

Dear Members,

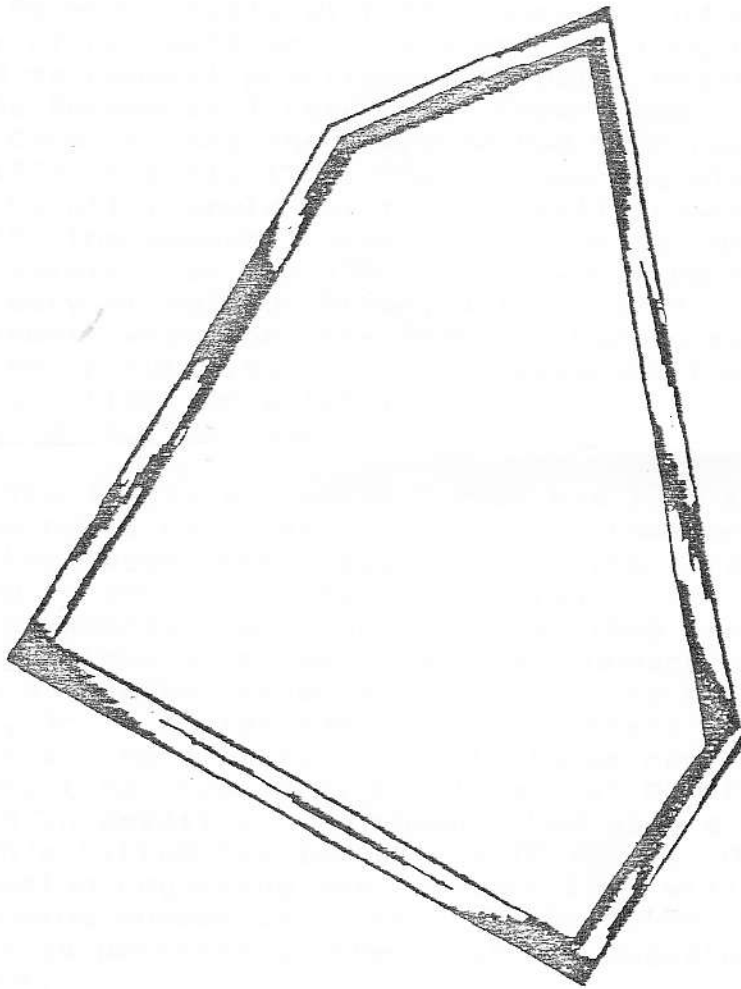
I sincerely regret that it has taken so long to get out what was anticipated to be a relatively simple publication. As it turned out, the work on the enclosed took about four months.

Problems related to the actual treaty are contained within the text. The biggest problems related to the exact location of both Oconee Mt. and the Unacaye (Unika) Mt. While the approximate location of Oconee Mt. is known...exact definitions vary. While I believe that everyone who studies such affairs will agree that Long Mt. is a part of Oconee Mt., the exact extent of that possible group of hills that may have been called Oconee Mt. appears to be subject to some debate.

The Unacaye present an even more complex problem. The exact spelling does not appear in the indexes to Cherokee papers in foreign archives; the Surveyor General of the State of Ga. noted that he had never really considered the exact location; and a study of literally hundreds of maps have failed to uncover a particular range with that exact spelling. However the Unika (various minor spelling differences) is located numbers of times in various indexes, maps, etc. Equally it should be noted that the expedition of 1776 penetrated into that area of the middle settlements which might be termed "the bread basket" area of the Cherokee nation. The extent of this expedition by Williamson of South Carolina and by other expeditions from various states correlates with the statement made in Article I of the treaty. However it appears that South Carolina seemingly never attempted to lay claims to anything like the amount of land noted in Article I, rather contenting themselves with the line that would be defined in the northwestern part of Oconee County (current area of Longcreek, Whetstone, Mt. Rest, and upper Boone Creek area in Oconee County, and upper northwestern Eastatoe in Pickens County).

While this land would be transferred to the State of South Carolina by treaty with the Cherokees in 1816/17, it is more than suspected that various whites were already on some of this real estate (probably in the small valleys around the Long Creek area). The full extent of settlement has yet to be determined. Of considerably more interest is the idea that some Cherokees were perhaps still on parts of this land up to and past 1817. This subject has yet to be fully explored. There is a growing amount of materials to indicate that a "holding pen" for captured Indians was maintained at White Cove across the Oconee County line in N.C. near the residence of Bazak Norton. According to one undocumented account, Norton would feel deep remorse and shame in his later years for assisting the troops by revealing the hiding places of the Indians. These captured Indians were but a small part of the entire Indian removals of the 1830s.

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THE TREATY OF DEWITS CORNER-1777

The area that makes up the present counties of Anderson, Greenville, Pickens, and most of Oconee are often noted in various works as being ceded by the Cherokees at Hopewell in 1785. The actual ceding of the territory took place at Dewits Corner on May 20th, 1777. That the Indians were forced into this land cession can hardly be questioned.

The Treaty of Hopewell would be the first Federal (or Confederation) Treaty with the Cherokees, although not the first Federal Treaty with the American Indians. While the Treaty of Hopewell would have certain long run implications in regard to Federal practices and Indian negotiations, it might best be termed of little local importance. The line between South Carolina and the Cherokee had been run years before in late 1777 or early 1778. The neighboring states of Georgia and North Carolina would pay the Hopewell Treaty scant attention. In fact, the Hopewell Treaty would be so ignored that most of the provisions of the 1785 treaty would have to be restated in the Treaty of Holston River, July 2, 1791. While the Treaty of Hopewell with the Cherokees can hardly be dismissed as an exercise in futility, it hardly deserves the particular type of local attention which it has long received (particularly in regard to land cessions in S.C.).

The Treaty at Dewits Corner has long been written up in various books by brief descriptions; however, and to the best of my knowledge, the actual text of the work is not to be located in any secondary publication. Nor does there appear to be a secondary account that describes the the exact content of the various articles. Various boundary treaties before the Treaty at DeWits Corner are successfully covered in Louis De Vorse, Jr.'s *Indian Boundary in Southern Colonies, 1763-1775*. More particular details as regards the actual boundary line created by the Treaty at Dewits Corner is covered in detail in the unpublished papers of Margaret Mills Seaborn entitled "*Indian Line 1777-1816*". Additional information regarding the boundary line will be found in a forthcoming number of *Journal of the Oconee County Historical Society* as pertains to the Treaty of Augusta and the Treaty of Beaufort.

Various sections of the treaty have parts of the paper, upon which the document is written, missing. In other cases, words and/or groups of words are illegible. Where possible, the words have been completed when only a few letters are missing and the proper word seems obvious. In other cases, the terms "missing" or "illegible" or [] are noted in place of the word(s). The particular mountain and/or mountains referred to in the treaty are geographically part of the lower extention of the Appalachian Mountain Chain. In particular, the Unacanye [variety of spellings] appear to be the Unika Mts. as found on H.C. Tanner's *New American Atlas...* of 1825.

The Unika would later become a part of the current N.C./ Tennessee boundary to the SE. from Tennessee. However the Indian line established in the late 1770s would fall far short of the Unika Mountains. Instead the line would cross Oconee Mountain in northwestern Oconee County, S.C. The Oconee Mountain is actually a group of small mountains in Oconee County, S.C., running northeast and being located north and northwest of Walhalla, S.C. Stumphouse Mountain is but a part of what was called "Oconee Mountain". The termination of this small group might generally be defined as extending to near the Tamassee section of Oconee County to the northeast.

[THE TREATY OF DEWITS CORNER-1777]

The Definitive Treaty of Peace [missing-probably should be "between"] South Carolina and Georgia on the one part, and the Cherokee Nation on the other, concluded? at Dewits Corner [missing] the 20th day of May in the year of our Lord, 1777: and in the [missing-probably "first"?] year of the Independance of America.

Be it Known unto all Persons To whom [those?] present may or shall in any manner belong.-----

The King of Great Britain, in the prosecution of his [unjust?] doing as to enslave America, regardless of the means, through his Ministers, Officers, and Superintendants, by false representation having deceived the Cherokee Nation, and persuaded them to massacre 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 with his forces invaded that State from the Sea. And then having abandoned his Cherokee Allies, whom he had deceived urged and [persuaded?] into the war, to the just resentment of the People thus at the same time, [and [illegible] unexpected by, attacked on the Sea Coast and opposite Frontier. It has pleased the Master of Breath so to direct the progress of the war, and the ...[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 Powers:

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

To Colonel Andrew Williamson, Colonel LeRoy Hammond, George Galphin Esq., The Honourable William Henry Drayton and Colonel Daniel Horry Greeting~

Whereas in pursuance of an Ordinance of the General Assembly of this State passed on the Thirteenth day of Febraury last, and entitled "An Ordinance appointing Commissioners [in? illegible/illegible] to conclude a Peace

with the Cherokee Nation," you the said Andrew Williamson, LeRoy Hammond, George Galphin, William Henry Drayton and Daniel Horry, have been duly elected Commissioners for the purpose therein and herein mentioned. Now Know ye, That I have therefore, And in compliance with the request of the General Assembly of this State, commissioned [and do?] hereby Commission you the said Andrew Williamson, LeRoy Hammond, George Galphin, William Henry Drayton and Daniel Horry or a Majority of you, to meet such Commissioners as have been or may be appointed by the States of Virginia, North Carolina and [Georgia? illegible], on the Twelfth*** day of May instant at Dewit's Corner or any other time and place which you or a Majority of you may judge fit, in Congress with the Cherokee Indians or their Deputies, And to conclude a Peace with the Cherokee Nation upon such Terms as may be just and equitable.

Given under my hand and Seal at Charles Town in South Carolina, this sixth day of May in the year of our Lord one thousand, seven hundred and seven seven---

The Georgia Full Powers

Savannah 16th April 1777

In Council

Resolved, That Jonathan [Pryan?], Jonathan Cockran, John [Wereat?], John Walton, and William Glascock 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 Dewits Corner on the Seventh day of May next, or when and where the same may be so held.---

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.

True copy taken from the Minutes/ signed/ Sam [Stirk/ ?]

The Cherokees Full Power

May 16th, 1777

In open Congress with the South Carolina and Georgia Commissioners for establishing Peace and In presence of a just number of their own people, [Canatiskeetiewie?] or the Red Bird of [Naeace?], and [Oustapissee?] or the Man Killer of Chote, for themselves and----[Sealaluska?] or the second man,

[Clearoonatee?], [Clorohita?], [Choochowatee?], [Ooskua?], [Chinistisha?], Beloved Men and Warriors of the Cherokee Nation, Declared; That according to the manner and custom of their Nation, they are [nominated?] and appointed on the part of their Nation---Deputies with full power for them, And in their name to meet the Commissioners of South Carolina and Georgia and of [] [] [states?] as may be present by and with them to [] of [] [and make?] such Terms and conditions of Peace, as may be likely [to be?] [illegible]

Peace and Friendship, between the Parties Assembled for that purpose---

And The Commissioners and Deputies having [regulated?]] communicated to each other their full powers, have agree upon the Articles of Peace, the [terms?] of which is as follows.

Art: I.st The Cherokee Nation acknowledge, That the Troops that [letters missing] the last Summer repeatedly defeated their forces; victoriously penetrated through their lower Towns, Middle Settlements and Vallies, and [quite? letters missing] unopposed built, hold and continue to occupy, The Fort at [Esennecca?]: thereby diseffect and maintain, the conquest of all the Cherokee [lands?] Eastward of the Unacaye Mountains, and to and for their People, did acquire possess, and yet continue to hold in and over the said lands, all and singular the rights incidental to conquest. And the Cherokee Nation in consequence thereof do cede the [said?] lands to the [said?] People-The People of South Carolina.

Art: II.d South Carolina will immediately send a supply of [goods?] into the Cherokee Nation, and settlements for sale, and permit the Cherokees during their good behaviour to inhabit the Middle Settlements and Valleys westward of the highest part of Oconnee Mountain but they shall not [several words illegible, part of which perhaps reads "pass beyond a line stretched South West, North East across"] the highest part of Ocunnee Mountain proceed or Advance without permission from the Commanding officer at Fort Rutledge to apply for which, one runner may at any time be sent by the Cherokees. Provided never the less, that during this present year, the Cherokee may raise, gather and remove the corn they have planted on the east side of Ocunnee Mountain.

Art: IIIId The Government of South Carolina will endeavour that the Cherokees shall be furnished with supplies of Goods as usual; and that the Trade shall be just under the best regulations. Every Person who without a proper Pass or License shall arrive in the Cherokee Nation or settlements, the Cherokees will immediately apprehend and deliver to the Commanding Officer at Fort Rutledge and [take?] 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 instigated or endeavoured to

instigate the Cherokees to the late war; or encouraged or aided them, or endeavoured to do so in the prosecution of [hand?] who, now is, or hereafter may [word missing-may be "seek"?] their power, shall without delay by the Cherokees be apprehended and delivered to the Commanding Officer at Fort Rutledge and the Cherokees shall take to their own use, all the effects which in their Nation or Settlements they find in the possession of or belonging to every such white Person. And for every such white Person so delivered, shall be paid Five hundred pounds weight of dressed leather 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 Cherokees who in presence of the Commanding Officer of that Post, shall put the murderer to death. And if any white or other person, belonging to South Carolina [or Georgia shall?] in the Cherokee Nation, or any white or other Person shall in South Carolina or Georgia murder in Cherokee [Indian?], duly [committed?], thereof, shall suffer death in presense of 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 Cherokees.

Art: VI. All White and Indian Prisoners shall be set at Liberty as soon as possible. All Negroes taken during the late war and who now are, or hereafter may be in the power of the Cherokees, shall as soon as possible be delivered to the Commanding Officer at Fort Rutledge together with the horses, by any of their people before the late war stolen, from South Carolina, Georgia, North Carolina, or Virginia, and which now or hereafter may be in the Power of the Cherokees [illegible], that restitution may be made to their true owners.

Art: VII For every run away Negro that shall be apprehended and delivered by the Cherokees to the Commanding Officer at Fort Rutledge, shall be paid one hundred pounds weight of leather or the value thereof.

Art: VIII The Hatchet shall be forever buried, and there shall be an univeral Peace and Friendship re-established, between South Carolina including the Cattawba and Georgia on the one part and the Cherokee nation on the other. There shall be a General oblivion of injuries. The Contracting Parties shall use their utmost endeavours to maintain the Peace and Friendship now re-established. And the Cherokees 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 endeavour 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 subject thereof--

In witness of all and everything herein determined between South Carolina, Georgia, and the Cherokee Nation, We Their underwritten Commissiones 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 seals to be hereunto affixed.

