Dominion Over the Earth

Cherokee Cessions, State Bounty and Land Grants and the Settlement of Pendleton District, SC

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Writing about the formation of Pendleton District, South Carolina, historians generally describe its settlement as a progression of cession, possession, and organization. The Cherokees ceded the territory, whites moved in and, later, formed a civil community called Pendleton District. The historians are not wrong. Yet, social and political issues in play during early settlement in this part of South Carolina were more complex than this neat and linear timeline would suggest. This complexity often leads to confusion for the family researcher who wishes to place his or her ancestors into the context of regional history.

A survey of the literature on the history of Pendleton District revealed conflicting dates for the cession of the larger portion of Cherokee lands. Multiple sources, claimed that the territory was under Cherokee control until 1785. Other writers claimed that 1777 was the year of cession.1 The conflicting dates made it difficult to know when white settlers actually arrived in the region and whether these early settlers possessed legal status to live there. Resolving this conflict was a substantial, but necessary, detour from family history.

There is fragmentary evidence that a few white families moved into the region as early as 1777. However, the earliest record of a land grant within this former Cherokee territory was dated December, 1781 when John E. Calhoun was awarded 1,878 acres on Twelve Mile River.2 It would be another three years before the state would create grant programs expressly designed to promote settlement there and another five years before the region had a name. As a civil entity, Pendleton District was not organized until 1789. Two treaties made with the Cherokee and two South Carolina land grant programs contributed to its formation. These events and related documents, along with contemporary accounts of the region were examined to gain an understanding of the time and place. Hopefully, these findings help clarify what has been reported elsewhere.

In many respects, to settle that part of South Carolina was to become a miner’s canary. In the years between 1777 and 1785, the region was a “no-man’s land.” This was not from lawlessness and not because whites were forbidden to settle there, but because it was still disputed territory. Finding a consensus among historians for the date of cession by the Cherokee was a challenge. Thus, it seemed


2 Calhoun 1781. This same document also indicated that, by 1781, Gen. Andrew Pickens and several others had also removed to the region “above the Ancient Indian Boundary Line.” However, as of publication, no record has been found to indicate if these individuals received grants for land within the region prior to 1784.
necessary to examine the treaties, themselves, and contemporary journals for an answer to the question of cession. Ultimately, the answer was more complex than anticipated. The body of sources was expanded to include a detailed report of Cherokee cessions published by Charles C. Royce\(^3\) in 1883-84. Portions of this report were later published by order of Congress in the *U. S. Serial Set* as H.R. Report No. 736.

Royce’s report was illuminating. It helped to explain why, even today, confusion exists over when the northwest region of South Carolina was ceded by the Cherokee. In the introduction, the editor described the difficulties encountered in determining boundaries established by the various treaties with the Cherokee.

*In* some cases the cessions were imperfectly recorded; in the greater number of cases the cessions were made in advance of the execution of trustworthy surveys and maps, so that the boundaries of the ceded territory were indefinite \(^4\).

The treaties of DeWitt’s Corner, in 1777, and Hopewell, in 1785, certainly stand as a testament to the problems described in Royce’s report. After the treaty of DeWitt’s Corner was signed, many Cherokee either did not accept the new treaty boundary or understood the terms differently.\(^5\) It was not until 1797—well after the ratification of both treaties—that the boundary was physically run and the fear of Cherokee raids began to diminish. To appreciate the complexities involved, one must focus simultaneously on issues of economics (personal and political), personalities of key participants, and political exigencies of trying to build a government that was, itself, in constant flux. All these factors resulted in imperfect agreements that required amendment over the following decades.

**Treaty of DeWitt’s Corner—20 May 1777**

Officially entitled, *the Treaty of Peace and Friendship*, DeWitt’s Corner was different from all other treaties made between the Cherokee and South Carolina. The language of the three previous

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\(^3\) Royce was employed as an ethnologist at the Bureau of American Ethnology, a department of the Smithsonian Institution from 1883 to 1888.

\(^4\) Royce 1975, p. lv. Royce mapped the Cherokee cession boundaries which is still used today. The simplicity of the map can be misleading, because even witnesses to these events had difficulty determining and agreeing upon boundaries.

