Esquires, or any three of them, be the Commissioners appointed by this State, agreeable to the desire of the State of South Carolina, to attend the Indian Congress to be held at Swifts Cove on the seventh day of July next, or when and where the same may be so held.

Done on the 16th April 1777

Resolved, That it be an Instruction to the Commissioners appointed to attend the Indian Congress, that they join and concur in all matters, that appear likely to insure a firm and lasting Peace with the Indians.

The Cherokee Full Power.

May 16th 1777
In open Congress with the South Carolina and Georgia Commissioners for establishing Peace, and in presence of a great number of their own people, Choctawatawa, the God, God of Heaven, and Cusigeage, the Man Killer of English themselves, and Inhabitant of the Sound, man, Chocomahe, Chocobatta, Chocua and Chocomahe, Beloved Men and Warriors of the Cherokee Nation, Declared, That according to the manner and custom of their Nation, they are now assembled and appointed on the part of their Nation Deputies with full power for them, first in their name, to visit the Commissioners of South Carolina and Georgia, and to visit one another as may be before, and with them to conclude upon, and make such terms and conditions of Peace, as may be thought reasonable.

And The Commissioners and Deputies having regularly assembled and communicated to each other their full powers, have agreed upon the Articles of Peace, the tenor of which is as follows.

Art. I. The Cherokee Nation acknowledge, That the Troops that during the last Summer have taken their present possession of the land, and have held and continue to occupy, the land at Equinocan, Eastward of the Unadilla Mountains, and to and for their People, and all and singular the rights incident to conquest. And the People of South Carolina.

Art. II. South Carolina will immediately send a supply of provisions into the Cherokee Nation, and settlements, for sale and present use, and shall not hinder any person from settling in the East, except the highest part of Occochee Mountain, nor advance without permission from the Commanding Officer at Fort Rutledge, any person for which, one canoe may at any time be sent by the Cherokee. And it is nevertheless, that during this present year, the Cherokee may raise, gather and remove the corn they have planted on the east side of Occochee Mountain.

Art. III. The Government of South Carolina will endeavor, that the Cherokee shall be furnished with supplies of goods as usual, and that the Trade shall be put under the best regulations, every Person who without a proper Pass or License shall carry on the Cherokee Nation or settlements, the Cherokee will immediately apprehend and deliver to the Commanding Officer at Fort Rutledge and send to their own use, all the Cattle, horses, goods & effects conducted into their Nation or settlements by every such Person.

Art. IV. Each white Person who instigates or endeavors to instigate the Cherokee to do so in the prosecution of a war, or who offers any goods and deliver to the Commanding Officer at Fort Rutledge, shall be paid five hundred pounds or weight of beaver, or the value thereof.

Art. V. Any Indian who in the Cherokee Nation or settlements shall murder a white Person, shall be immediately apprehended and conveyed to Fort Rutledge by the Cherokee, who in presence of the Commanding Officer at that Post, shall put the murderer to death, and if any white Person belonging to South Carolina shall murder in the Cherokee Nation, or any white or other Person in South Carolina, a Cherokee Indian, or any other Indian, or any Indian, shall be immediately conveyed to the same place, and put to death in presence of the Cherokee Indians, if any shall attend at the time and place of execution. And that they may have an opportunity of attending, due notice of the time and place of such intended execution shall be sent to the Cherokee.

Art. VI. All white and Indian Persons shall be at all liberty, as soon as possible, all Negroes taken during the late war and who are now, or hereafter may be in the power of the Cherokee, shall as soon as possible be delivered up to the Commanding Officer at Fort Rutledge together with the names of any of their people before the late war stolen from South Carolina, Georgia, North Carolina, or Virginia, which names were hereafter made upon the Papers of the Cherokee the end, that restitution may be made to their true owners.

Art. VII. In every case where a Negro shall be apprehended and delivered by the Cherokee to the Commanding Officer at Fort Rutledge, shall be paid one hundred pounds weight of beaver or the value thereof.

Art. VIII. The Nation shall be forever bound, and there shall be an universal Peace and Friendship, established between South Carolina including the Cherokees and Georgia on the one part, and the Cherokee Nation on the other. There shall be a General Oblivion of injuries. The Commanding Officers shall use their utmost endeavors to maintain the Peace and Friendship as established. And the Cherokee shall at all times apprehend and deliver to the Commanding Officer at Fort Rutledge, every Person, white or Red, who in their Nation or settlements shall by any means endeavor to instigate a war by the Cherokee Nation or hostility or robbery by any of their people, against or upon any of the American States, or Subjects thereof.

IN WITNESS of all and every thing herein determined between South Carolina, Georgia, and the Cherokee Nation, We this under written Commissioners and Deputies, by virtue of our full Powers, severally and not one for the other, have signed this present Definitive Treaty in their respective Names, and have caused our Seal to be hereunto affixed.

Done at Swets Corner, This Twentieth day of May in the year of our Lord one thousand seven hundred and seventy seven.

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