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

[The marks of various Indians are next found after which the signatures*** of the various Commissioners are penned.]

Dustassittee [....natu (probably Canauta)] Clorisheta
Duskua Canatiskeeticowie [Sealaluska?] [Clearonattee?]
Chinistrisha

[for South Carolina]

A. Williamson Leroy Hammond Wm Henry Drayton

[for Georgia]

[Jn. Pryan?] Jon. Cochran

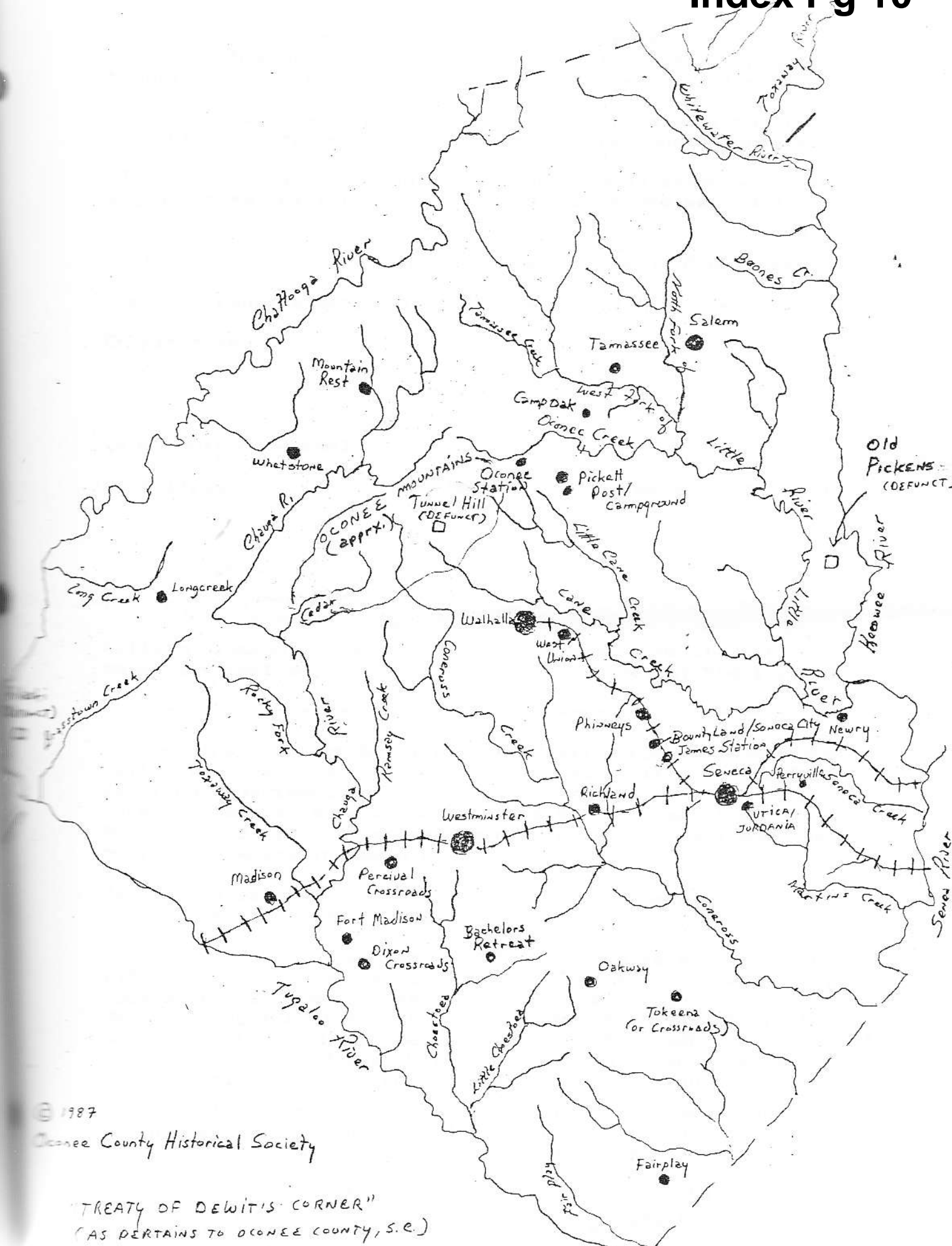
William Glassow (this name differs slightly from the name seemingly spelled differently within the body of the treaty).

The original copy of the Treaty of DeWit's Corner (sometimes called the Treaty of Yellow River) is maintained in the South Carolina Department of Archives and History. The Surveyor-General's Department of the Georgia Department of Archives and History is unaware of a copy of this Treaty being on file anywhere in Georgia.

Marshall Williams identifies Oconee Mt. as the current Long Mt. in his unpublished paper on "Oconee Town".

From Tanner's American Atlas 1825 ed.





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Oconee County Historical Society

"TREATY OF DEWITT'S CORNER"
(AS PERTAINS TO OCONEE COUNTY, S.E.)

Full Powers, severally and not one for the other, have Signed. This present [Definitive?] Treaty in their respective Names; And have caused our seals to be hereunto affixed.

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

[The marks of various Indians are next found after which the signatures*** of the various Commissioners are penned.]

Oustassittee [....natu (probably Canauta)] Clorisheta
 Ooskua Canatiskeeticowie [Sealaluska?] [Clearonattee?]
 Chinistrisha

[for South Carolina]

A. Williamson Leroy Hammond Wm Henry Drayton

[for Georgia]

[Jn. Pryan?] Jon. Cochran

William Glassow (this name differs slightly from the name seemingly spelled differently within the body of the treaty).

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The term "Master of Breath" in the preamble refers to the Creek Indian term for a master being. The Cherokee term was "Yowa"; however the Cherokees considered the term to sacred to be spoken. Thus the substitution of a term that was both understandable and acceptable to the Cherokee is found in the preamble. (The World of the Southern Indians. Virginia P. Brown & Laurella Owens. Birmingham. Beechwood Books. 1984. 2nd printing, p. 47)

George Galphin found in "South Carolina Full Powers" would later be involved with John Rea and Lachlan McGillivray (the father of the Creek chief Alexander McGillivray) in land speculation on lands which Georgia had intended for new border settlements. (The Peopling of British North America. Bernard Bailyn. New York. Alfred A. Knopf, 1986 p. 72-73. Indian Traders of the Southeastern Borderlands... William Coker & Thomas D. Watson. Pensacola, West Florida Press, 1986 p. 24)

T H E
H I S T O R Y
O F T H E
R E V O L U T I O N
O F

S O U T H - C A R O L I N A ,

F R O M A B R I T I S H P R O V I N C E
T O A N I N D E P E N D E N T S T A T E .

B Y D A V I D R A M S A Y , M . D .
M E M B E R O F T H E A M E R I C A N C O N G R E S S .

I N T W O V O L U M E S .

V O L . I .

T R E N T O N :
P R I N T E D B Y I S A A C C O L L I N S .
M . D C C . L X X X V .

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Articles of the definitive treaty of peace, concluded on, and signed at Dewit's Corner, the 20th day of May, 1777, between the states of South-Carolina and Georgia and the Cherokee Indians.

ARTICLE I. **T**HE Cherokee nations acknowledge, that the troops, during last summer, repeatedly defeated their forces, victoriously penetrated through their lower towns, middle settlements and vallies, and quietly and unopposed built, held, and continue to occupy, the fort at Seneca, thereby did effect and maintain the conquest of all the Cherokee lands, eastward

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ward of the Unacaye mountain ; and, to and for their people, did acquire, possess, and yet continue to hold, in and over the said lands, all and singular the rights incidental to conquest ; and the Cherokee nation, in consequence thereof, do cede the said lands to the said people, the people of South-Carolina.

ARTICLE II. South-Carolina will immediately send a supply of goods into the Cherokee nation and settlements for sale, and permit the Cherokees, during their good behaviour, to inhabit the middle settlements and vallies westward of the highest part of the Oconnee mountain ; but they shall not, beyond a line extended south-west and north-east across the highest part of the Oconnee mountain, proceed or advance, without permission from the commanding officer at fort Rutledge ; to apply for which, one runner may at any time be sent by the Cherokees : provided nevertheless, that, during this present year, the Cherokees may raise, gather and remove, the corn they have planted on the east side of the Oconnee mountain.

ARTICLE III. The government of South-Carolina will endeavour that the Cherokees 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 arrive in the Cherokee nation or settlements, the Cherokees shall immediately apprehend,

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hend, and deliver to the commanding officer at fort Rutledge, and feize to their own use all the cattle, horses, goods and effects, conducted into their settlements by every such person.

ARTICLE IV. Every white person who instigated, or endeavoured to instigate, the Cherokees to the late war, or encouraged or aided them, or endeavoured to do so in the prosecution of it, and who now is, or hereafter may be, in their power, shall, without delay, by the Cherokees, be apprehended and delivered to the commanding officer at fort Rutledge; and the Cherokees shall take to their own use all the effects, which in their nation or settlements they may find in the possession of, or belonging to, every such white person, and for every such white person so delivered, shall be paid five hundred pounds weight of dressed leather, or the value thereof.

ARTICLE 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 Cherokees, who, in presence of the commanding officer at that post, shall put the murderer to death; and if any white or other person belonging to South-Carolina or Georgia, shall, in the Cherokee nation, or any white or other person shall, in South-Carolina or Georgia, murder a Cherokee Indian, every such person, duly convicted thereof, shall

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shall suffer 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 Cherokees.

ARTICLE VI. All white and Indian persons shall be set at liberty as soon as possible; all negroes taken during the late war, and who now are, or hereafter may be, in the power of the Cherokees, shall, as soon as possible, be delivered to the commanding officer at fort Rutledge, together with the horses, by any of their people, before the late war, stolen from South-Carolina, Georgia, North-Carolina, or Virginia, and which now are, or hereafter may be, in the power of the Cherokees, to the end that restitution may be made to their true owners.

ARTICLE VII. For every runaway negro that shall be apprehended and delivered by the Cherokees to the commanding officer at fort Rutledge, shall be paid one hundred pounds weight of leather, or the value thereof.

ARTICLE VIII. The hatchet shall be forever buried, and there shall be an universal peace and friendship re-established between South-Carolina, including the Catawba and Georgia on the one part, and the Cherokee nation on the other; there shall be a general oblivion of injuries; the

X x

contracting-

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contracting-parties shall use their utmost endeavours to maintain the peace and friendship now re-established, and the Cherokees 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 endeavour 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, their underwritten 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 seals to be hereunto affixed.

Done at Dewit's Corner, this twentieth day of May, in the year of our LORD one thousand seven hundred and seventy-seven.

N O T E



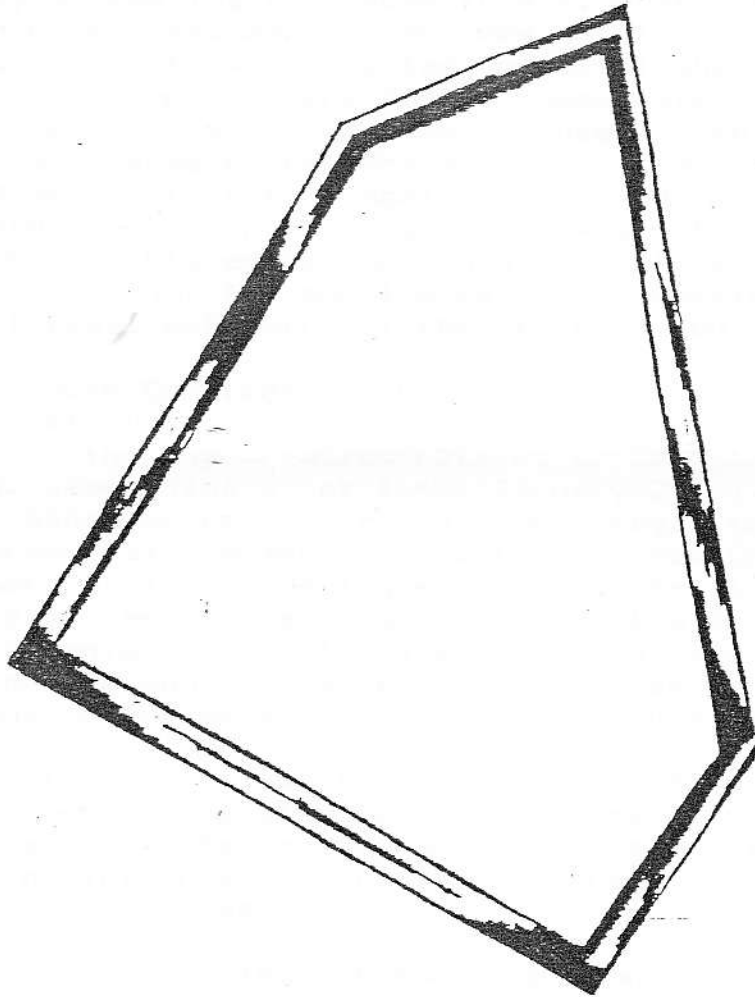
The above maps show the area ceded by the Cherokees at DeWitts Corner in 1777.

The map to the left shows the area in 1776 while the map to the right shows the same area in 1827.

The area of present Oconee County that remained Cherokee property until the treaty of 1816/17 is marked by



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The Treaty at Augusta with the Cherokee Indians, 1783

Georgia would continue her policies of land expansion into the Indian territory immediately following the Revolutionary War by the Treaty of Augusta with the Cherokees and other treaties. A treaty of this same year with the Creek Indians, for example, would cover an identical area of property. In effect, it rather appears that the Georgians were trying to make sure that they had dealt with any group of Indians who might lay future claims to this land.

The primary interest of the Treaty at Augusta pertains to the area of land defined by the document. As will be noted by an enclosed map, the area under discussion includes that small portion of Anderson County and most of present Oconee County (excepting that area in northwest Oconee County that would be maintained by Cherokees until the 1816/17 treaty). Research has thus far failed to reveal whether that small part of northwestern Pickens County, seemingly included in the Treaty of DeWits Corner, was included in this treaty done at Augusta. Based on the statements of the treaty at Augusta, it would appear that this small area to the northwest of the Eastatoe Valley in Pickens County was not included. The reason for this exclusion could well center around the belief of Georgia that the small area under question was a part of the ultimate extension of the State of South Carolina.