\(^5\) Dragging Canoe, a young warrior of the Cherokee nation, was often identified as one of the more violent opponents of the 1777 land cession. Examining journal records of the negotiations at Hopewell, several headsmen also held understandings contrary to the DeWitt treaty text. A journal of the negotiations reported statements of two headmen regarding the issue. This dispute over intention and fact was not merely between South Carolina and the Cherokee Nation; it also occurred between Cherokee and Cherokee.
treaties conferred an equal and sovereign status to both parties. DeWitt’s Corner, by contrast, was couched in terms of bitter animosity and conquest. Beyond the peace-making component, the treaty was designed “to extend mercy, and to do Justice.”

Mercy came in the form of goods for sale to the Cherokee who greatly suffered as a result of the military’s “scorched earth” policy the previous summer. The justice—in the minds of the South Carolina delegation, at least—came in the form of the Cherokee acknowledging that they wrongfully waged war against the citizens of South Carolina and that South Carolina, embodied by the militia and Continental army, had utterly defeated them in battle. Moreover, by building and maintaining Ft. Rutledge at the site of the Cherokee town of Esseneca, South Carolina partisans effectively possessed and controlled the surrounding region.

Applying the legal concept of *uti possidetis*, the treaty declared that all Indian land to the Unacaye Mountains was forfeited and ceded to the people of South Carolina. Inhabitants, still living in the lower towns, could remain long enough to harvest already planted crops but they were required to move northwest of Oconee Mountain\(^7\) once these crops were harvested. Those inhabitants of the Middle settlements—between Oconee and Unacaye Mountains—were permitted to remain in place only by political indulgence.

The Unacaye Mountains (aka, “Unicoi”) are located in present day Tennessee. The mountain range forms, in part, the boundary between Tennessee and North Carolina. It has been reported elsewhere that DeWitt’s Corner established the boundary between Cherokee land and South Carolina along the top of Oconee Mountain. But the text of the treaty reads differently\(^8\). The oft-described “narrow strip” was legally part of this ceded territory, as well as part of present-day North Carolina.

It is worth noting that among the principle South Carolina delegates at DeWitt’s Corner were Maj. Andrew Williamson and William Henry Drayton. It was Williamson who led the militia thundering through the Cherokee villages the previous summer destroying everything along his path. Drayton was the one who proposed the “scorched earth” policy implemented by Williamson.

An ambitious, controversial figure throughout his life, Drayton was a poor choice to negotiate peace with anyone. His own allies distrusted him and conflict partnered with him wherever he went.

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\(^6\) This phrase, which means “as you possess,” is used in international law to signify that the parties to a treaty are to retain possession of what they have acquired by force during the war.

\(^7\) Oconee Mountain is presently known as Station Mountain. It lies northwest of Oconee Station in present-day Oconee Co., SC (see Royce 1975, p. 29.)

\(^8\) Extracts of the two treaties related to the boundaries and cessions appear in Appendix A.
He had a history of trying to enlarge the domains of his family and of South Carolina. Why the State legislature would have chosen Drayton for a diplomatic task is a mystery. In his biography, Krawczynski offered a theory: Charleston leaders sent Drayton on this mission to keep Drayton away from Charleston and far away from them.

A year earlier, Drayton declared that he would not be satisfied until the Cherokee were removed “beyond the mountains.” Given Drayton’s tendencies, it was quite probable that he was the author of that section of the treaty whereby all land to the Unacaye was forfeited by the Cherokee. The fact that North Carolina, also claiming part of that region, might object to the cession…well, that thought did not seem worth consideration for a man of Drayton’s ambitions.

The Cherokee headsmen negotiated perhaps the best peace that they could, but it was less than they desired. Hectored into ceding the northwest region of the state, eight Cherokee headsmen, representing the entire Nation, signed the treaty. Once ratified by the State, the land legally belonged to South Carolina—albeit with an indefinite boundary line. Moreover, a sizable contingent of tribesmen viewed the forfeiture as robbery and slow extermination of their people. The legitimacy of the cession was still being debated among the Cherokee in 1829, and conflicts continued beyond 1785.

Cherokee lands were not the only targets of Drayton’s intrigues. Drayton’s attendance at DeWitt’s Corner briefly interrupted his campaign to annex Georgia to South Carolina (Gibbes 1857, p. 77). Enraged, the governor of Georgia placed a bounty on Drayton’s head.

Krawczynski 2001

Gibbes 1857; p. 29.

Not often considered, but well established, is the fact that Georgia, North Carolina and South Carolina had ongoing boundary disputes which included this region. Having the Cherokee officially cede the territory between Oconee and Unacaye Mountains undoubtedly strengthened South Carolina’s position in any negotiations with the other states. The conflicts certainly worked to the advantage of settlers living in the area who alternately declared themselves resident of whatever state suited them at the moment. Two SC statutes effectively took South Carolina out of the conflict. The first, passed in 1786, reserved all land beyond Oconee Mountain to the Cherokee. The second, passed in 1787, ceded the western lands to the United States. North Carolina and Georgia continued to lay claim to the region and later went to war over it.

In 1785, Chief Corn Tassel recalled the discussions at DeWitt’s Corner. He charged that these white men (meaning Drayton and colleagues) were not interested in peace, only in Cherokee land. Rhetorical analysis of the treaty would likely yield the same conclusion. Often, the more important issues and agreements between nations are placed at/near the beginning of diplomatic and legal documents. Note where boundary appears in the two treaties discussed here. In the 1777 treaty, the land cession appeared in Article I, but boundary lines in the Treaty at Hopewell appeared in Article IV.

Outalassi 1829

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14 Outalassi 1829
The Treaty at DeWitt was ambiguous in its language and combative in its temperament. It was indicative of the men who dictated its terms. This is worth bearing this in mind because this was the document that made the Bounty and Land Grant programs possible in 1784. The Treaty of Peace and Friendship failed miserably to accomplish either peace or friendship. Hostilities between the two cultures continued, most notably in North Carolina, but fragmentary evidence also suggests that conflicts occurred in South Carolina as well.15

Treaty of Hopewell—28 November 1785

Hopewell was the first treaty formed between the newly minted United States and the Cherokee Nation. The place name was fitting where the two nations would seek the promise of a lasting peace. Located at present day Clemson, SC, an oak stands on the spot where the treaty was signed. In his opening remarks, Chief Corn Tassel declared to all that, “this land we are now on, is the land we were fighting for.”16

This time, the American delegation was led by men well regarded by Cherokee and by Americans: Gen. Andrew Pickens and Benjamin Hawkins.17 Pickens was a hero of the Revolutionary War and a one-time Indian trader. He knew well the horrors that conflicts between red and white could cause. His wife was a survivor of the massacre at Long Canes in 1760. He rode with Grant’s forces against the Cherokee in 1761 and with Williamson’s forces during the summer of 1776. By 1781, he established a home at the center of the ceded territory within sight of a lower Cherokee town that he helped to destroy in 1776.

Benjamin Hawkins was an experienced interpreter and diplomat. Hawkins too had served honorably during the Revolutionary War as an interpreter for George Washington. Later, he served in Congress as a senator from North Carolina. At Hopewell, his translation and diplomatic skills were well employed. In addition to those duties, he served as journalist, recording the daily exchanges between the Cherokee headsmen and the U.S. delegation. In his journal, Hawkins recorded Chief Corn Tassel’s opening statement. In the margin, he annotated that Hopewell was the possession of

15 Grant 1980, p. 15
16 Hawkins 1785
17 Both men were honored with Cherokee names. Pickens was known as Skyagusta or Wizard Owl. Hawkins was given a more elaborate Cherokee name, Istebatelige osetat chemistechango, when translated meant “Beloved man of the four nations.” Within the Cherokee culture, the term “beloved” was a designation of very high esteem and often referred to leaders of the tribe.
Gen. Pickens, land ceded at DeWitt’s Corner. Hawkins seemed to recognize the underlying issue that made peace impossible in 1777.

We do not know what conversations transpired between Hawkins and Pickens at the end of that first day. Pickens, himself, may have recognized the implications of Corn Tassel’s statement. However he became aware of the issue, the General acted upon it. The following day, Pickens provided the headsmen with a surveyed map of the region. He requested that they draw upon it those territories which they reserved to themselves. This, the headsmen did. After days of meetings, discussions, and debates, the headsmen finally acquiesced to the reality that the northwestern part of South Carolina, as well as part of North Carolina would not be returned to Cherokee control. By the end of 1784, well before negotiations at Hopewell, a flood of grants had been issued for land within that region by South Carolina. The United States would not remove these white settlers. The U.S. negotiators claimed that it would be “too difficult” to remove them.

Hawkins did not record what those difficulties were. In fact, specifics may not have been offered to the Cherokee, thus explaining the question one headman asked: Why Congress, who succeeded in removing King George and his army from thirteen colonies, could not remove a few white people from Cherokee lands? If there was an American reply, Hawkins did not record it. But we know the history and we know the answer.