South Carolina was hardly sitting still, although one might safely say that they were having a hard time moving fast, during the treaties related to Georgia's expansionist goals. Beginning by at least January 29, 1783, the legislature of South Carolina would begin turning attention to the area that now makes up most of Oconee County, and by February 6, 1783, the legislature had resolved that there should be three commissioners to resolve the boundary problem with Georgia. It would take until 1787 for a projected meeting and a final settlement to be accomplished. These various delays were not totally the fault of South Carolina.

It appears from the House Journals that South Carolina was somewhat depending upon the Congress to resolve the problems with the Indians while they took care of more pressing internal affairs. On February 1, 1783, the House Journal notes that:

...That in their opinion Commissioners should be appointed in behalf of this State, to Negotiate a Peace with the Cherokee Indians, also an Agent to be appointed for settling a Plan to be laid before Congress, for Regulating of the Trade with that Nation, until the pleasure of Congress shall be known, and that it be recommended to the Agent to keep them as much as possible within their own Country and particularly from coming to Charleston.

[Note: The governor had been plagued by visits from

representatives of the Cherokees seeking peace. The Cherokees were in severe difficulties because much of their trade goods had been cut off. Gov. Matthews had sent a small quantity of goods to the Cherokees by Maj. Bowie before January 25 of 1783. (House Journal/ January 27, 1783)

Research has thus far failed to reveal to what degree, if any, the Cherokees had drifted back down into parts of Oconee County in violation of the Treaty of Dewits Corner. It is entirely likely that Indians were to some degree already reestablishing themselves in small units in parts of Oconee County, as much of the Militia which would have been responsible for enforcing the Treaty at DeWits Corner had been disbanded in an effort to conserve money. (House Journal/ January 24, 1783)]

Georgia, on the other hand, had made land acquisition one of their major and most pressing priorities. Not being willing to await any Federal actions to deal with the Indians, the Georgians immediately set about making their own treaties. Georgia would begin making land grants in 1784 for portions of that area which now encompasses some of Oconee County.

That South Carolina was disturbed by this action will be demonstrated in the issue of our journal that deals with the Treaty of Beaufort. It should be noted that the problems relating to the boundaries with Georgia were but one consideration out of many by a S.C. Government swamped with legislative work. For the next four years, the "disagreement" with Georgia would involve the exchange of numerous polite letters between governors and representatives of the Governors.

It is worthy of note that mention of the Treaty of Augusta with the Cherokees, Creeks, etc. apparently failed to even arise during the discussions in Beaufort between the states of South Carolina and Georgia. There were several reasons for this, including the probability that both states apparently considered these treaties with the Indians as nothing more than passing incidents. The ultimate goal of both South Carolina and Georgia was to extend settlement into all those areas which they felt was granted by their original charters. In effect, the rights of the Indians did not play the least role in the discussions. For better or worse in terms of the ultimate results, the Indians (particularly the Creeks) appear to have substantially ignored portions of the treaties done at Augusta.

Please note on the enclosed map that the Indian line passing through Oconee County seemingly followed the same boundary previously established by the Treaty of DeWits Corner. I have been unable to find any record of the line being marked by Commissioners or representatives of the State of Georgia. It is possible that Col. Williamson's tree marks of the late 1770s (Seaborn. "Indian Line 1777-1816") were still evident and known to the Indian population...it is even

more possible that the Georgians really didn't care exactly where the line was located, as they planned to take all of the land in time.

It is interesting to compare Article III of the Treaty at Augusta with the Cherokees, 1783 (which happens to be identical to Article III of the Treaty at Augusta with the Creeks, 1783) with the Treaty at New York with the Creeks in 1790. Page references are to *Digest of the Laws of the State of Georgia, From Its Settlement as a British Province, in 1755, to the Session of the General Assembly in 1800, Inclusive.* Horatio Marbury & William H. Crawford. Savannah: Seymour, Woolhopter & Stebbins, 1802.

1783
(p. 604)

1790
(p. 622/23)

| | |
|---|---|
| <p style="text-align: center;">Ar. IV</p> <p>Ar. III. That a new line shall be drawn without delay, between the present settlements in the said state and the hunting grounds of the said Indians; to begin on Savannah River where the present line strikes it [see Note 1], thence up the said river to a place, on the most northern branch of the same (commonly called Keowee) [see Note 2] where a north east line, to be drawn from the top of the Ocunna Mountain, shall intersect; thence along the said line in southwest direction, to the top of the said same direction to the Tugalo River; thence to the top of the Currohee Mountain [see Note 3]; thence to the head or source of the most southern branch of the Ocone River, including</p> | <p>The boundary between the citizens of the United States and the Creek nation is and shall be,</p> <p>from where the old line strikes the River Savannah ; thence up the said river to a place on the most northern branch of same commonly called the Keowee where a northeast line, to be drawn from the top of the Ocunna mountain shall intersect; thence along the said line in a southwest direction to the Tugalo River; thence to the top of the Currahee mountain; thence to the head or main south branch of the Ocone River, called the Appalachee;</p> |
|---|---|

all the waters of the
same; and
thence down the
middle of said
branch to

thence down the
middle of said
main south branch
and river Oconee, to
its confluence with
the Ockmulgee, which
forms the river
Alatamaha; and thence
down the middle of
the said Alatamaha to
the old line on the
said river; and
thence along the said
old line to the river
St. Mary's.

the
Creek line.

*** All notes below pertain to the Treaty at
Augusta in 1783 and not to the Treaty at New York
in 1790.

Note 1: This is where the northern border of Hart
and the southern border of Franklin counties, Ga.,
meet the Savannah.

Note 2: It is likely that this point is one of the
marks of the Indian line which was established in
1777, and reaffirmed in 1785. This line would
have crossed the "northern branch of the Keowee".
This conjecture should be used cautiously as the
actual ending point could have possibly been in
N.C. rather than S.C. based on some Georgia claims
in 1787.

Note 3: This is currently called Currahee Mountain
and is located some four miles southwest of Toccoa,
Ga.

As is evident, the Treaty at New York is partially copied from
the Treaty at Augusta (although the Treaty at New York is a
Federal Treaty whereas the Treaty at Augusta was an individual
state treaty). Even though John Rutledge, Jr. and Henry Izard
(presumably these are the South Carolinians of the same name)
were witnesses at the Treaty at New York; and even though a
portion of this land was ceded to State of S.C. officially by
the Treaty of Beaufort in 1787 between the States of Georgia
and South Carolina; and even though there were already people
on a portion of the area noted above, it rather seems that the
main focus of the treaty is dedicated to obtaining additional
lands from the Creek Indians in Georgia. Copying sections
from previous treaties would be common practice. As such, one
should not take the above comments regarding land in this area
to be anything more than information derived from past
treaties and having no effect on this part of South Carolina.
It is worth noting that this treaty would not have much effect
on the thinking of the Georgians as they promptly ignored it!

For by far the most superior discussion of Indian treaties after 1783, the reader is urged to consult the works of Francis Paul Prucha. His work, *The Great Father* (Lincoln, Nebraska. The University of Nebraska Press. 1984), in the full unabridged two volume edition, is already the classic work on Federal relations with the Indians. While this work will tell you nothing about the Treaty of Augusta with the Cherokees, it will enlighten you on a considerable body of information related to the Indians in America. This work is also available in an affordable abridged paperback edition (the two volume work is \$75.00). This work IS NOT available within the libraries of Oconee County.

Page numbers refer to the already noted *Digest of the Laws of the State of Georgia*.....

(p. 603)

TREATY AT AUGUSTA

WITH THE CHEROKEE INDIANS, IN 1783

GEORGIA

Articles of a convention held at Augusta, in the county of Richmond, and state aforesaid, this thirty-first day of May, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the said state, between his honor Lyman Hall, esq. governor and commander in chief in and over the said state, general John Twiggs, colonel Elijah Clark, colonel W. Few, and the honorable Edward Telfair, esq. and general Samuel Elbert, commissioners appointed by the legislature of the same, on the one part, and Tarpin, of the Lower Towns, Tarpin, son of the great warrior, and Bird-in close, or the Che qua ena, Nenean Jack, Claunaw, Chicasaw Tue, Ascaster, Amakantie, Claw Wastie, Joenatua, Julataha, John [although no comma is here in the printed version, it appears that there should be one as the signatures indicate two different people] Chisua Una, China Wata, Calata, Junastuta and Canauta, [one who signs the treaty as "Cat" is not included in this list] head men, warriors and chiefs of the hordes or tribes of Cherokee Indians, in behalf of the said nation, on the other part, as follows:

WHEREAS a good understanding and union between the inhabitants of the said state and the Indians aforesaid, is reciprocally necessary and convenient, as well on account of a friendly intercourse and trade, as for the purposes of peace and humanity: It is therefore agreed and covenanted:

I. That all differences between the said parties heretofore

subsisting, shall cease and be forgotten.

II. That all just debts due by any of the said Indians to any of the merchants or traders of the said state, shall be fairly and fully paid, and all negroes, horses, or other property, taken during the late war shall be restored.

(p. 604)

III. That a new line shall be drawn without delay, between the present settlements in the said state and the hunting grounds of the said Indians; to begin on Savannah River where the present line strikes it [where the northern border of Hart and the southern border of Franklin Counties meet the Savannah], thence up the said river to a place, on the most northern branch of the same (commonly called Keowee) where a north east line, to be drawn from the top of the Ocunna Mountain, shall intersect; thence along the said line in southwest direction, to the top of the said mountain; thence in the same direction to the Tugalo River; thence to the top of the Currohee Mountain; thence to the head or source of the most southern branch of the Oconee River, including all the waters of the same; and thence down the middle of said branch to the Creek line.

IV. In consideration of the friendship, which the people and government of the said state bear to the Indians aforesaid, and of their good will evinced by their present attendance, the governor and commissioners aforesaid, have made presents to them of a considerable amount, which they hereby acknowledge to have received.

[Note: This entire Article IV of the Treaty should be viewed as pure and total rubbish with the exception of the fact that those Cherokees attending were probably given a few presents. The attitude of Georgia toward the Indians from the end of the Revolutionary War until the time of the Indian Removals in the 1830s is less than admirable or heroic.]

V. That a trade shall be carried on by the traders and merchants of the said state, to the towns of the said Indians; in which the traders who shall reside among them and the pack-horsemen in going and coming shall be protected; the trade to be subject to future regulations of government.

VI. And lastly, they the said head men, warriors and chiefs, whole hands and seals are hereunto affixed, do hereby, for themselves and for the nation they are empowered and do effectually represent, recognize, declare and acknowledge, that all the lands, waters, woods and game lying and being in the state, eastward of the line herein before particularly mentioned and described, is, are and do belong, and of right appertain to the people and government of the state of Georgia; and they the Indians aforesaid, as well for themselves as the said nation, do give up, release, alien, relinquish and forever quit claim to the same or any part thereof.

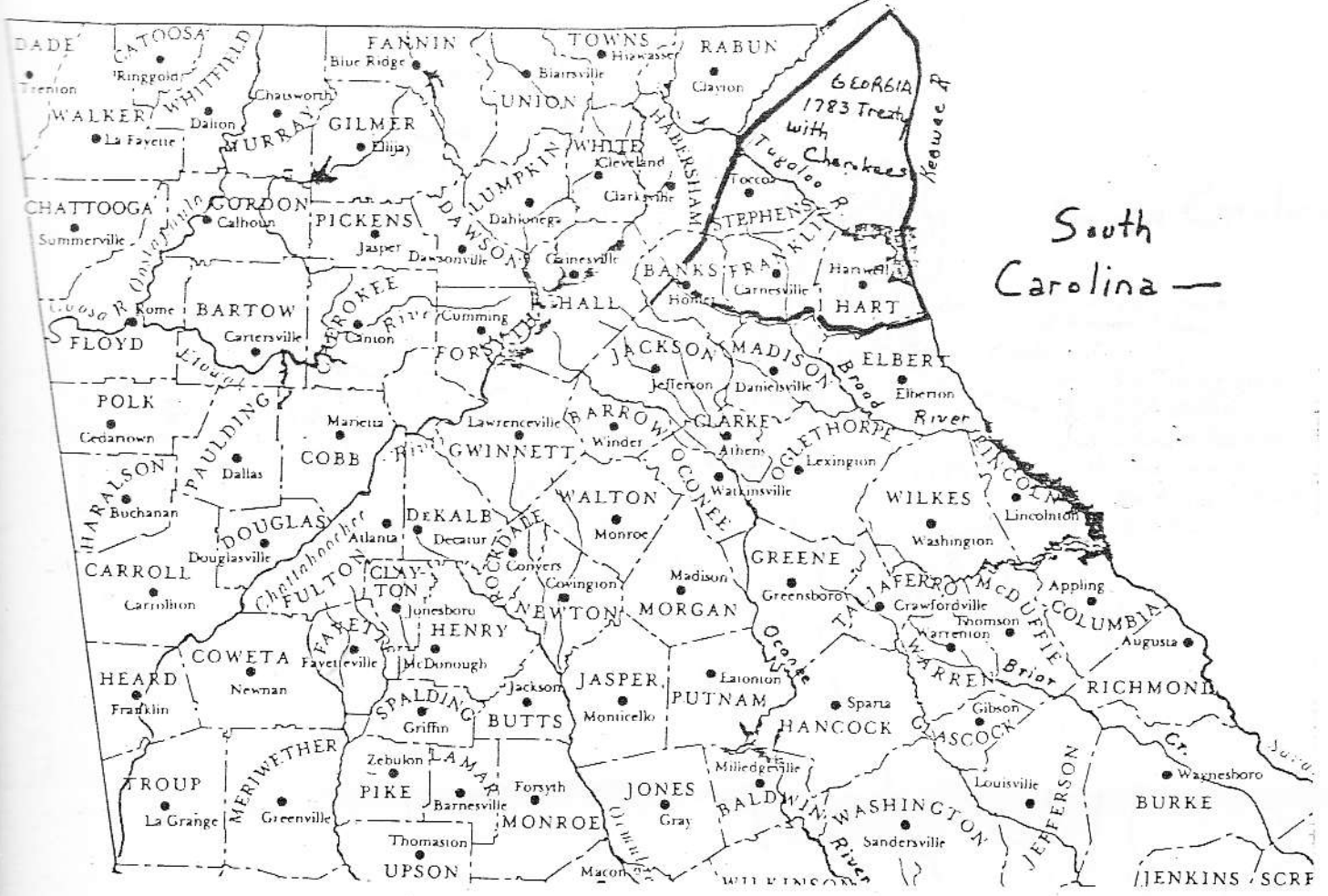
Done and executed at Augusta aforesaid, the day and year above mentioned, in the presence of those whose names are subscribed.

| | | | |
|-----------------|--------|----------------|----------|
| LYMAN HALL. | (L.S.) | TARPINE. | X (L.S.) |
| JOHN TWIGGS. | (L.S.) | TARPINE. | X (L.S.) |
| ELIJAH CLARK. | (L.S.) | CHE OUA ENA. | X (L.S.) |
| W. FEW. | (L.S.) | NENEAN JACK. | X (L.S.) |
| EDWARD TELFAIR. | (L.S.) | CLAUNAU. | X (L.S.) |
| S. ELBERT. | (L.S.) | CHICHASAW-TUE. | X (L.S.) |
| | | ASCASTER. | X (L.S.) |
| | | AMAKANTIE. | X (L.S.) |
| | | CLAWASTIE | X (L.S.) |
| | | JOENATUA. | X (L.S.) |
| | | JULATAHA. | X (L.S.) |
| | | JOHN. | X (L.S.) |
| | | CHISQUA UNA. | X (L.S.) |
| | | CHINA WATA. | X (L.S.) |
| | | CALATA. | X (L.S.) |
| | | JUNASLUTA. | X (L.S.) |
| | | CANAUTA. | X (L.S.) |
| | | CAT | X (L.S.) |

witness,
GEORGE WALTON
ANDREW M'LEAN.

Copies of the Treaty of Hopewell have been included on the following pages for a matter of record and for the purposes of those desiring to do continued research on the subject of Indian treaties. For particular information pertaining to the Treaty of Hopewell and various speeches, one might consult the *American State Papers: Indian Affairs*. Vol. 1.

PLEASE quote the Treaty of DeWits Corner rather than the Treaty of Hopewell for purposes of land cessions in this part of the State of South Carolina.



Heavy lines represent area ceded to Georgia by Cherokees at Augusta in 1783

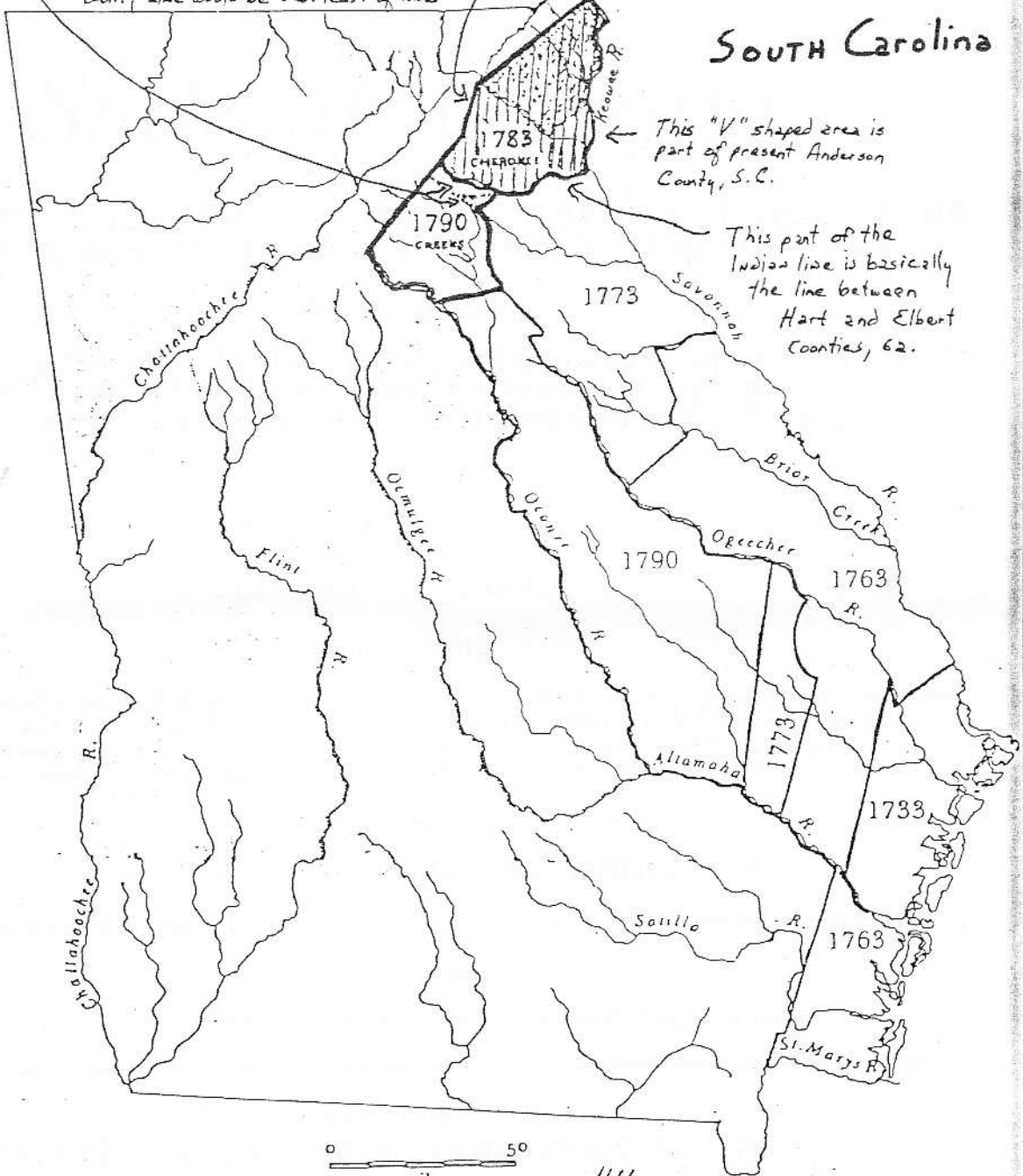


dotted area within stripes represents present Oconee County with the exception of the strip reserved to the Cherokees in Northwestern Oconee County.

this is the present line between Stephens and Habersham, Ga. Counties, Ga.

this line basically the line between Banks and Jackson Counties, Ga. The actual Banks County line would be Southeast of line

SOUTH Carolina



This "V" shaped area is part of present Anderson County, S.C.

This part of the Indian line is basically the line between Hart and Elbert Counties, Ga.



stripped lines represent area covered by the 1783 Cherokee Treaty with Georgia.

DIGEST
OF THE
L A W S
OF THE
State of Georgia,

FROM ITS SETTLEMENT AS A BRITISH PROVINCE, IN 1755, TO THE
SESSION OF THE GENERAL ASSEMBLY IN 1800, INCLUSIVE.

Comprehending

All the Laws passed within the above periods, and now in force, alphabetically arranged
under their respective Titles:— Also the State Constitutions of 1777 and 1789, with
the additions and amendments in 1795, and the Constitution of 1798.

TO WHICH IS ADDED,

AN APPENDIX:

Comprising

The Declaration of American Independence; the Articles of Confederation and perpetual Union; the Federal
Constitution, with the amendments thereto: all the Treaties between the United States and foreign
Nations; the Treaties between the United States and the different tribes of Indians; and
those between the State of Georgia and the Southern and Western Indians.

WITH

A COPIOUS INDEX TO THE WHOLE.

Compiled, arranged and digested from the original Records, and under the special Authority of the State.

BY HORATIO MARBURY & WILLIAM H. CRAWFORD, Esqrs.

Savannah:
PRINTED BY SEYMOUR, WOOLHOPTER & STEBBINS.
1802.

Although the Treaty of Hopewell with the Cherokees would have no effect on lands in this area, the following copy is included for those desiring to do research on the subject.

APPENDIX.

TREATY AT HOPEWELL,
WITH THE CHEROKEE INDIANS, IN 1785.

ORIGINAL.

Articles of a treaty concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin and Lachlan McIntosh, commissioners plenipotentiary of the United States of America, of the one part, and the head men and warriors of all the Cherokees of the other:

THE commissioners plenipotentiary of the United States in Congress assembled, give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions:

ARTICLE I.

The head men and warriors of all the Cherokees, shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty: They shall also restore all the negroes, and all other property taken during the late war from the citizens, to such person, and at such time and place as the commissioners shall appoint.

ARTICLE II.

The commissioners of the United States in congress assembled, shall restore all the prisoners taken from the Indians, during the late war, to the head men and warriors of the Cherokees, as early as is practicable.

ARTICLE III.

The said Indians for themselves, and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whatsoever.

ARTICLE IV.

The boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States, within the limits of the United States of America is, and shall be the following, viz. Beginning at the mouth of Duck River on the Tennessee; thence running northeast to the ridge dividing the waters running into Columbia from those running into the Tennessee; thence eastwardly along the said ridge to a northeast line to be run, which strikes the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river: thence to Campbell's line, near Cumberland gap; thence to the mouth of Claud's Creek on Holstein; thence to the Chimneytop Mountain; thence to Camp Creek, near the mouth of big Limestone, on Nolichucky; thence a southerly course six miles to a mountain; thence south to the North-Carolina line; thence to South-Carolina Indian boundary, and along the same southwest over the top of the Oconee Mountain till it shall strike Tugalo River; thence a direct line to the top of the Currohee Mountain; thence to the head of the south fork of Oconee River,

APPENDIX:

ARTICLE V.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please: *Provided nevertheless*, That this article shall not extend to the people settled between the fork of French Broad and Holstein Rivers, whose particular situation shall be transmitted to the United States in congress assembled for their decision thereon, which the Indians agree to abide by.

ARTICLE VI.

If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery, or murder, or other capital crime, on any citizen of the United States or person under their protection, the nation or the tribe to which such offender or offenders may belong shall be bound to deliver him or them up to be punished according to the ordinances of the United States: *Provided*, That the punishment shall not be greater than if the robbery, or murder, or other capital crime, had been committed by a citizen on a citizen.

ARTICLE VII.

If any citizen of the United States, or person under their protection, shall commit a robbery, or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the murder, or robbery, or other capital crime had been committed on a citizen of the United States; and the punishment shall be in presence of some of the Cherokees, if any shall attend at the time and place, and that they may have an opportunity to do, due notice of the time of such intended punishment shall be sent to some one of the tribes.

ARTICLE VIII.

It is understood, that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty, and then it shall be preceded first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE IX.

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.

ARTICLE X.

Until the pleasure of congress be known respecting the ninth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE XI.

The said Indians shall give notice to the citizens of the United States, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whatsoever, against the peace, trade or interest of the United States.

APPENDIX.

ARTICLE XII.

That the Indians may have full confidence in the United States respecting their interests, they shall have the right to send a deputy of their choice, whenever they think fit, to congress.

ARTICLE XIII.

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.

In witness of all and every thing herein determined between the United States of America and all the Cherokees, We, their underwritten commissioners, by virtue of our full powers have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this twenty-eighth of November, in the year of our Lord one thousand seven hundred and eighty-five.

| | |
|-------------------|---------|
| BENJAMIN HAWKINS. | (L. S.) |
| ANDREW PICKENS. | (L. S.) |
| JOSEPH MARTIN. | (L. S.) |
| LACHLAN M'INTOSH. | (L. S.) |

| | |
|--|-----------|
| KOATOHEE, or Corn Tassel of Toquo | X (L. S.) |
| SCHOLAUETTA, or Hanging Man of Chofa. | X (L. S.) |
| TUSKEGATAHU, or Long Fellow of Christohoe. | X (L. S.) |
| OSKWHA, or Abraham of Chilkowa. | X (L. S.) |
| KOLAKUSTA, or Prince of North. | X (L. S.) |
| NEWOTA, or the Gritzs of Chicamaga. | X (L. S.) |
| KONATOTA, or the Rising Fawn of Highwaffay. | X (L. S.) |
| TUCKASEE, or Young Tarrapin of Allajoy. | X (L. S.) |
| TOOSTAKA, or the Waker of Oostanwa. | X (L. S.) |
| UNTOOLA, or Gun Rod of Seteco. | X (L. S.) |
| UNSUOAKANAIL, Buffaloe White Calf New Cuffee. | X (L. S.) |
| KOASTAYEAK, or Sharp Fellow, Wataga. | X (L. S.) |
| CHONOSTA, of Cowe. | X (L. S.) |
| CHESCOONWHA, Bird in close of Tomotlug. | X (L. S.) |
| TUCKASEE, or Tarrapin of Hightowa. | X (L. S.) |
| CHESETOA, or the Rabbit of Flacoa. | X (L. S.) |
| CHESICOTETONA, or Yellow Bird of the Pine Log. | X (L. S.) |
| SKETALOSKA, Second Man of Tillico. | X (L. S.) |
| CHOKASOTAHE, Chickafaw Killer Dafonta. | X (L. S.) |
| ONANOOTA, of Koosoteec. | X (L. S.) |
| OOKOSETA, or Sower Mush of Kooloque. | X (L. S.) |
| UMATOOETHA, the Water Hunter, Choikamawgu. | X (L. S.) |
| WYUKA, of Lookout Mountain. | X (L. S.) |
| TULCO, or Tom of Chatuga. | X (L. S.) |
| WILL, of Akoha. | X (L. S.) |
| NEGATEE, of Sawta. | X (L. S.) |

APPENDIX:

| | |
|----------------------------------|-----------|
| AMOKONTAKONO, Kucloa. | X (L. S.) |
| KOWETATAHEE, in Frog Town. | X (L. S.) |
| KEUKUCH, Talkoa. | X (L. S.) |
| TULATISCA, of Chaway. | X (L. S.) |
| WOOALUKA, the Way Layer, Chota. | X (L. S.) |
| TATLUISTA, or Porpus of Tilaffi. | X (L. S.) |
| JOHN, of Little Tallico. | X (L. S.) |
| SKELILAK. | X (L. S.) |
| AKONOLUCHTA, the Cabin. | X (L. S.) |
| CHENANOKA, of Kawetakac. | X (L. S.) |
| YELLOW BIRD. | X (L. S.) |

Witness, William Blount, Samuel Taylor, major John Owen, Jesse Walton, John Cowan, captain commandant, Thomas Gegg, W. Hazard. James Madifon, Arthur Coody, sworn interpreters.

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The researcher interested in pursuing a study of the Hopewell and other treaties not covered in this and other issues of our Journal would be advised to consult the following works in addition to The Great Father which has already been noted.