Despite the ties that Andrew Pickens had with South Carolina and that Benjamin Hawkins with North Carolina, at Hopewell, they represented only the Federal government. In 1785, under the Articles of Confederation, the federal government was very weak. It had power to make treaties and to settle disputes between states, but neither Congress nor the President had direct power over what happened within any given state, even if it touched upon foreign relations. The U.S. government could not force these states to rescind grants issued by their governments. In the end, the Cherokee had to allow for those white settlements.

18 Indian affairs 1832

19 In 1788, after the creation of the U.S. Constitution, but before North Carolina had ratified it, the U.S. Senate issued a Proclamation calling for the removal of whites who continued to breach the boundaries defined by the 1785 treaty, “mostly”, the proclamation read, from people in North Carolina. At that time, Congress did not have statutory power of enforcement. So, the proclamation was tantamount to nothing more than a stern verbal reprimand. Even after the ratification of the Constitution, the Cherokee continued to implore each sitting President to enforce treaty boundaries until the Cherokee removal of the 1830s.
Again, the summit of Oconee Mountain was used as a reference point, now, for the official boundary between the Cherokee and South Carolina. The boundary description was only slightly better defined as a result of the map marked by the Cherokee. Contrasted with the eight headsmen who signed in 1777, the Treaty at Hopewell was signed by a litany of 36 headsmen. At last, peace would be established between Americans and the Cherokee. Well, that was the hope.

Although the majority of both sides accepted the terms established at Hopewell, elements from both sides continued to instigate conflicts in forms of raids and trespass. Additionally, illegal crossings often occurred from ignorance of where the boundary physically lay. More than a decade would pass before the boundary lines would be marked. Thus, peace within the region remained fragile until the opening of the 19th century. South Carolina was still building and garrisoning forts along its frontier border as late as 1792.

Land Grant Act, passed 21 March 1784.

By 1784, South Carolina faced monumental debt, deflated currency, and continued conflicts with the Cherokee. The federal government agreed to assume most of the financial burden in exchange for relinquishing lands to the west. South Carolina did cede some territory, but state leaders recognized that cheaper land in the federal territories would deplete the state’s population, leaving fewer tax payers to support the State Treasury and fewer militiamen to counter still raiding Indians.

To address these issues, the South Carolina General Assembly devised a means of increasing the number of property owners, and its inherent tax base. At the same time, the State could enhance security along its borders by rewarding certain officers and soldiers with land in lieu of monetary payment. To qualified veterans, 200 acres were granted—in fee simple and free of all costs—along the longest border with the Cherokee Nation. The region between the Keowee and Tugaloo Rivers

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20 A map of the ceded lands appears at the end of this article. It shows where the region actually forfeited by the Cherokee to South Carolina in 1777 and where the boundary between Cherokee and South Carolina was ultimately defined in 1785. With minor modifications set by subsequent treaties, this remained the boundary as it was run in 1797.

21 South Carolina General Assembly An ACT for establishing the Mode and Conditions of Surveying and Granting the Vacant Lands within this State 1784; See also: South Carolina General Assembly AN ORDINANCE For securing to the Officers and Soldiers of the South-Carolina Continental Line, and the officers on the Staff, and the three Independent Companies commanded by Capt. Bowie and Capt. Moore, and to the Officers of the Navy of this state, the Lands promised to them by the Congress, and the Legislature of this State 1784.
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(Oconee Co.) was reserved for the Bounty Grant program for a period of six months. The process of application utilized the same infrastructure developed for the Land Grant Program.

For everyone else, the Land Grant Act of 1784 provided a means of acquiring land far below fair market value. Much of the language in the statute focused upon the process of granting land and establishing fees. Beyond making application and paying those fees, the grantee was required to settle and cultivate the land within two years of receiving the grant and to occupy that land for at least twelve months before it could be sold, divided or gifted to another. To create a barrier against land speculation, the statute also set a limit of 640 acres for each applicant.

The race for prime property was intense. Passed into law on 21st of March, the first grants under this statute were signed on May 21, precisely two months after passage. The act was amended several times over the next few years, to improve collection of fees, to counter land speculation and to reduce the potential for fraud which occurred anyway.

Over the next eight years, more than 16,600 tracts were surveyed and grants issued throughout the state. Of that number, nearly 7,000 were for land in Ninety-six District, including the former Cherokee territory. Within the first six months of passage, the State issued an estimated 2,272 grants in Ninety-six District. Of these grants, an estimated one-third were situated in the region later to become Pendleton District. The rate at which settlers entered into the region seems almost incomprehensible. In 1786, only twenty families were reported living there. By 1788, the population had grown to an estimated 1,600 persons. By the time of the first U. S. Census, Pendleton District was home to 1,433 families with a total population of 9,568.

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22 The General Assembly originally reserved this region of former Cherokee territory in 1778. The Ordinance of 1784 defined the process as being the same as for general land grants.

23 The act included a clause that established a 2-month moratorium on the issuing of warrants for survey. The statute explained that two months was required in order to certify officials and deputy surveyors who would run the lines and draw the plats. Precisely at the end of that period, Andrew Pickens and John E. Calhoun were among the first grantees, both receiving grants of 640 acres on May 21, 1784.

24 Gayle 2006.


26 Historical Census Browser 2004; This increase in population translates roughly into 31 people moving into Pendleton region each week between 1786 and 1788. Compared with the increase between 1788 and 1790 Census, the rate of increase was bout 80 people per week entering the region.
Marking of the Boundary Lines

While Hopewell clarified the boundary between South Carolina and Cherokee, it remained unmarked. Enforcing restrictions of an unmarked boundary proved problematic. So in 1796, George Washington commissioned Benjamin Hawkins27 and Andrew Pickens to run the lines between the two nations. On this mission, they were joined by several Cherokee headsmen to assure everyone of a fair and accurate survey. Upon recommendation by Pickens, Hawkins hired “two discrete, honest men of this frontier, acquainted with surveying” to accompany them in marking the boundaries.28

On April 1, 1797, representatives from the U.S. and the four nations began the process of measuring and marking U.S./Indian boundaries. As the survey team moved forward in its task, problems arose. Despite the fact that General Pickens and Hawkins were both present at the Hopewell negotiations, the boundary description was still too vague. In his journal, Benjamin Hawkins noted the ambiguity. In 1797, he wrote:

There remains to be run about 15 miles in this State [South Carolina] to the North Carolina boundary. There is some ambiguity in the part of the line from that boundary as expressed in the Treaty, “thence north to a point.” How far north is this point?29

Moreover, petitioners from both sides tried to persuade the commissioners to survey around land claims violating treaty boundaries. The commissioners’ reply was firm. The signed treaty was the sole consideration.30 At one mile intervals, the surveyors carved “U.S.” on one side and “C.” on the

27 Washington appointed Hawkins as Chief Agent for Indian Affairs south of the Ohio. The running of boundary lines for both the Cherokee and Creek nations was his first major assignment in that position. Hawkins journals showed a remarkable dedication to enforcing the treaties made between the United States and the Indian Nations. While, at times, he seemed patronizing toward natives, he held a genuine regard for their rights under treaty laws, admonishing and reporting to authorities any white man who violated Indian rights and interests.

28 Grant 1980, pp. 105, 143. In his journal, Hawkins identified these men as Joseph Whitner and John Clark Kilpatrick. Both men settled in Pendleton District, each serving as Deputy Surveyor on a large number of plats for land in 96 District, later, Pendleton District.

29 Grant 1980, p. 14. The treaty that Hawkins was referencing was the one concluded July 2, 1791 and ratified in February 1792. This treaty did not cede any new territory to South Carolina and, for that reason, is generally not discussed as part of South Carolina history. The treaty, however, was the first one to dictate that boundaries would be physically run between the two peoples. The treaty reiterated the “South Carolina boundary” with a small change in text at it intersected with the SC-NC boundary. This treaty served Hawkins as the “road map” for surveying the Cherokee-SC line.

30 Ibid.
other side of trees marking the route. The boundary was thus fixed and the survey task was concluded that June.\textsuperscript{31}

For some settlements, most notably in Tennessee, the now physically marked boundary meant that white families had to remove to the U. S. side.\textsuperscript{32} But the Tennesseans were not the only group affected. Upon learning that several tracts had been surveyed and grants issued for lands within Cherokee domain, the South Carolina General Assembly passed a statute in March, 1786, voiding all grants, sales, and other conveyances for land beyond the Oconee Mountain boundary line.\textsuperscript{33}, \textsuperscript{34} Affected settlers were given time to harvest already planted crops, but they were removed in compliance with the treaty. For this reason, researchers may want to examine where in Pendleton County ancestral properties were located. If such property was situated near the Indian line, a search for a petition of relief from the State may be warranted.