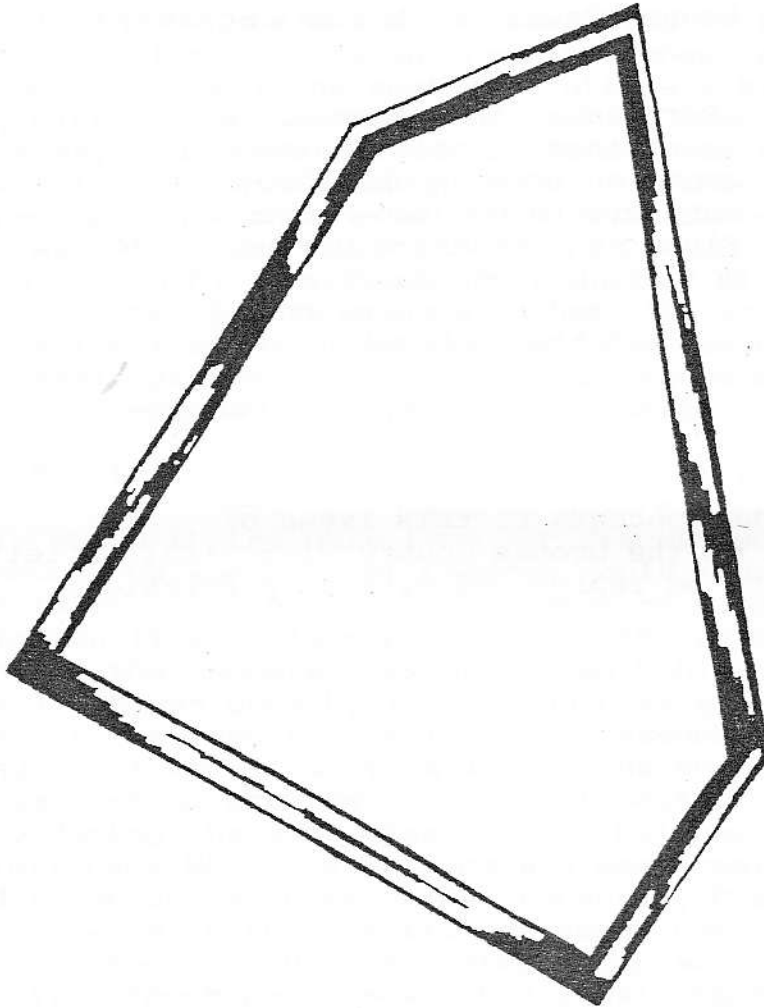
Indian Land Cessions in the United States. Chalres C. Royce. Washington. Government Printing Office. 1900.

Indian Affairs: Laws and Treaties. Vol. II Charles J. Kappler. Washington. Government Printing Office. 1904.

Sixty Years of Indian Affairs. George Dewey Harmon. Chapel Hill. The University of North Carolina Press. 1941.

Federal Indian Relations 1774-1788. Walter H. Mohr. Philadelphia. The University of Pennsylvania Press. 1933.

THE JOURNAL OF THE O'CONNOR COUNTY
HISTORICAL SOCIETY



VOLUME II , NUMBER 3

1987

THE BEGINNING WHITE DOMESTIC SETTLEMENT OF OCONEE COUNTY
IN 1784 AND
THE TREATY OF BEAUFORT OF APRIL 28, 1787

It is worth making a few observations before beginning this study regarding the settlement of the northwest corner area of South Carolina. We are indeed fortunate to have so many early travel accounts related to this area. To mention but some of the accounts and journals: from Chicken's account in the early 1700s to Adair in the 1740s, 50s, and 60s to Bartram in 1776 (1775 some would have it) to the wonderful diaries of the so called "Ross Journal" and the Arthur Fairie Journal of 1776, we are given something of a guided tour of the area that now makes up present Oconee County. To again mention but a few: the post Revolutionary War accounts of Lyon, Michaux, and Hawkins provide and even richer picture of this area; and there are yet additional accounts, although not as detailed, from the early 1800s. Unfortunately the one man who perhaps knew this area better than other person in the mid 1700s was Alexander Cameron. While Cameron did not leave a journal as such, an increasing number of his letters and other papers written by him are surfacing. In addition to the information that might be learned from Cameron, there are other small pieces of information as noted by the Indians and hopefully recorded correctly by the whites.

For those of you who desperately want to believe that there were settlers in this area before 1783, the study will supply you with the only thus far discovered example. However you should be warned that Cameron would report only a few years later in 1766 the exact number of people behind and near the Indian line. His report is all the evidence needed to assure us that whoever may have been behind the line in the early 1760s was gone by 1766. The Ross and Fairie Journals are all the evidence that I need to assure me that no one was living in Pickens County in 1776. The travel accounts of William Bartram provide related information about Oconee County during the same time frame. Following the American Revolutionary War, any persons who were residents in what would later become Greenville, Anderson, Pickens, and Oconee counties were in the position of being considered Tories and of having their land confiscated under an act of the General Assembly. Those persons who had legal rights to property filed petitions with the South Carolina Legislature for the legal return of their lands. No claimants have been discovered for Pickens or Oconee counties, although two claims are presented concerning land supposedly purchased from the Cherokee Indians. Let me note that it is a worthy pursuit to keep the times of settlement, first settlements, etc. open to serious debate and even argument. Only because of these "discussions" is much of the early history of this area surfacing.

In this edition of our Journal, the framework of early settled Oconee County is summarily presented. An increasing

amount of information about the early formative years of this area continues to surface. Jean Flynn has inadvertently revealed the general population of this area in 1787 as a result of her long running work on the South Carolina Militia. She recorded a figure pertaining to the number of able bodied men in this area required to give service to the militia in 1787. From this figure we are able to conclude that there were roughly 3000 persons in the entire Pendleton District and 3000 persons in the entire Greenville District in 1787. As many of you are aware, the population of the Pendleton District had grown to over 10,000 people by 1790. By 1793, the population is reported to have grown to over 13,000. Keep in mind that the entire population of the Pendleton District was reported to be only 20 families in 1786 (this undoubtedly did not include the families living near the Tugaloo as they were most likely considered as being in Georgia based on their land grants). Equally keep in mind that another report of the 1786 period notes "...Pendleton county, which about eight years ago was a desert,..." As the grand jury of the Washington District notes in 1793:

"...what an astonishing effort of population ! ! !..."

The following abbreviations are used in this study:

- ARG Coleman, Kenneth *The American Revolution in Georgia 1763-1789*. Athens: The University of Georgia Press, 1958.

- BH Pound, Merritt B. *Benjamin Hawkins-Indian Agent*. Athens: The University of Georgia Press, 1951.

- Flynn Flynn, Jean Martin "The Governor's Review-The Story of the South Carolina Militia" Unpublished manuscript, np.

- GF Prucha, Francis Paul *The Great Father*. 2 Vols. Lincoln: University of Nebraska Press, 1984.

- HG Coleman, Kenneth, ed. *A History of Georgia* 2nd printing. Athens: The University of Georgia Press, 1982.

- Journal* *Journal of the Oconee County Historical Society*. Oconee County, S.C.: The Oconee County Historical Society, 1986/87. Same abbreviation for 1987 Journal.

- JPC Edwards, Adele Stanton, ed. *Journals of the Privy Council 1783-1789*. Columbia: University of South Carolina Press, 1971.

- Kings* Draper, Lyman C. *King's Mountain and Its Heroes*. Marietta, Ga.: Continental Book Company, 1954.

- Klein Klein, Rachael "The Rise of the Planters in the

- South Carolina Backcountry, 1767-1808" Unpublished Ph.D. thesis, Yale University, 1979. Ann Arbor: University Microfilms.
- Michaux* Seaborn, Margaret Mills, ed. *Andre' Michaux's Journeys in Oconee County, South Carolina in 1787 and 1788*. Columbia, S.C.: R.L. Bryan Co., 1976.
- PDD Willie, Betty, comp. *Pendleton District, S.C. Deeds 1790-1806*. Easley, S.C.: Southern Historical Press, 1982.
- SCWF Holder, Frederick C. "Oconee Station and the South Carolina Western Frontier 1787-1797" Unpublished manuscript, np.
- Statutes* Cooper, Thomas *The Statutes at Large of South Carolina*. 10 vols. (not all of these vols. are compiled by Thomas Cooper) Columbia, S.C.: A.S. Johnston, 1938.

THE BEGINNING WHITE DOMESTIC SETTLEMENT OF OCONEE COUNTY
IN 1784 AND
THE TREATY OF BEAUFORT OF APRIL 28, 1787

The post-Revolutionary history of this area has been clouded in confusion for years. This confusion has resulted from far too many historians assuming that the cession of hostility agreement signed with certain Cherokees at Dewits Corner, S.C. in 1777, whereby they ceded away those lands "west of the Unini Mountains" [Pierce Butler Notes, Archives of the Historical Society of Pennsylvania, np.], marked the last chapter in the history of frontier and the Cherokee Indians in South Carolina. Nothing could be further from the truth. Even the best writers simply note a gradual expansion into this area, at first from previously populated sections of several states and then followed by a dramatic growth over the next ten to twenty years, without noting any major events other than the Treaty of Beaufort and some political subdivisions. Only David Duncan Wallace at least appears to have been aware that there was a continued frontier area of the state for some years following the Revolutionary War, however he notes these happenings only in passing. On the local history level, the interpretation of events has been, with few exceptions, little better. Numerous books characterize the first settlers as generally landless individuals rolling into this area in covered wagons with their families. After building their small log homes (which generally seems to be in isolated spots as well as being virtually one man efforts by the descriptions most often presented) and clearing their fields, they unite to build generally Baptist or Presbyterian churches. They then proceed to live perfectly normal lives in the healthy, natural beauties of this area. This romantic view of the history of

this region has little more validity than the more serious writers who have basically ignored the western frontier of South Carolina following the Revolution. It seems appropriate to at least begin to make some attempt to document and note this virtually missing chapter of South Carolina History which certainly deserves at least some attention.

There can be little doubt that certain errors are going to be present in this discussion as it proceeds from time to time in various issues of our Journal. Some of these errors will result from the fact that there is a severe shortage of conveniently available documentary history regarding the events of this region from 1783-1800. It would take a full time researcher very familiar with both events and names in this region at least a year of research in Columbia, Charleston, Georgia, and Tennessee to produce a nominal amount of good source materials. This last mentioned fact perhaps accounts for the lack of published material on this final phase of South Carolina's westward expansion. As this article and articles to sporadically follow are not a result of such intensive research efforts, it may be safely assumed that these reports will leave much material unnoted that would undoubtedly be of considerable interest. However a starting position will have been provided for those interested in continued research.

The years following the Revolutionary War might best be described as traumatic. Social, religious, and economic institutions and practices were broken down; many farms were in a state of virtual ruin; and new political realities were dawning. It cannot be denied that some few individuals probably at least "eyed" if not actually moved onto some of the newly freed territory in the Western part of South Carolina immediately following the Revolution. However this statement cannot be taken to mean anything like a fair distribution of population over the entire territory. Probably the first encroachments on the territory were into those fringe areas that now make up Greenville and Anderson County. Advancement by anyone prior to 1783 into any areas of Pickens or Oconee counties is highly unlikely. Small areas in upper Anderson County and lower Pickens County, an area on the Tugaloo River near the fork with the Chauga River, perhaps an area on the edges of the Saluda River, and possibly a small area around present Pickens in Pickens County were probably the maximum limits of intrusion by very small bands of settlers before 1785. Even these speculations cannot be satisfactorily documented in any way, with the exception of the settlement on the Tugaloo, although such settlements are found in a few old family stories and questionable secondary reports from later years.

Exact conditions and political actions regarding relationships with the Indians (in particular the exact boundaries between the anticipated limits of white settlement and reserved, but yet unsurveyed, Indian lands within present South Carolina, North Carolina, and Georgia) were questionable. That the federal government as a confederation

had intention of establishing a treaty with the Indians can hardly be denied. The Privy Council Journals on April 16, 1783 report that the Commissioner of Indian Affairs requested certain presents for the Cherokee including a "hogshead of rum". These gifts were apparently intended to keep lines of communication open and relations satisfactory "on account of a treaty of peace and trade intended shortly to be made with them." (see Note 1) [JPC-p.29]

[Note 1: The Southern states involved with those Indians in question, such as the Creek, Cherokee, and Choctaw, were expected to supply the needed cost of supplies for the Commissioners and other costs that would hopefully result in treaties with the Indians. This arrangement did not always prove successful as the various states were sometimes at odds with the purposes of the Commissioners and/or eager to make their own arrangements with the Indians. The Indians were still considered to be in a state of War with the United States until 1785. [BF-p.44,49; GF, Vol.I,-p.47 and throughout the first 200 pages of this work]

It is interesting to note that the Indian line that came to be established in northwestern Oconee County by Treaties of 1777, 1785, 1791 is possibly the same as the line established by the *Treaty of Augusta* in 1783 with the Cherokees; however it is far from clear from the wording of the treaty if this line is one and the same as that recognized by the *Treaty of Hopewell* in 1785. It is equily not fully established, although most reasonably assumed, that the line denoted by the *Treaty at Hopewell* is the same as that area established by the survey for the State of South Carolina by Patrick Calhoun, John Bowie and Robert Anderson for which they received 810.0 on or about Feb. 28, 1778. [Seaborn, Margaret Mills "*Indian Line 1777-1816*" unpublished, np.] An interesting plat of 1793, which seemingly represents a track of land for Robert Anderson in the amount of 100,000 acres, shows the Indian line extending from the Keowee River to the North Carolina Line in Pickens County. [The original copy is on file at the South Carolina Department of Archives and History; a photocopy was loaned for the research on this report through the courtesy of Julia Woodson.] Unfortunately, 1793 is such a late date that it can hardly be imagined that the Indian Line shown on this plat would differ substantially from the bounds defined by the *Treaty of Dewits Corner* and seemingly reaffirmed by the *Treaty at Hopewell*. [see *Journal of the Oconee County Historical Society*, Vol.II, No. 1-p.4 and No.2-p.24]

Another point of particular interest is the fact that the Indian line just noted as pertains to South Carolina can be reasonably observed on a general topographical map of the Southeastern United States. As the treaty makers of the late 1700s did not have such a detailed topographical map to work with, it might be suggested that they were operating in a manner very consistant with the principal established by the Proclamation Line of 1763. In that instance a ridge line (which happened to be the ridge of the Appalachian Mountains)

was accepted as an expedient for determining a boundary. It remains unknown if the Indian Line in Oconee County was based on this same general concept, however Article II of the *Treaty of Dewits Corner* tends to indicate that such was the case. [Journal, V.II, No.1-p.4] It would appear that the line running through what is now Oconee County was designed to tie in with White Oak Mt. in N.C. This supposed point on White Oak Mt. was one of the major points of the survey of 1766. The survey of 1766 was a direct result of the Proclamation of 1763 whereby a clear boundary was marked as the ultimate line of extension of possible white settlement. Settlers who even so much as grazed their cows behind this line (lower boundary of present Anderson County and part of the eastward boundary of present Greenville County) were to be removed. At the conference between the Cherokees and the representatives of the Colonial governments of both S.C. and Georgia at Augusta in 1764, one Sallouih had noted that some "straggling Englishmen" had settled within twelve or fifteen miles of the Lower Cherokee towns. The governor ordered these people driven off and their huts destroyed. [De Vorse, Louis, Jr. *The Indian Boundary in the Southern Colonies, 1763-1775* Chapel Hill: The University of North Carolina Press, 1966, p.125]

On June 4, 1783, Gov. Guerard desired of the Privy Council the amount to "be allowed for the expense of maintaining such persons and Cherokee Indians as should meet at the intended treaty where the Commissioners shall direct." It was "Resolved, That his Excellency write to Gen. Pickens to supply so much provisions at the State expense as will be necessary, for not more than a reasonable time for transacting the business." [JPC-p.63] On May 1, 1784, Gov. Guerard ordered read to the Privy Council a letter from the Hon. Richard Beresford, Esq., the head of the Congressional committee on the "the state of Indian Affairs in the Southern Department". This same letter apparently requested various information on the boundary lines at various times between South Carolina and the Indians. Gov. Guerard appears to have been requesting the advice of Congress regarding the boundary line and possible ways of dealing with the Indians. [JPC-p.103]

On June 28, 1785 Guerard notified the Council of letters from the commissioners appointed by Congress "to treat with the Southern Indians" (Benjamin Hawkins, Andrew Pickens, and Joseph Martin) requesting funds "from time to time" in treating with the Indians. This amount in total was not to exceed \$13,000. [JPC-p.165] The first request was for 200 £ specie and 300 £ in goods, of which the Council approved only the 200 £ specie on June 9, 1785. [JPC-p.165]

Georgia was not "sitting still" during the above noted time span. For in fact both Georgia and North Carolina "were determined to eliminate Indian claims". [BH-p.38] Following the campaign under Gen. Pickens and Col. Elijah Clarke against the Tories and some Cherokees in the fall of 1782, "the Cherokees ceded to Georgia those lands south and west of the

Tugaloo and Savannah rivers." In May of 1783, the Cherokees meeting with representatives of the Georgia government at Augusta "confirmed the Treaty of Long Swamp, giving to Georgia all their lands between the Savannah and Keowee rivers on the east and the Oconee River on the west. These lands were on the fringes of the nation and apparently were not highly prized by the Cherokees." The first Franklin County (see map on p.53) and Washington County, Ga. would be formed out of the Cherokee lands and lands still largely contested by the Creeks. [ARG-pps.238-239; HG-p.93]

With the formation of the original Franklin County, Ga. in 1784, which included much of present Oconee County, S.C., the intrepid Col. Benjamin Cleveland and a band of followers would remove from North Carolina and take up residence in what is now Oconee, perhaps an upper part of Anderson County, S.C., and probably into the area that includes parts of current Hart, Stephens, and Franklin Counties, Ga. Some of these settlements on the South Carolina side of the Tugaloo would be within the a general range of the junction of the Chauga and the Tugaloo River near the Georgia line.[*Kings*-p.451] General Pickens, who possibly considered himself a self appointed "watch dog" for those lands which the state of S.C. intended to allot to soldiers of the Revolutionary War, writes from Long Cane on April 13, 1784 to Governor Guerard of S.C.:

Governor Guerard

Sir, Since my arrival home several men have come down from the Cherokee country [see Note 2], and all say that a certain Col. Cleveland from the State of North Carolina has taken possession and is living on Tugaloo River on the lands allotted by this State for the officers and soldiers of the Continental Line belonging to the State of South Carolina, and the men further say that there are near one hundred families [see Note 3] settled between Tugaloo and Keowee Rivers that came out with above mentioned Colonel, and that they are settled there under the sanction of the State of Georgia. The Indians are very uneasy and much alarmed at such a number of people coming from another State and settling in their old towns. Unless some measures are fell on to settle the boundary between Georgia and this State, I fear Carolina will repent the delay. There are a great many disorderly persons goes up amongst the Indians and creates uneasiness amongst those people. No person ought to be permitted to go there, unless he first obtain a license for that purpose and give security for his good behavior for himself and hirelings while employed in that business. I hope such regulations will shortly take place which will greatly add to the security and safety of the frontiers of this State [see Note 4]. [JPC-p.102]

[Note 2: This probably refers to some traders.]

[Note 3: Later information tends to make me think that these reports perhaps refer to 100 people rather than 100 families. [Journal, V. I, No. 3-p. 73]

[Note 4: Gen. Pickens intentions regarding Indian trade for his own personal gain have never been fully explored, even though there is evidence that he continued to trade with the Indians after removing from the Long Canes area to Hopewell.]

Upon receiving the letter from Gen. Pickens, the Privy Council noted as follows:

After due consideration, sentiments collected, unanimously agreed that General Pickens be directed to warn Col. Cleaveland with his party off the land under claim for said land be settled between this State and the State of Georgia, and also that his Excellency direct Colonel Anderson, the commissioner of location, to grant the said lands to persons to whom they are allotted by a Resolve of the Legislature; and with regard to Indian affairs, they being in the sole jurisdiction of Congress and now under their consideration, must be left to them. [JPC-p.102]

It is evident by the last sentence of this statement that South Carolina was entirely willing to leave the matter of dealing with the Indians in the hands of others, while the Privy Council and the legislature undertook the more pressing matters of state.

On May 9, 1784 General Pickens wrote to Governor Guerard regarding Col. Cleveland and his group of settlers. Pickens notified Gov. Guerard that he had visited the Governor of Georgia, John Houstoun, regarding these settlements near the Tugaloo as well as claims by Georgia and South Carolina to the area between the Keowee and the Tugaloo rivers. Houstoun informed Pickens that he was determined to grant lands in the contested area to those petitioners to the state of Georgia. Pickens goes on in this same letter to mention settlers in North Carolina encroaching upon Cherokee hunting grounds. He also notes that the Indians "are not altogether satisfied respecting the lands we are about to settle, tho' a majority of them acknowledge they gave it willingly, yet there are others that say they were not consulted when the land was given up to this State." (this statement refers to the Treaty of DeWit's Corner) [JPC-p.107] Pickens perhaps foresees the possible future problems that did arise when he notes that the

"Creeks, Chickasaws, and Cherokees are much dissatisfied about the encroachments of the white people on their land without their consent, and that the Choctaws and the Northward Indians has been in those Nations lately and has promised them

their assistance to defend their just right; to prevent the mischief which I fear is beginning, perhaps it would be proper to acquaint Congress respecting those matters, so that measures may be taken to settle the boundaries with the Indians, and to prevent the people from settling on their lands." [JPC-p.107]

The Privy Council once again notified Pickens by a directive of June 4, 1784 to order people off "those lands." (This statement seems to refer to the Cleveland settlement rather than to people on Indian lands; however, such a judgement is subjective.) [JPC-p.107]

The state had apparently decided to take action regarding the lands between the Keowee and the Tugaloo as Robert Anderson remarks in a letter of May 28, 1784 written from Long Cane:

Sir, We have afforded business for the surveyors by opening the land office, though I wish we had been something earlier, for the Georgians are resolved to grant the forks of Tugaloo and Keowee, the part which we reserved for our Continental Army. I am informed they begin to survey thereon next Monday. They will make a point of carrying their surveys in that quarter into grants as soon as possible, therefore when the matter is settled by Congress or otherwise and that [the] part in dispute ceded to this State (which I make no doubt will be case) yet they who have the oldest grants, though from the State of Georgia, I imagine will hold the land, on renewing or recording their works in this State [see Note 5]; therefore it behooves us to carry our surveys of our Continental officers and soldiers into grants with all possible expedition. It's no interest to me [see Note 6], only from a wish to do justice to a set of people who are entitled to it. I will record and forward the works from my office to the Surveyor General's office, and if your Excellency will be so obliging as to sign the grants as soon as they are prepared by the Secretary, the greatest part of the valuable land in that fork may yet be saved to this State. [JPC-p.108]

[Note 5: Anderson's prediction regarding those have the oldest grants, no matter from which state, turned out to be correct.]

[Note 6: Anderson's motives regarding the land are probably as much subject to question as are the motives of Pickens in regard to the Indian trade.]

Even though Anderson suggests that the Grants might be signed before the third Friday in July, even though the Secretary of State would be under no obligation to present them before that time, the Council decided that it would best to wait until the

time stated by law before signing them. [JPC-p.108]

On June 9, 1784, Gov. Benjamin Guerard would write to Gov. Houstoun of Georgia condemning his actions in granting portions of the land between the Tugaloo and the Keowee. Guerard's claim to this land centered around the idea that the land was "...relinquished and ceded to us by the Cherokee Indians by treaty in one thousand seven hundred and seventy-seven, acceded to by the Georgia Commissioners; lands our property by King Charles's charter, on which, by political indulgence only, the Cherokee Indians were permitted to remain, and which, if they did ever voluntarily quite (as they have done by this relinquishment and cession [see Note 7]), we always meant to locate;..." [JPC-p.109] In this same letter Guerard makes several proposals regarding the problem as follows:

First. By ascertaining the boundary between us, which on our part has been often required and we have been always ready to fix.

Secondly. By legally convincing us that we have no pretension to the land for certainly the same cannot be the property of two States, or the jurisdiction of both must there be in full force--a very great inconsistency and utter impossibility!
Or

Thirdly. By an appeal to Congress agreeably to the Federal Government. [JPC-p.109]

[Note 7: The idea that the Indians has totally left the area, as noted by Guerard, is not only questionable but unlikely based on other evidence. Perhaps Guerard is referring to the fact that most of the Indians, as the population stood before 1776, were now gone from the area that would become the Washington District (present Anderson, Greenville, Pickens, and Oconee counties (with the exception of that area reserved to the Cherokees in northwest Oconee and Pickens counties)). Needless to comment, Guerard had not visited the area just noted. As such, his comments amount to little more than hearsay in regard to the Indians.]

On July 21, 1784, the Council decided to notify Nobel Wymberley Jones, the representative in South Carolina for the business of the State of Georgia, to attend their meeting to discuss the complaint by South Carolina against the land grants being issued by Georgia. On June 18, 1784, Gov. Houstoun had notified Jones to file a complaint against the State of South Carolina against issuing any grants for that territory under dispute

until agents or commissioners of the said respective states shall meet, and until the matter in controversy respecting that body of land shall be finally decided, agreeable to equity and

justice, and pursuant to the mode pointed out by the Articles of Confederation, and for one of the many grounds for such caveat do assign, "That all and singular the lands within this discription belong to State of Georgia and are included and comprehended in the charter of the same, bearing date the ninth day of June in the year of our Lord one thousand seven hundred and thirty-two,...." [JPC-p.127]

Jones fulfilled these instructions on July 26, 1784. [JPC-p.127]

The council took the Georgia complaint under advisement as well as the previous request made by Col. Anderson for the immediate granting of land in what would later become the Washington District. The council's rather "neat" solution to the dilemma of getting land grants initiated was simply to decide that the law of March 26, 1784 of the state of S.C. demanded "that the Governor be required to sign and pass such grants;..." [JPC-p.126/128; Statutes, IV-p.647, p.590-93]

Contrary to the stories that are so often related about land hungry settlers and holders of bounty warrants rushing into this area, even the expediency in granting lands, as noted by the directives of the Privy Council, was not enough to entice a sufficient number of people to the upper areas of the newly opened western corner area of South Carolina. A law passed by the General Assembly on Oct. 12, 1785 repealed the 10th, 11th, and 15th articles of the act law passed on March 25, 1784. In effect, grants could now exceed the original maximum of 640 acres, a person could receive more than one grant, and those receiving grants were no longer required to cultivate and/or settle the land. [Statutes, IV-pps.709-10]. On March 22, 1876, the General Assembly passed a law to prevent the sale of property granted since the passing of the law of March 25, 1784, for nonpayment [Statutes, IV-p.753]. The combined effect of these acts was to open the way for land speculation, the very thing which the act of March 25, 1784, had tried to avoid.

Rachel Klein, in her unpublished Ph.D. dissertation, notes a direct connection between the sponsorship by upcountry legislators of these repeals to the original land grant act and the need by upcountry debtors to increase their balance sheets with cheap and sometimes almost worthless lands in the so called "Pine Barrens" area. However she equally notes that the richer lands of the newly opened sections of the state offered enterprising, and often debt ridden, backcountry entrepreneurs the chance of making large profits from the development of towns or else from the resale of property to larger land speculators. Pierce Butler, one of those most involved in land speculation and a Commissioner at the Beaufort Treaty, solicited the aid of Andrew Pickens in helping him gain information about Indian lands. This "request" for aid went so far as an intimation by Butler that he would "assist" in helping to make Andrew Pickens' son a

congressman. [Klein-p.208-214]

In 1792, Alexander Moultrie, the half brother of Governor Moultrie, was impeached as the State Attorney General for the use of state funds in the infamous South Carolina Yazoo Land Company. Heavily involved in land speculation with Moultrie was William Tate. On May 17, 1794, Tate conveyed 300,000 acres of land in current Pickens and Oconee counties to Robert Morris and John Nicholson for 5 shillings. Morris and Nicholson of Philadelphia were probably the two largest land speculators in America in the late 1700s. [Klein-p.220, PDD-p.92]

Before 1794, two land speculators owned well over half of present Oconee County; or 2/3 of the area that was available for land grants in what is now Oconee County. Some of these huge grants included tracts which had previously been granted and which were still owned by the original grantees. Virtually of these tracts belonged to grantees under the law of March 25, 1784 and were for 640 acres or less. The problem of conflicting land grants was resolved by an act of the legislature in 1786 nullifying claims to property which was previously owned. The General Assembly also eliminated the purchased of land on credit. By 1794, the legislature "closed the land offices for four years and limited future grants to 500 acres for each person." Some of these S.C. land speculators probably contributed substantially to the growth and development of the western corner of S.C. by providing land for rent and/or long term purchase to those who would not qualified for the property otherwise. [PDD; Statutes, V-p.38-41; Klein-p.228,235]

Although a most convincing case is made by Klein regarding the land speculators, it remains unknown what the role the speculators played in the reinforcement of South Carolina's claim against Georgia for the area of land that now makes up most of Oconee County. It is also worth noting that there do not appear to be conflicting claims between those who were first granted tracts of 640 acres or less, and the later grants to the land speculators which often included the land defined and surveyed as part of these earlier grants.