Surveying and marking the boundaries apparently helped to achieve a peaceful co-existence better than any document. In 1792, South Carolina was still building forts and posting militia along the frontier line to deal with threats of raids. By 1799, raids had abated sufficiently that these forts were abandoned, excepting Oconee Station, which became a trading post with the Nation.

\textbf{Summary}

Regarding the initial questions of when was the territory ceded by the Cherokee and what status did these very early settlers have to the land they possessed, the answer was not straightforward. The multiplicity of treaties and legislative acts make it clear that the issue was a complex one. The Treaty at DeWitt’s Corner, \textit{by law}, conferred sovereignty over the land upon South Carolina. The Treaty at Hopewell, achieved a peace between the two nations—albeit a fragile one. The Act of 1784 opened the region to mass settlement, even while there existed a territorial dispute between South Carolina and the Cherokee Nation. A few families were living in the region by 1781, but many waited until 1786 to take possession of their granted lands.

The treaty at Hopewell was imperfect due to the nature of the relationship between state and federal governments under the Articles of Confederation. In the end, South Carolina did rescind a few

\textsuperscript{31} Royce 1975, p. 40 fn.
\textsuperscript{32} Grant 1980, p. 153.
\textsuperscript{33} South Carolina General Assembly 1786
\textsuperscript{34} \textit{Journals of the Senate of SC}, 1786, p. 277. This statute did not pass without controversy. There was up-country opposition to reserving the “narrow strip” to the Cherokee. Although South Carolina did not legally re-cede the territory to the Cherokee, the statute, by its nature, made cession a reality. Undocumented whites could not cross the boundary with impunity.
grants issued in what remained Cherokee land. Even so, treaty violations continued to be committed by individuals on both sides. Diplomacy and rule of law, however, won out over war and retaliation. Marking the boundary in 1797 did more to establish peace than any document or event which preceded it.

We can imagine that, on both sides, the worst sufferers were often those most innocent of any wrong. Pioneers who applied for land grants in 1784 were innocent of deliberate encroachment. With the exception of the Treaty at DeWitt’s Corner, South Carolina seemed to genuinely want peace with the Cherokee and fair trade for all. However, the failure of leaders of state and federal governments to mark territorial boundaries and enforce the treaties exacerbated friction between the two peoples. To date, we have seen only fragmentary evidence of those conflicts and the constant dangers for the settlers who lived in this part of South Carolina. The massacre at Long Canes, which became transfixed in collective memory, was not repeated in Pendleton. Yet, to deny that such did not happen is to ignore the sign-posts of conflict that clearly existed. Individual stories of those who suffered from raids and murders during this period of settlement, if they can ever be rediscovered, are presently a mystery.

Appendix A

[Author’s note] The following are excerpts from the Treaties describing the cession and boundary between South Carolina and the Cherokee Nation

Treaty at DeWitt’s Corner – May 20, 1777

Art: 1st. The Cherokee Nation acknowledge, That the Troops that during the 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 Esennecca: thereby disaffect and maintain, the conquest of all the Cherokee land Eastward 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—[emphasis, mine]

Art: II
d. South Carolina will immediately send a supply of goods into the Cherokee Nation, and settlements for sale, and permit the Cherokee during their good behavior to inhabit the Middle Settlements and Valleys westward of the highest part of Ocunnee Mountain but they shall not beyond a Line extended Southwest or North East across the highest part of Ocunnee Mountain proceed or Advance without permission from the Commanding Officer at Fort Rutledge [emphasis, mine], 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 Occunne Mountain.

**Treaty at Hopewell – November 28, 1785**

**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 Cumberland from those running into the Tennessee; thence eastwardly along the said ridge to a north-east line to be run, which shall strike 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 Nolichuckey; thence a southerly course six miles to a mountain; thence south to the North-Carolina line; thence to the South-Carolina Indian boundary, and along the same south-west over the top of the Oconee mountain till it shall strike Tugaloo river [emphasis, mine]; thence a direct line to the top of the Currohee mountain; thence to the head of the south fork of Oconee river.

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Adapted from Royce map, 1884. The shaded area shows the region proclaimed to have been “forfeited” by the Cherokee in the Treaty of 1777. With the 1785 treaty, all land to the north and west the red line was returned to Cherokee control.