An interesting paradox of the period, and one which has created untold of amounts of confusion, is the fact that land grants appear to have been made to various people for areas of Oconee County that appear to have remained uninhabited until many years later [see Note 8]. This may well explain the lack of conflict between early grantees and property surveyed for the land speculators. One of the most interesting examples is the so called Moultrie Tract cited by Seaborn in her study of Michaux's journals as footnote no. 56 [Michaux-p.66]. She points out that the tract where Indians were supposedly living up to 1792 was granted to William Moultrie in 1784, and then conveyed to George Ringland of Charleston in 1793. It would naturally have been hoped that numbers of settlers would flood the western corner area of S.C. in order to give South Carolina an even clearer title to the property contested by

S.C. and Georgia; however the matter of surveys and signed grants was undoubtedly foremost in importance. Equally it is somewhat evident from the material already presented that much land was granted in an effort to give legal titles to large tracts of vacant lands. These grants on file with the Secretary of State only enhanced South Carolina's claims to the area between the Tugaloo and the Keowee rivers. Thus Seaborn's footnote no. 49 [Michaux-p.65] where she once again presents the paradox of a John Hamilton having been granted a tract land in 1784, against Michaux's report on June 18, 1787 of 60 Indian families being on the property, actually does not present any problem. A comparison of the 1790 census with the land grants compiled by Van Clayton in the late 1920s clearly shows a number of prominent citizens from the lowcountry who never came to this area to stake out their acres. While such a analysis has yet to be accomplished, it is likely that many land grants would be sold following 1792, of which the conveyance by Moultrie to Ringland in 1793 is perhaps but one example. The reasons for this particular year possibly being something of a turning point in terms of land transactions relating to the area of present Oconee County will be more fully explored as the events of 1792 are examined in a future issue of our journal.

[Note 8: One of the most prevalent problems regarding assumptions relating to the Western Corner area of South Carolina relate to the date on land grants. Simply because John Doe got a land grant somewhere in what is now Oconee or Pickens County in 1784 (or thereabouts), and because it can be established that the same John Doe sold or died owning that same particular piece of land in some year after 1790, and because he is listed in the 1790 Census of the Pendleton District, and because that family surname would be apparent in that same general area of John Doe's land in later years, it has long been assumed that John Doe came to live on a particular parcel of land at, or within a few months, of the time he received his land grant. I have yet to find any evidence to support this view other than for some few individuals who resided on the Seneca or Tugaloo River prior to 1787 such as Benjamin Cleveland. As for the inland areas of both Oconee and Pickens County, and in particular the areas toward the mountains, there is absolutely no reason to assume that people ventured into these areas until well after conditions were deemed safe for habitation. These people could have been in the Pendleton District without necessarily being on their own property before 1788. Equally these same people could have temporarily abandoned their property during times of difficulty and still be found within the Pendleton District. It is well to remember that the Pendleton District was a large area with a small number of persons per square mile. As such, there was plenty of unoccupied land.

The assumption regarding the idea that the date of land grants corresponded to the date of settlement is principally responsible for the long standing notion that the Pendleton District was settled over a wide area at a fairly early date (prior to 1790). It is this same assumption that has lead to a

substantial amount of what will probably eventually prove to be misinformation about the general founding date of some churches. It is far more likely that the settlement of the Pendleton District resulted from cluster settlements that would slowly fan out to encompass an increasingly larger area of land within the Pendleton District. Another assumption that will probably eventually prove to be incorrect is that many of the supposed early churches are close to their original location. As congregations moved out from cluster settlements, they likely took their churches with them in some cases. As such, it may eventually prove to be the case that some early churches are now many miles from their original starting positions. There are already several churches under investigation that are ideal candidates for this last noted remark.]

The transition from an area of projected peaceful settlement to a frontier in turmoil began to reveal itself in the Council Journals on June 5, 1786 when Edward Telfair of Georgia requests "the loan of arms, etc." Telfair goes on to comment that

"The savage depredations that have of late taken place on the western frontiers of this State and the want of a sufficient number of arms for defensive measures will, I trust, plead a sufficient excuse for the requisition now made."
[JPC-p.177]

Any particular fears that might be expressed by residents in Greenville County living on the fringe of the future frontier area were apparently not extreme in early 1787, as a note in the Council Journals of April 19, 1787 records that "in laying off the County of Greenville [1786] [the Legislature] had omitted to appoint Militia officers,..." [JPC-p.193] There does not appear to be an urgency regarding the appointment of such officers as the Privy Council notes that they will consider the matter after Col. Gervais returns from a trip to the inland part of S.C. to confer with Col. Anderson and Brig. Gen. Pickens.[JPC-p.193]

Conditions in the western corner of South Carolina would be greatly altered by early September of 1787. The western corner area would become a frontier during the next ten years replete with outposts, "spys", minor Indian attacks, and a version of a mounted cavalry/guard. Norwood's Station, Madison's Station, and perhaps one other outpost would serve to defend this frontier from the first minor incursions in 1787; however the threat of a far larger Indian attack in 1792 would result in the building of Oconee Station, Stewart's Station, Eastatoe Station, and perhaps as many as eight more yet unknown, unidentified, and undocumented frontier outposts. Tugaloo Station, only recently documented as existing, may have been the result of a request by Gov. Blount in 1794 for protection against horse thieves and the purchasers of stolen goods who appear to have carried on

business in the hills of present Oconee County. The horses were being stolen on the frontiers of Tennessee and western North Carolina by Indians. [Flynn, np.; SCWF, np]

Even with confusion over land titles, an arising danger to the frontier, and a less than wide spread population in what is now Oconee County, an act of the General Assembly of March 22, 1786 established that commissioners from S.C. should meet with representatives of Georgia to affix the boundary between the two states. [Statutes, IV-p.747-48] On May 8, 1787, the Lieutenant Governor presented the findings of the convention held in Beaufort on April 28th, 1787 between the state of South Carolina and the State of Georgia respecting the boundary and those contested areas of land, including that area lying between the Keowee and the Tugaloo rivers. [RG-p.194] While the complete text follows, it is worth noting Kenneth Coleman's analysis of the principal provisions of the Beaufort Treaty:

(1) "All the islands in the Savannah and Tugaloo were given to Georgia."

(2) The Savannah River (except for the port of Savannah area) was open to commerce on the part of both states.

(3) South Carolina cedes all land east, south, southeast or west of the established boundary to Georgia (at the time of the treaty, it was thought by South Carolina that a survey would confirm a strip running from the head of the Chattooga to the Mississippi to be a part of South Carolina. As it turns out, the headspring was in North Carolina and therefore no such strip existed. Even so, the state of South Carolina deeded this non-existent area to the United States Government in August 1787. The eastern section of this same imaginary strip was deeded back to the state of Georgia in 1802 when Georgia deeded the present area of Alabama and Mississippi to the United States. [ARG-p.260])

(4) Georgia ceded all the lands north and/or northeast of the established boundary line to S.C.

(5) Land granted between the Tugaloo and the Keowee would belong to the party who had first received the grant, no matter which state had issued the grant. [This provision of the treaty confirmed Robert Anderson's earlier expectations.]

(6) The grantee title to lands south of the Altamaha (in what is now Georgia) granted by S.C. in 1763 were still not resolved, as the Commissioners for the State of Georgia notified the Commissioners for the State of South Carolina that they did not have the powers to decide the fate of these grantees. [ARG-p.259] (Coleman notes that Georgia decided to relinquish the area between the Tugaloo and the Keowee after it was proven to the Georgia Commissioners that the Tugaloo carried more water than the Keowee [ARG-p.260])

According to Coleman, the Treaty of Beaufort was an

example of the "tenacity with which Georgia held on to her western territory, despite the fact that she could derive no immediate benefit from the area west of the Oconee River." It is certainly true that the property which appeared to have the most immediate value at the time of the Treaty was that area between the Keowee and the Tugaloo rivers. John Houston's dissent, reprinted along with the Treaty of Beaufort, makes the desire by many Georgians to retain this property reasonably plain. It is well to remember that the western areas of Georgia in question were basically Indian lands and/or the buffer zones between the Indian lands of the frontier, and would remain so for some years. [ARG-p.260]

Other than this study, of which copies will eventually be placed in the Oconee County Library System, there is little, if any, of the below noted reading materials available in the Oconee County Library System. It may be possible to obtain some of the books listed below on interlibrary loan through the state library system.

Additional sources of information and reading materials:

In addition to the actual Treaty of Beaufort as part of the Georgia State Records which is reprinted as part of this study, the Oconee County Historical Society maintains a copy of the notes of Pierce Butler from the archives of the Historical Society of Pennsylvania, and a copy of the "*Journal of the Commissioners for Settling the Boundary Between Georgia and South Carolina from February 15, 1787 through May 1, 1787*" from the archives of The Georgia Department of Archives and History.

We also maintain typescript copies of a number of Indian treaties including the *Treaty of Dewits Corner* (1777), the *Treaty of August* (1783), the *Treaty of Hopewell* (1785) and other later treaties as they effected this area of South Carolina. These treaties are to be found in *Journal of the Oconee County Historical Society*, Vol.II, Nos. 1,2,3,4.

A study of a number of treaties would be useful; however, it should be noted that the only reasonable way to study Indian treaties is to start with the first that effect a given tribe or area and move forward. As each treaty reestablishes or redefines parts of older treaties, a clear understanding of any single treaty out of context with a number of other treaties is extremely difficult. It is for this reason that the effects, and even the purpose, of the *Treaty of Hopewell* is generally thoroughly misunderstood by residents of the western corner of South Carolina.

The best printed and conveniently available source of information, including good sources of documentation as regards the boundary between Georgia and South Carolina, is

The Georgia-South Carolina Boundary: A Problem in Historical Geography by Louis De Vorsey, Jr. Athens: The University of Georgia Press, 1982. [It should be noted that De Vorsey's books, although readable, do not make for casual reading. This work by De Vorsey resulted principally from conflicting claims by Georgia and South Carolina in recent years relating to the lower Savannah River area. As such, a considerable amount of this work deals with that area.]

Anyone interested in doing serious work related to the boundary and other contemporary affairs may consult both the published and unpublished Journals of the House of Representatives and the Senate. The Journals of the House of Representatives are published through 1791; however the Senate Journals and related information must be obtained from the South Carolina Department of Archives and History in Columbia.

Also recommended is:

Kenneth Coleman's *The American Revolution in Georgia 1763-1789* Athens: The University of Georgia Press, 1958. Pps. 6, 238, 258-260.

Kenneth Coleman, general ed. *A History of Georgia*. Athens: The University of Georgia Press, 2nd printing, 1982. P. 93.

For those seriously interested in research into various Indian Treaties relating to this general area, the following works are recommended:

Merritt B. Pound. *Benjamin Hawkins-Indian Agent*. Athens: The University of Georgia Press, 1951. [Some interesting insights into Indian affairs can be gained from Pound's very readable study of Hawkins.]

Francis Paul Prucha. *The Great Father*. Abridged Ed. Lincoln: The University of Nebraska Press, 1986. [Probably the best work for an understanding of Federal Relations with the Indians over the last 200 years...The 2 vol. unabridged edition will perhaps be difficult to obtain on loan.]

DIGEST

OF THE

L A W S

OF THE

State of Georgia,

FROM ITS SETTLEMENT AS A BRITISH PROVINCE, IN 1755, TO THE
SESSION OF THE GENERAL ASSEMBLY IN 1800, INCLUSIVE.

Comprehending

All the Laws passed within the above periods, and now in force, alphabetically arranged
under their respective Titles: Also the State Constitutions of 1777 and 1789, with
the additions and amendments in 1795, and the Constitution of 1798.

TO WHICH IS ADDED,

AN APPENDIX:

Comprising

The Declaration of American Independence; the Articles of Confederation and perpetual Union; the Federal
Constitution, with the amendments thereto: all the Treaties between the United States and foreign
Nations; the Treaties between the United States and the different tribes of Indians; and
those between the State of Georgia and the Southern and Western Indians.

WITH

A COPIOUS INDEX TO THE WHOLE.

Compiled, arranged and digested from the original Records, and under the special Authority of the State.

BY HORATIO MARBURY & WILLIAM H. CRAWFORD, Esqrs.

Savannah:

PRINTED BY SEYMOUR, WOOLHOPTER & STEBBINS.

1802.

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CONVENTION
BETWEEN
SOUTH-CAROLINA AND GEORGIA,
CONCLUDED AT BEAUFORT IN 1787

TO ALL TO WHOSE THESE PRESENTS SHALL COME, The underwritten Charles Coatesworth Pinckney, Andrew Pickens, and Pierce Butler, esqrs. commissioners appointed by the state of South Carolina, of the one part, and the underwritten John Habersham and Lachlan McIntosh, esqrs. a majority of the commissioners appointed by the state of Georgia, of the other part---*send greetings.*

WHEREAS the state of South-Carolina did heretofore present a petition to the United States in congress assembled, and did therein set forth, that a dispute and difference had arisen and subsisted between the states of South-Carolina and Georgia concerning boundaries; and the states claiming respectively the same territories, and that the case and claim of the state of South-Carolina was as follows, that is to say: "Charles the Second, king of Great-Britain, by charter dated the twenty-fourth day of March; in the fifteenth year of his reign; granted to eight persons as therein named, as lords proprietors thereof, all the lands lying and being within his dominions of America between thirty-one and thirty-six degrees of south latitude, in a direct west line to the South Seas, styling the lands so described "The Province of Carolina:" That on the thirtieth day of June, in the seventeenth year of his reign, the said king granted to the said lords proprietors a second charter, enlarging the bounds of Carolina, viz. from twenty-nine degrees of north latitude to thirty-six degrees thirty minutes, and from those points on the sea-coast west in a direct line to the South Seas: That seven of the said proprietors of Carolina sold and surrendered to George the Second, late king of Great-Britain, all their title and interest in the said province, and the share of the remaining proprietor was separated from the king's, and allotted to him in the north part of North-Carolina: That Carolina was

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afterwards divided into two provinces, called North and South Carolina: That by a charter dated the ninth day of June, one thousand seven hundred and thirty-two, George the Second, king of Great-Britain, granted to certain persons therein named, all the lands lying between the rivers Savannah and Alatomaha, and between lines to be drawn from the heads of those rivers

respectively to the South Sea, and styled the said
"Georgia:" That by the treaty of peace concluded at Paris on
the tenth day of February, one thousand seven hundred and
sixty-three, the river Mississippi [sic] was declared to be the
western boundary of the North American Colonies: That the
governor of South-Carolina, in the year one thousand seven
hundred and sixty, conceiving that the lands southward of the
Alatamaha still belonged to South Carolina, granted several
tracts of said lands: That the government of Georgia
complained to the king of Great Britain, respecting those
grants as being for lands within its limits, and thereupon his
majesty by proclamation dated the seventh day of October, one
thousand seven hundred and sixty-three, annexed to Georgia all
the lands lying between the rivers Alatamaha and St. Mary's,
the validity of the grants passed by the governor of
South-Carolina as aforesaid, remaining however acknowledged
and uncontested, and the grantees of the said land, or their
representatives still holding it as their legal estate. That
South-Carolina claims the lands lying between the
North-Carolina line, and the line run due west from the mouth
of Tugalo River to the Mississippi, because as the said state
contends the river Savannah loses that name at the confluence
of Tugalo and Keowee Rivers, consequently that spot is the
head of Savannah River. The state of Georgia on the other
hand contends that the source of the Keowee River is to be
considered as the head of Savannah River. That the state of
South-Carolina also claims all the lands lying between a line
to be drawn from the head of the river St. Mary's, the head of
the Alatamaha, to the Mississippi and Florida, being as the
said state contends, within the limits of its charter, and not
annexed to Georgia by the said proclamation of one thousand
seven hundred and sixty-three. The state of Georgia, on the
other hand contends, that the tract of country last mentioned
is a part of that state." The state of South Carolina did
therefore by their said petition pray for a hearing and
determination of the difference and dispute subsisting as
aforesaid, between the said state and Georgia, agreeable to
the articles of confederation and perpetual union between the
United States of America. *And whereas* the state of Georgia
were duly notified of the said petition, and did by their
lawful agents appear in order to establish their right to the
premises, in manner directed by the said articles of
confederation; and proceedings were thereon had in congress in
order to the appointment of judges to constitute a court for
hearing and determining the said matter in question: *And
whereas* it appeared to be the sincere wish and desire of the
said states of South-Carolina and Georgia, that all and
singular the differences and claims subsisting between the
said states, relative to boundary should be amicably adjusted
and compromised: *And whereas* the legislature of the state of
South-Carolina, did elect the above named Charles Cotesworth
Pinckney, Andrew Pickens and Pierce Butler, esqrs.
commissioners, and did invest them, or a majority of them,
with full and absolute power and authority in behalf of that
state, to settle and compromise all and singular the
differences, controversies, disputes and claims which subsist
between the said state, and the state of Georgia, relative to

boundary, and to establish and permanently fix a boundary between the two states. And the said state of South-Carolina did declare, that it would at all times thereafter ratify and confirm all and whatsoever the said commissioners, or a majority of them, should do in and touching the premises, and that the same should be forever binding on the said state of South-Carolina. *And*

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whereas the legislature of the state of Georgia did appoint John Houstoun, John Habersham and Lachlan McIntosh, esqrs. commissioners, and did invest them with full and absolute power and authority, in behalf of that state, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between the said state and the state of South-Carolina relative to boundary, and to establish and permanently fix a boundary between the two states. And the said state of Georgia did also declare, That it would at all times thereafter ratify and confirm all and whatsoever the said last mentioned commissioners, or a majority of them, should do in and touching the premises, and that the same should be forever binding on the said state of Georgia. Now, therefore, know ye, That the underwritten commissioners on the part of the state of South Carolina and Georgia respectively, having by mutual consent assembled at the town of Beaufort, in the state of South Carolina, on the twenty-fourth day of this present month of April, in order to the due execution of their respective trusts, and having reciprocally exchanged and considered their full powers, and declared the same legal and forever binding on both states, and having conferred together on the most effectual means of adjusting the differences subsisting between the two state, and of establishing and permanently fixing a boundary between them, have agreed, and by these presents for and in behalf of their respective state, do mutually agree to the following articles, that is to say:

ARTICLE THE FIRST

The most northern branch or stream of the river Savannah, from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugalo and Keowee; and from thence the most northern branch or stream of the said

river Tugalo, till it interesects the northern boundary line of South Carolina, if the said branch or stream of Tugalo extends so far north, reserving all the islands in the said rivers Savannah and Tugalo, to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary line of South-Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo River, which extends to the highest northern latitude, shall forever hereafter form the separation, limit and boundary between the

state of South-Carolina and Georgia.

ARTICLE THE SECOND

The navigation of the river Savannah at and from the bar and mouth, along the northeast side of Cockspur Island, and up the direct course of the main northern channel, along the northern side of Hutchinson's Island, opposite the town of Savannah, to the upper end of the said island, and from thence up the bed or principal stream of the said river to the confluence of the rivers Tugalo and Keowee, and from the confluence up the channel of the most northern stream of Tugalo River to its source, and back again by the same channel to the Atlantic Ocean---is hereby declared to be henceforth equally free to the citizens of both states, and exempt from all duties, tolls, hinderance, interruption and molestation whatsoever, attempted to be enforced by one state on the citizens of another; and all the rest of the river Savannah to the southward of the foregoing description, is acknowledged to be the exclusive right of the state of Georgia.

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ARTICLE THE THIRD

The state of South Carolina shall not hereafter claim any lands to the eastward, southward, southeastward or west of the boundary above established, but hereby relinquishes and cedes to the state of Georgia all the right, title and claim which the said state of South Carolina hath to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of South-Carolina hath in or to the said land.

ARTICLE THE FOURTH

The state of Georgia shall not hereafter claim any lands to the northward or northeastward or the boundary above established, but hereby relinquishes and cedes to the state of South Carolina all the right, title and claim which the said state of Georgia hath to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of Georgia hath in or to the said lands.

ARTICLE THE FIFTH

The lands heretofore granted by either of the said states between the forks of the Tugalo and Keowee shall be the private property of the first grantees, and their respective heirs and assigns; and the grantees of any of the said lands under the state of Georgia shall, within twelve months from

the date hereof, cause such grants or authentic copies thereof, ratified under the seal of the state of Georgia, to be deposited in the office of the secretary of the state of South Carolina, to the end that the same may be recorded there; and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said secretary their respective grants, or the copies thereof, whichsoever may have been so deposited, without any charge or fee of office whatsoever; and every grant which shall not, or of which the copy certified as above mentioned shall not be so deposited, shall be judged void.

ARTICLE THE SIXTH

The commissioners on the part of the state of South-Carolina do not by any of the above articles mean to cede, relinquish or weaken the right, title and claim of any of the individual citizens of the state of South Carolina to any lands situated in Georgia, particularly to the lands situated to the south or southwest of the river Alatomaha, and granted during the administration of governor Boone, in the year one thousand seven hundred and sixty-three; and they do hereby declare, that the right and title of the said citizens to the same is and ought to remain as full, strong and effectual as if this convention had not been made. The commissioners on the part of the state of Georgia do decline entering into any negotiation relative to the lands mentioned in this article, as they conceive they are not authorized so to do by the powers delegated to them.

IN TESTIMONY WHEREOF, the said Charles Cotesworth Pinckney, Andrew Pickens and Pierce Butler, for and in behalf of the state of South-Carolina, and the said John Habersham and Lachlan McIntosh, for and in behalf of the state of Georgia, have to these presents and a duplicate thereof, both intended, interchangeably set their hands and affixed their seals.

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Done at Beaufort, in the state of South-Carolina, the twenty-eighth day of april, in the year of our Lord one thousand seven hundred and eighty seven, and in the eleventh year of the independence of the United States of America.

| | |
|-----------------------------|--------|
| CHARLES COTESWORTH PINCKNEY | (L.S.) |
| ANDREW PICKENS | (L.S.) |
| PIERCE BUTLER | (L.S.) |
| JOHN HABERSHAM | (L.S.) |
| LACHLAN McINTOSH | (L.S.) |

Beaufort, South-Carolina, 28th April, 1787

I, John Houstoun, one of the commissioners appointed by

ordinance of the General assembly on the part and behalf of the state of Georgia, for settling disputes respecting boundary with the state of South Carolina do dissent from so much as is herein after mentioned or implied of the convention or agreement this day entered into by and between the commissioners of South-Carolina on the one part, and a majority of the commissioners of Georgia on the other part, and for causes of this my dissent do assise as follows:

1st. I conceive, from the words of the charter of Georgia, *all the lands which lie* south and southwest of the most northern part of the stream of the river Savannah, up to its head or source; from thence within a direct line running due west to the river Mississippi, and extending southwardly as far as the boundaries of East and West Florida, are the right of Georgia. This stream here described I take to be that branch of the river Savannah known by the name of Keowee; if so, all the lands which lie in the fork of the two branches of Savannah River called Tugalo and Keowee ought to fall into Georgia, whereas by this convention they are yielded to South-Carolina. As to the relinquishment on the part of South-Carolina of all her claims in the southern district of Georgia, I do not conceive this by any means an equivalent; for although the two territories in question may be equally fertile, or perhaps the difference in point of extent and value even in favor of the southern, yet I apprehend the title of Georgia to the lands now ceded to South-Carolina was good and valid, whereas the pretensions of South-Carolina to the southern country appear to me to be so slender, that the right of Georgia to those lands is neither strengthened or weakened by the present convention; and therefore as, in my opinion, the nature of the claims ought to be considered in the negotiation as well as the value and extent of the soils, I cannot admit the exchange to be equal.

2dly. As to the free navigation of the river Savannah now given up to South-Carolina, I conceive this point is, in the first place, not an object of our commission; but if it was, however disposed I might be always to wish an indulgence to a sister state on this head (which I believe has hitherto been the case) yet I am not inclined to give that *indulgence* the color of a *right*. Were we settling commercial regulations with South Carolina, to permit the free navigation of the river, might be just and proper, and the title then would depend on and be derived from such agreements; but to yield this point as a *claim*, in the present instance implied that the *right* has been aborigine in South Carolina. Such a position would be inconsistent with my idea of our boundary; for if we hold the sovereignty "*from the most northern part of the stream,*" it seems to me the exclusive right of navigation follows of course:

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This is neither a forced or new construction of our charter, but has uniformly been the opinion for a series of years past of most people in Georgia; and all the documents adduced tend

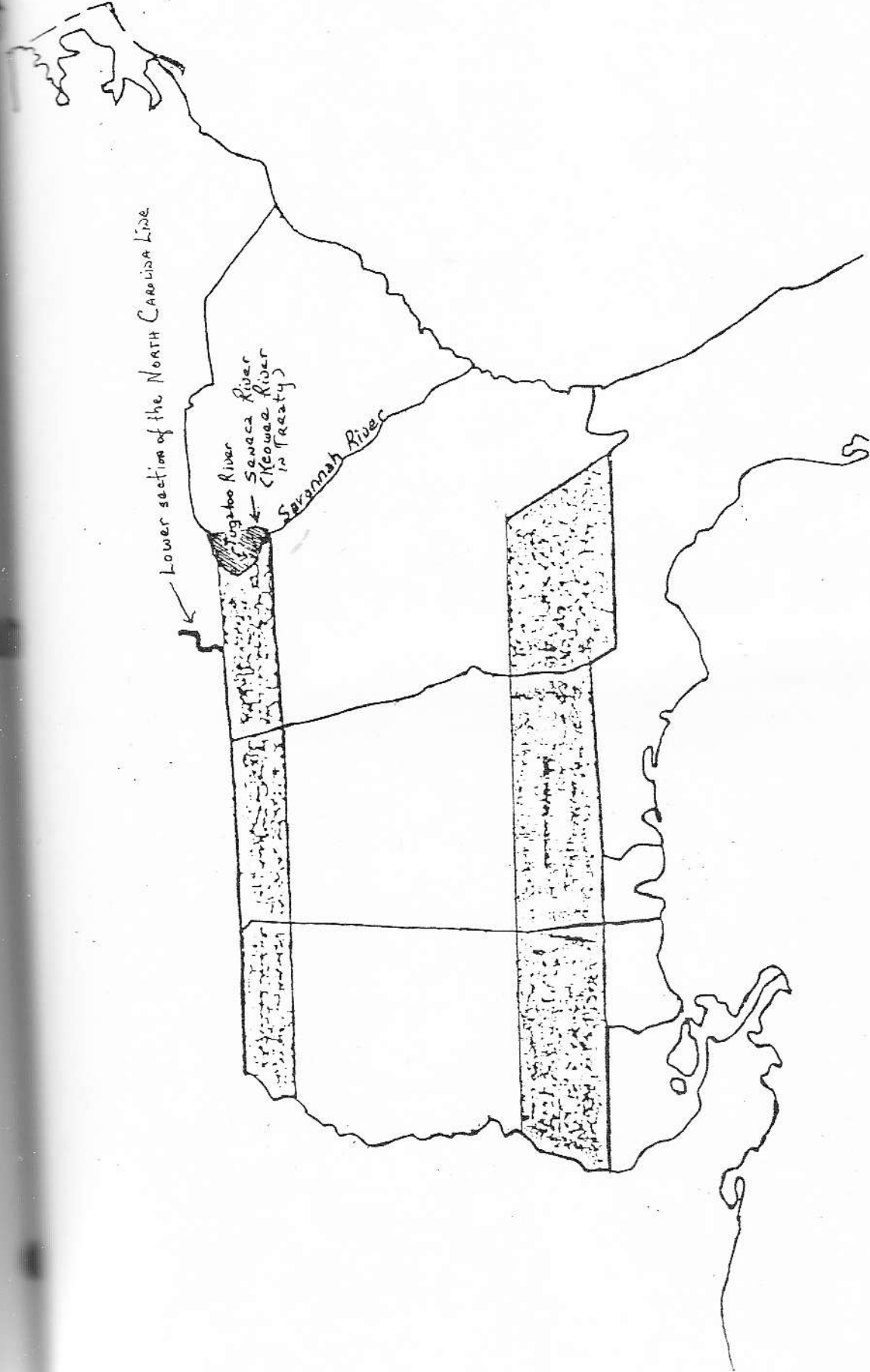
only to show the point has been contested but never decided on. On the whole, although I should be amongst the foremost to concede to this neighborly privilege in return for some other perhaps less valuable to the citizens of South-Carolina, yet I should wish to see it held by them as a *grant*, under some restrictions, from Georgia, and not a *right* proved and established at the present meeting.

JOHN HOUSTOUN.



area marked as "Released to S.C. by Beaufort Convention 1787" is modern Oconee County, S.C. and a small part of modern Anderson County, S.C.





Lower section of the North Carolina Line

Tugtoe River
Savanna River
(Mowee River in Treaty)

Savannah River



The State of Georgia relinquished all claims to the lands marked by:

The State of South Carolina relinquished all claims to the lands marked by:

Lands under examination regarding the Treaty of Beaufort-1787.